United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, MONDAY, MARCH 9, 1998 *No. 23*

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

New every morning, the mercies of God;
His faithfulness fails not; it meets each new day.
New guidance for every step of the way,
New grace for new trials, new trust for old fears,
New patience for bearing the wrongs of the years,
New strength for new burdens, new courage for old,
New faith for whatever the day may unfold;
As fresh for each need as the dew on the sod,
Oh, new every morning the mercies of God!

—Annie Johnson Flint.

Thank You, dear God, for giving us a fresh new beginning as we launch a new week of work here in this Senate. Last week is a memory, and next week is uncertain. But this week can become a memorable week if we pull out all the stops and live and work at full potential. You have shown us that a great life is an accumulation of days lived one at a time for Your glory. As You offer us a fresh start, we offer You the complete dedication of our minds and hearts. Through Him who came to give us abundant life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period for morning business until 1 p.m. At 1 p.m., under a previous unanimous consent agreement, the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which is the surface transportation bill. As a reminder to all Senators, all first-degree amendments must be filed by 1 p.m. this afternoon, and all second-degree amendments must be filed by 5 p.m. today, as under the previous order. We need to find out what amendments are pending out there, make a list, and then make some determination as to how they can be brought up and begin to move toward a conclusion of this very important legislation.

It is hoped that we will be able to consider some of the numerous amendments which have been offered and filed in regard to the surface transportation bill throughout today's session. So, if Senators do have some amendments that they think perhaps can be debated briefly and maybe accepted or put in some sequence to be voted on, that will certainly help us move the bill along.

Also, under a previous unanimous consent agreement, at 5:10 p.m., the Senate will set aside the ISTEA legislation and begin 20 minutes of debate on S. 1668, the intelligence disclosure bill. At 5:30 p.m., the Senate will proceed to a vote on the cloture motion on the modified substitute amendment to the ISTEA bill, to be followed by a vote on the intelligence disclosure bill. Therefore, the first vote today will occur probably in back-to-back fashion at 5:30.

In addition, I hope the Senate can work out some sort of consent to deal with the transit provision and the Finance Committee provision, both of which need to be offered to the pending highway bill. So we will be working with Chairman ROTH and Chairman D'AMATO on those provisions as to how we can get them up and have them considered so that those concerns by Senators who will be affected by these provisions can be taken care of. I will be working with the minority leader throughout the day in an effort to resolve these two important titles and will update the Senate as to progress later on today.

Mr. President, I believe the Senator from Wyoming wishes to speak momentarily. But for now, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour 1 p.m., with the time equally divided between the two leaders.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. THOMAS. Mr. President, I will share some of the time with my friend from South Dakota, Senator JOHNSON. I will try and be more positive, now that I am organized, Mr. President. Thank you very much.

PUBLIC TRANSPORTATION

Mr. THOMAS. Mr. President, I come to the floor, along with the Senator from South Dakota, Mr. JOHNSON, to talk about something that we think is very important—transportation, which, of course, is what we are into now. We are talking about ISTEA. As you know, much of the Federal tax

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that goes into the transportation arrangement goes for highways, but a good deal also goes for mass transit transportation. That is what we will be entering into soon.

Historically, the distribution of funds under the Federal transit program has been focused on just a few States. As a matter of fact, eight States receive about 60 percent of the program funds. At the same time, of course, there is an emerging growth and need in rural areas for services to the poor, services to the elderly, and services to the disabled. So we have prepared and have introduced and will talk about, as we go forward, the Transit Modernization Act, which will tend to make some modifications in the distribution of these transit funds which, by the way, have not been significantly modified since 1982. It will make a relatively small change, but you will see as we talk about our States that a relatively small change will make a terrific impact on those States that have not, basically, been the ones receiving the money. At the same time, those that have the greatest needs in transit will still be substantial recipients of these funds.

We have agreed, I think, to an additional $5 billion that will go into these areas of mass transit over the next 5 years. The good news, of course, is to ensure that all of the country benefits, not just a few in favored States, and that all will receive some kind of a meaningful share of increases to respond to what, as in almost all instances, has been a long, unmet need of public transportation.

Even in my State with relatively small towns, we still have the elderly who need transportation, and we have the disabled who need transportation. So we have needs as well. Wyoming receives about $1 million to $2 million annually out of the transit funding. Out of the total funding, frankly, that rounds out to zero; $1 million out of $5 billion does not even show up on the board. We get back about 11 or 12 cents for every dollar that is contributed to this fund from Wyoming people who buy and pay the Federal gas tax; 11 to 12 cents is returned to Wyoming. Unfortunately, that, as you might imagine, falls substantially below our needs and does not fill our needs.

Wyoming transit offers more than 1.2 million rides per year, and it costs them from $1 million to $2 million annually to provide services. Our needs for the elderly and the disabled, the buses, the van pools, and replacements total over $12 million annually.

Further, we have had in Wyoming—and we are proud of it—one of the most successful activities of moving people off welfare into jobs. So our demands for public transit are growing.

The problem with the current transit program is not limited to the rural West. It also includes States like Michigan, North Carolina, Indiana, Mississippi and Kentucky. All have transit needs that are not being met. Currently, eight States receive 60 percent of the total funding, despite the growth of needs in rural areas. The transit program has not been updated since 1982. The program has not changed much, but the country and the needs of the country have. Growth areas, rural areas, and small communities are beginning to more and more have a need for public transit. Under the supposedly need-based system, these needs have not been met.

As I said earlier, an agreement has been reached to increase transit funding by $5 billion over the next 5 years. That is good. These funds are paid in for that purpose. We will offset this, and this offset will be there for our amendment. Therefore, each State will benefit meaningfully from this. Instead of receiving 11 percent of what we pay in, hopefully we will receive some more.

We want to do this as a result of the opportunity created by the hard work of Senators D'AMATO and SARBANES, the chairman and ranking member of the Banking Committee. In this system, it is my belief that everybody wins.

There are several amendments that have been filed, of course, that would change it. Some affect new starts; some would provide 80 or 90 percent allocation. Another way to achieve it is what we think is a modest amendment that Senator JOHNSON and I have drafted.

It will help States meet their transit challenges, but it will be a fair distribution. It will create a minimum guarantee that will increase each State's share of the transit program up to 70 percent of the State's contribution or a maximum of $12 million a year.

Under this amendment, the vast majority of America's cities and small communities will receive more transit funds, and they will go on, of course, for years as they seek to reach that 70 percent level. It is important to note that this equitable distribution will be accomplished without substantially harming those systems currently receiving the bulk of the money.

All States which are currently substantial donees under the program will remain substantial donees. And 93 percent of the funding will continue to be distributed under the current formula. So we are talking about a redistribution of less than 7 percent of the additional funds that come there.

I hope we are able to take advantage of the growth in transit funding to allow all States to share in the Transit Modernization Act, as it is a protransit amendment, by allowing all States to benefit, creating stronger support for the program, and will benefit 30 to 35 States annually, including all the cities and small communities in those States.

It will establish equity in the transit system by utilizing the growth of the transit funding. However, all States that are currently substantial donees will remain substantial donees. And that is not the case under any of the other amendments. So we believe this is a fair distribution. We believe it is one that recognizes needs. It is one that continues to support the needs of the donee States.

Mr. President, I yield to my friend from South Dakota for his comments with respect to this joint amendment.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Wyoming for yielding time to me and also for his very constructive contribution towards working on a fair and equitable amendment to the transit provisions in the ISTEA II legislation that the Senate is considering.

There is an understanding that an agreement has been reached which will allow for an additional $5 billion to be directed toward the transit needs of this country nationwide over the coming 5 years.

I am supportive of this. As a member of the Senate Budget Committee, I certainly will do all I can to find offsets that will be necessary to make this funding a reality. But I think this funding for transit does afford each of our States an opportunity, a unique opportunity, for a win-win circumstance whereby the States that traditionally have drawn significant funds from transit will continue to have that kind of draw and, in fact, will have their transit needs enhanced, but those of us from States that tend to be rural or more recent population growth areas will also find some of our transportation needs also met.

Currently, as the Senator from Wyoming has noted, eight States receive about 60 percent of all the transit funds in the country. The formula has not really been changed significantly since 1982, and there has been no opportunity during that time to allow for modest growth in transit programs in States and cities which historically have not received adequate funding to meet their public transportation needs.

There will be spending offsets, as noted, that will make this $5 billion enhancement possible. It is important, obviously, that this initiative go forth in the context of a balanced Federal budget. I think we all share that across party lines. There is uniform support for that. But in order to reach these offsets, there also is no doubt that all 50 States will have to participate in providing some reductions in their programs to make this transit money available. It is all the more equitable, then, that all 50 States should at least, to some modest degree, share in the increase in transit funds.

The States that currently are donor States—my home State of South Dakota is a donor; that is, we contribute much more to transit than we receive back—will remain donor States. I understand that. I accept that. There are other equities where my home State

does better. The same would be said for the State of the Senator from Wyoming. His State will remain a donor State. Those States that are beneficiaries, that receive more than they pay in, will continue to receive more than they pay in. The amendment that Senator THOMAS and I have put together would not change that fundamental reality.

But what we do feel is that this is an opportunity, when there is this very significant growth in the overall pot of money available for transit, that 7 percent of the total pot be subject to some redistribution to recognize the contemporary realities that we now face.

In order to address some of the concerns that have been raised with Senator THOMAS and with me and with our staffs, we have made some changes.

First, there will be no transferability provision in our amendment, so that the money which would be shifted to States that are currently being underfunded for their transit needs will not be allowed to then be shifted into highway construction or bridge repair or nontransit needs.

There was some concern that this amendment was somehow a raid on transit funds for nontransit purposes. We want to make sure—make absolutely certain—that all of our colleagues understand that that is not the case, that the 7 percent component of the transit funds that would be redistributed would be strictly for transit needs.

Secondly, it was expressed that there is some concern about whether a shifting of this 7 percent portion of the funds would somehow jeopardize donor States, what are called new-start funds. And I have heard some concern expressed. The fact is that under our amendment, no State which gains under the pending amendment will have their new-start funding cut next year. Under this amendment, we pay for the changes by making modest reductions from the donee States but not from attacking the new-start funds.

Thirdly, the question has been raised whether this is need based or not, whether 30 to 35 States that would benefit by this have transit needs. Admittedly, the needs that we have in many of our areas where there are fast growing suburban areas, whether it is fast growing new younger cities or whether it is in rural areas, are different than the needs that our colleagues from New York or Chicago might have, but they are very great needs nonetheless.

In my home State of South Dakota, we have a tremendous reliance on our rural transit needs, particularly for seniors to make it to health visits, for groceries, to get to congregate meal sites. All of these things, given the dispersal of the population, the very rural nature of the State, makes transit all the more critical. And it is critical, as well, in our Indian reservation areas. I have nine in my State where the need for access to quality nutrition, education, and medical care would be enormously enhanced by the availability of at least some minimal rural transit assistance.

Currently, over 30 percent of our 206 vehicles providing rural transit in our State are 10 years old or older; 70 percent are 5 years old or older. We have had, in the course of the State, local, and Federal partnership to make rural transit a reality, a continuing hardship where some of our counties now, in fact, are terminating their transit programs. We cannot afford to see this kind of retreat, this kind of neglect, for rural transit needs in my State.

So I think that anyone who takes a close look at our amendment will recognize the very modest nature of the amendment, that it is only 7 percent of a total pot, a vastly growing pot of money, that would be subject to some modest change of redistribution to meet the contemporary transit needs; that, in fact, the overwhelming share of States would benefit by this redistribution; and it would not incur a significant reduction really in the States that currently have the traditional great benefit from the transit programs.

So, again, this is a modest step, but I think it is a modest step in the right direction, one that will contribute greater equity, one that will contribute to the creation of what is truly a national transit strategy. And I think every one of our colleagues who come from the traditional large recipient States will recognize that a national commitment to transit assistance will be all the stronger if, in fact, more than eight States benefit but that all 50 States benefit to a greater degree than is currently the case.

So, again, I thank my colleague, Senator THOMAS from Wyoming, for his work on this in our effort to craft a reasonable and a balanced and a modest change, but one that nonetheless ought to be of great help to the large majority of States as we debate the transit amendment and the infusion of new money into the transit provisions of the ISTEA II legislation.

So, with that, I encourage my colleagues to be very supportive of this and to examine the language of our amendment carefully.

Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. We are in morning business?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to speak for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HUMAN RIGHTS IN CHINA

Mr. WELLSTONE. Mr. President, I want to bring to the attention of my colleagues a matter before we go back to the ISTEA, or the transportation bill. It concerns a resolution that I think is extremely important. This will be a sense-of-the-Senate resolution that we will have a vote on this week, an up-or-down vote, which says that the Senate strongly urges the President, acting through the current representatives of the United States, to make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights, which convenes March 16.

Mr. President, last week, on Friday, I was able to discuss this with the majority leader, and he made a commitment—and his word is good, I know that—that on this resolution we will have a separate up-or-down vote. I believe we will have a very strong vote for this.

Mr. President, I started out working with Senator MACK from Florida. The resolution was a Mack-Wellstone resolution. I know he will be a very strong supporter, as well as Senator HUTCHINSON from Arkansas, Senator FEINGOLD from Wisconsin, and I think this resolution will receive broad bipartisan support.

I come to the floor of the Senate to speak for two reasons. One, to again thank the majority leader for his commitment that we will have an up-or-down vote on this specific resolution, and second of all, to make an all-out appeal to the administration, to the President, to the Secretary of State, to Sandy Berger and others.

The Washington Post had an editorial last week, and I will read relevant paragraphs.

> The immediate issue is whether to sponsor a resolution at the United Nations Commission . . . in Geneva next month [actually this week.] You wouldn't think this would be a tough call. Such a resolution would moderately criticize China's record and call for improvements; it would impose no penalty beyond well-deserved embarrassment. Democracy advocate Wei Jingsheng nevertheless calls the resolution ''a matter of life and death'' for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration ''would step up its efforts'' to get such a resolution approved. China's regime remains as oppressive today as it was then.

Mr. President, I come to the floor to make an appeal to the President, to make an appeal to the administration. I think when we have an up-or-down vote on this resolution, which calls on our country to be a part of an effort to introduce a resolution at this Human Rights Commission meeting on human rights dealing with abuses of human rights in China, we will get a strong vote on the Senate floor—Republicans and Democrats, Democrats and Republicans. We want to work with the administration. I call on the President

today to please make a commitment for the United States to play a critically important role.

I consider one of the finest hours I have spent as a U.S. Senator to be Friday morning with Wei Jingsheng. Wei Jingsheng —I think many Senators and the Presiding Officer knows about Wei Jingsheng—spent 18 years in prison in China for the courage to speak out for democracy, for human rights. Because of tremendous international pressure, he was released from prison—in poor health. But he can never go back to his country again or he would be imprisoned.

Wei Jingsheng has been nominated by a number of people for the Nobel Peace Prize. He deserves it. He wrote a wonderful book called ''The Courage to Stand Alone.'' That is what he has done.

He came to my office and met with a lot of different human rights organizations on Friday. I asked him to please write a letter that I could distribute to colleagues this week about the importance of an up-or-down vote on this resolution specifically dealing with China—which the majority leader has made clear we will be able to do this week. I will just quote from a little bit of the letter he wrote, which has been translated.

I strongly support the passage of a resolution that solely condemns the human rights situation in the People's Republic of China. And he lists a variety of reasons; I will read a couple.

If we want to target more than ten countries at the same time, we not only dilute our force, but also strengthen the solidarity of the anti-human-rights alliance and simultaneously increase resistance to our effort.

Continuing:

Based on these considerations, I urge those in the Senate who support human rights to take a strategy that stands in opposition to those friends of the Chinese dictatorship. In unity, we can strike against the real leader and supporter of the alliance of anti-human-rights forces—the Chinese Communist government.

As long as we persist we will succeed—it is simply a matter of time. I know because our endeavor is just.

Respectfully, Your friend, Wei Jingsheng.

It is the least we can do, I say to the President, I say to the White House, the least we can do. Whether or not Senators agree or disagree about whether human rights concerns should be linked to trade or not is a separate question from this question. This question is simple. The right place to do this is at the U.N. Commission on Human Rights in Geneva. It is the right time. The President has made a commitment to do so. Now we must follow through on our commitment.

I urge Senators to please support this resolution. We will have an up-or-down vote on it. I also urge Senators: please, don't dilute this. If we want to pass a resolution calling for respect for human rights in all sorts of other countries—yes, I won't oppose that. As a matter of fact, many of those countries are already on the list and it will be brought up in Geneva. But we also need to have a separate resolution dealing with what is happening in China.

Mr. President, the administration has already indicated that it will strongly support action on Colombia, Afghanistan, Cambodia, Nigeria, Iran, Iraq, Sudan and many other countries. Significantly, the administration has also publicly supported an international investigation of the situation in Algeria. But the administration has remained undecided on China.

Like many of you, I support any call for greater action on all governments committing human rights violations. Yes, let's do that. But there are also compelling reasons for the Congress and the administration to issue a stand-alone declaration on China.

This resolution that I will be introducing on the floor of the Senate with bipartisan support is a stand-alone resolution declaration on China. That has been the focuses of the past several meetings of the Human Rights Commission in Geneva. We cannot move away from that focus. This is a compelling moral issue. Our country ought to be there speaking out for human rights for people in China and other countries as well. But this resolution will be the key up-or-down vote.

Finally, Mr. President, the U.N. Human Rights Commission is the only major international body which oversees the human rights conditions of all the nations. There is no dispute that the credibility of the commission process hinges on whether or not there will be at least a debate on China's human rights record. Few countries have so brazenly challenged the legitimacy of international human rights scrutiny or so openly challenged the universality of human rights as China. It would be shocking, I say to the President, for the United States to respond to this challenge with silence.

Would it be shocking, I say to the President, the administration, and my colleagues, for us to respond to this challenge with silence? When I meet with somebody like Wei Jingsheng, who has exhibited such courage—and he just asked us to go on record supporting this simple resolution, and I believe it is the very least that we can do. Colleagues, we are going to have a vote on it this week, and I hope that we have an overwhelming, strong, bipartisan voice and message to the President and the administration that the United States will be courageous, that we will live up to our own best selves as to who we are as a Nation, and we will take the lead in Geneva.

If we let the U.N. Commission on Human Rights meet in Geneva and we are silent and there is not any discussion about religious persecution, the persecution of people because they had the courage to speak out, the crushing of the people in Tibet, and all of the rest, if there isn't even any discussion, it will be devastating for so many courageous people in China that have stood up for human rights. We can't let that happen. Therefore, we will have this up-or-down vote.

EDUCATION AND CHILDREN

Mr. WELLSTONE. Mr. President, I am not quite sure what our schedule will be this week, whether we will finish up on the ISTEA highway bill or not, and that is an important piece of legislation. I think all of us know that people in our States anxiously await the Senate to move forward on this business. It sounds like the next piece of legislation we may have will be a piece of legislation introduced by Senator COVERDELL from Georgia which deals with education and children.

I won't get into all of the specifics. We will have plenty of debate on that matter. I wanted to just mention to colleagues that there are several amendments that I want to bring to the floor that I think are very relevant to what we need to do by way of responding to the concerns and circumstances of children. Let me preface this by saying to colleagues that I think one of the things we have to start doing as legislators, as Senators, one of the things we have to start doing on the floor of the Senate, is to have more of a focus on children. We have given enough speeches to deafen all the gods, and there have been enough reports.

The question is, what are we going to do by way of movement forward with positive action that will help children in our country—all of the children in our country?

I find myself, as I speak on the floor of the Senate today, critical of, I guess, both of our parties. One would think from the pronouncements we hear all the time that everybody is doing great in the United States of America today, that everything is humming along just fine, everybody is happy, everybody is satisfied. Yet, when I travel the country—and I go into a lot of different communities—I don't find that at all.

I am glad that the economy is doing well in the aggregate. I am glad unemployment is at record low levels, though it doesn't tell us what jobs and what wages. I am glad the GDP looks good and that the business cycle is up. But can I raise the question, since we are going to move to education and children, how do we explain the fact that during this business cycle, with Republicans and Democrats talking about how great things are, we have one out of every four children under the age of 3 growing up poor in America, and one out of every two children of color under the age of 3 growing up poor in America? And we are now saying that these early years are the most important years for these children in determining whether or not they are going to have the opportunity to reach their full potential. We have our work cut out for us, and I hope we will respond. So far we haven't.

So when this legislation comes out, I want to just mention a couple of amendments that I am thinking about. One of them speaks to the question I just raised indirectly, but I think it's important. As I travel the country, I

am amazed—and I was speaking with a gathering of community college students who have focused on this as well—that in the name of ''welfare reform,'' we are now saying to many single parents—most of them women, and many of them in our community colleges—they have to leave school and take a job. In other words, this is the bitter irony: They are on the path to economic self-sufficiency and yet we are telling many of these parents, these women, ''You have to leave college; you can't complete your education; you must take this job, because these are the work force participation requirements.'' It may be a $6-an hour job with no benefits; and a year from now they are without health care coverage, they are worse off than they are now, as are their children.

That is outrageous. So I am going to have an amendment for student exemption for these adults who are in school trying to complete their education so they can reach economic self-sufficiency, so that any State that wants to can at least say, look, we want to exclude these parents who are in school from the work force participation requirement. That makes a lot of sense if we are interested in these mothers and children being able to do better.

The second question I want to raise for colleagues is—and I don't know if this will be an amendment on this bill or not, but as long as we are talking about education, which is what we are going to do with the Coverdell bill, and trying to do better for children—how come we cut food stamp benefits by 20 percent? The majority of the beneficiaries are children from families making under $7,500 a year.

As I travel around the country, it all has to do with the questions you ask. It all has to do with whether you are willing to listen. It all has to do with what communities you are willing to visit. I find a lot of teachers telling me that a lot of their students can't do well because they come to school hungry. Why in the world did we cut the major safety net program for the working poor, the primary recipients, by 20 percent by the year 2002? I think we need to revisit that question.

Mr. President, there is another issue that I want to raise that may be an amendment, or may not be, which is that it is impossible to focus on education and children doing well without focusing on the adults or the adult. The two variables—to wear a kind of political science hat for a moment—that have had the greatest impact, or the two primary causes of whether a child does well in school or not, the two most important factors—that is the word I am struggling for—are the educational attainment and the income status of the parent or parents.

Well, if that is the case, I think we ought to start asking the question, if we are looking at the learning gap in our country and what children do well and what children don't do well, what about so many of these communities—and William Julius Wilson, a great sociologist, has written about this in his book called ''The Disappearance of Work''—what about these communities where there are no jobs, even with the economy humming along as it is? What about many of the ghettos and barrios in rural areas where there are no jobs, and the parents or parent can't find employment, can't find a job at a decent wage? What is the connection between the economic status, the job status of the parent or parents, and the educational achievement of the children?

I think that, at the very minimum, we ought to ask labor and the Department of Education to do a study of this and come back and provide us with some evidence. I will tell you that I think we will find a very strong correlation. And I will tell you that I am all for work. In fact, I think the most important policy goal is to make sure that when people in America work full-time, 40 hours a week, 52 weeks a year, they are not poor. I can think of a variety of different things we ought to do to make sure that happens. We also ought to look in a lot of communities where people live where there are no jobs at all, nor is there transportation to get into the suburbs where those jobs do exist.

I say to my colleagues, this is not just an urban issue; this is a big rural issue as well. I look forward to when the Coverdell bill comes out to the floor. I look forward to the debate and discussion.

I see my colleague from Missouri on the floor. I don't want to take any more time. Before Senator ASHCROFT takes the floor, I was talking about the importance of getting a resolution on China, urging the administration and the U.N. Commission on Human Rights that we ought to take a position on the violation of human rights in China. I know my colleague is a strong supporter. I say to my colleague that we are going to have tremendous support on an up-or-down vote. I am urging the administration today to please move forward. That was the other agenda item for me.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that a fellow from my office, Neil Kulkarni, be allowed privileges of the floor during the pendency of morning business and my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I thank the Senator from Minnesota for his kind remarks. I do share his concerns on human rights in China.

STATEMENT MADE BY U.N. SECRETARY GENERAL KOFI ANNAN

Mr. ASHCROFT. Mr. President, I rise to address the disturbing comments made yesterday by U.N. Secretary General Kofi Annan. Apparently emboldened by his recent agreement with Saddam Hussein, Annan stated on ABC's ''This Week'' that the United States would have to consult with the Security Council before launching military strikes against Saddam Hussein.

He stated:

> If the United States had to strike, I think some sort of consultations with the other members would be required.

Let me state categorically that the United States does not require the permission of the United Nations to use our military forces in the pursuit of our national interests. Nor does the United Nations have any authority to require that the United States use our military forces if it would seek to deploy them.

The United States has never, at any time, ceded to the United Nations any power to require the deployment of American forces against the wishes or the judgment of the United States, nor have we ceded to the United Nations any power to forbid the use of our military force.

Mr. President, the comments by Secretary General Annan over the weekend are indicative of a growing arrogance of a United Nations that has grown accustomed to dictating American foreign policy toward Iraq. With U.S. policy toward Iraq in drift over the last 6 years, Secretary General Annan was able to take the lead in dealing with Saddam's provocations. What has the United Nations achieved? Has Saddam been punished? Have his weapons of mass destruction been destroyed?

On the contrary, Saddam is stronger today than he was before instigating the crisis 4 months ago. He is better off across the board militarily, politically, and economically. He has blocked weapons inspections and moved weapons technology and equipment for several months. He has won greater prestige in the region and in the Arab world generally. He will be allowed to sell more oil. There is growing talk of dismantling the rest of the sanctions regime.

The administration has compared Saddam to Hitler, but the President's policies are laying the groundwork for another Munich in the Persian Gulf. Saddam is the chief terrorist of a terrorist government whose weapons of mass destruction threaten the United States and our allies in the Middle East. The administration seems pleased, however, to make concessions to Saddam through the United Nations. More oil sales and a politicized inspection regime for Presidential sites in Iraq have meant victory for Saddam.

Mr. President, the absence of Presidential leadership on Iraq has not served the United States well in the

Middle East. Statements by the U.N. Secretary General that imply U.N. oversight of U.S. military forces are indicative of U.N. arrogance and disrespect for U.S. sovereignty. The deployment of our forces to defend our national interests is not subject to the approval of the United Nations or any other multinational organization.

I intend to place before the Senate an opportunity for the body to state clearly the ability of the United States to make decisions about the deployment of its forces, without regard to, or prior consent from, the Security Council or any other international organization. I believe it is imperative that we make it clear that the United States will not cede any measure of sovereign control of its Armed Forces to the United Nations.

The Constitution charges the President with the duties of Commander in Chief, and it is time for this administration to defend America's interests with clarity and resolve. The drift and inconsistency that has defined this administration's Iraq policy over the last 6 years will only be perpetuated by subcontracting U.S. foreign policy to the United Nations.

If we continue to drift, Mr. President, the President of the United States will find himself asking permission of U.N. bureaucrats before he takes action to secure the interests of the United States. That cannot be allowed.

Mr. President, I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 6, 1998, the federal debt stood at $5,525,824,113,483.61 (Five trillion, five hundred twenty-five billion, eight hundred twenty-four million, one hundred thirteen thousand, four hundred eighty-three dollars and sixty-one cents).

One year ago, March 6, 1997, the federal debt stood at $5,538,686,000,000 (Five trillion, five hundred thirty-eight billion, six hundred eighty-six million).

Twenty-five years ago, March 6, 1973, the federal debt stood at $454,901,000,000 (Four hundred fifty-four billion, nine hundred one million) which reflects a debt increase of more than $5 trillion—$5,070,923,113,483.61 (Five trillion, seventy billion, nine hundred twenty-three million, one hundred thirteen thousand, four hundred eighty-three dollars and sixty-one cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Morning business is closed.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676.)

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we are here ready to do business on the so-called ISTEA II legislation. There are a host of amendments out there which we would like to have brought up; either present them, or consideration to see if we can accept them, work out something, or, if not, go to votes.

But we are here to do business. The store is open. I very much hope that those who have amendments will bring them over.

I must say, Mr. President, if people who say they have amendments do not bring amendments over, I lose sympathy for them if later on they say they have amendments and they want time and so forth. Now is the time when nothing else is interfering with the action. So I urge my colleagues who are listening to please bring their amendments over so that we can deal with them.

Seeing nobody on the floor who wishes to present an amendment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I wonder if I may speak as in morning business for about 10 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

ENFORCE OIL EMBARGO ON IRAQ

Mr. MURKOWSKI. Mr. President, although stories about Iraq have moved off page 1, history teaches us that we should be prepared for another crisis, and I will tell you why. Most of the previous debate on Iraq has focused on military options or support for opposition groups, but I am here to call the attention of my colleagues to an issue that seems to have been lost. Where is the will of the world to enforce the economic sanctions, including the embargo on oil sales, that date back to the end of Operation Desert Storm?

We must go back, I think, to the original purpose of the economic sanctions against Iraq and simply shut down Saddam Hussein's ability to fund his program for weapons of mass destruction. Because there is a significant amount of oil that he is able to sell, and the proceeds are not going for humanitarian needs in Iraq; they are going into Saddam Hussein's pocket, and, as a consequence, he is fueling his military machine.

In my opinion there is only one way to shut down Saddam's military machine. We must effectively cut off the flow of oil from Iraq. I would like to share a few facts that my colleagues may not be aware of, but that are critical to the issue of how Saddam Hussein maintains his current grip on power. He does that by the cash flow generated from illegal oil sales.

Revenue from oil exports have historically represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.5 billion with 95 percent attributed to oil exports, so that's really his cash flow. Iraq's imports during the same year, 1990, totaled only $6.6 billion.

United Nations Security Council Resolution 687, passed in the 1991 at the end of the gulf war, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

But the teeth in Resolution 687 have effectively been removed with the expansion of the so-called ''oil-for-food'' exception to the sanctions. The first loosening of the sanctions occurred in 1995, when Security Council Resolution 986 allowed Iraq to export $1 billion in oil every 90 days—$4 billion over one year.

And most recently, during the period when Saddam was again violating Security Council resolution by refusing to allow international inspectors to conduct their work, the United Nations voted to more than double the amount of oil Iraq can export per year.

On February 20, the U.N. Security Council, with the Clinton administration's support, adopted Resolution 1153 which will allow Iraq to export $10.52 billion in oil per year—$5.256 billion every 180 days. In other words, Iraq is now authorized to export nearly as much oil, in today's dollars, as it did before it invaded Kuwait.

So we have now given Saddam Hussein the green light to completely rebuild his oil export capacity. As Patrick Clawson, from the Washington Institute for Near East Policy, observed in a recent analysis of Resolution 1153:

The UN-authorized limit translates into 2.25 million barrels per day (mbd), if the price averages $13 barrel. In addition, Iraq produces .4 mbd for domestic use and .2 mbd for export to Jordan and smuggling out the Gulf or to Turkey. That means Iraq would have to produce 2.85 mbd to make use of the full UN quota. In fact, it is unlikely that Iraq could produce more than 2.5 mbd today and it may take Iraq until the end of 1999 before it could reach a production level that takes full advantage of the UN-authorized export. In short, Iraq faces no effective limit

on its oil exports, because it is now permitted to export all the oil it is capable of pumping.

Mr. President, will the United States force Iraq to wait to rebuild its oil production capability until it meets the conditions imposed at the end of the gulf war? Quite the contrary. In fact, paragraph 12 of Resolution 1153 directs the Secretary General to establish a group of experts to determine whether Iraq has the production and transportation capacity to export the full amount allowed. The resolution goes on to say that the Security Council, ''expresses its readiness'' to authorize ''the export of necessary equipment to enable Iraq to increase the export of petroleum or petroleum products.''

Analyst Patrick Clawson correctly pointed out the dangers of allowing Iraq to resume the import of petroleum equipment:

> Were Iraq to resume large-scale imports of oil field equipment, that would pose serious arms control problems. Not only is some of the equipment dual use (e.g., heavy trucks), but it is important to remember that Iraq disguised its ''super gun'' barrel as an oil pipeline, convincingly enough to mislead some of the ''pipe'' producers.

Even as President Clinton vowed to ''keep the sanctions on'' Iraq until the regime lives up to its commitments, we are creating a giant loophole for Iraq's most important commodity—oil.

Of course, expansion of the food-for-oil program is sold as a humanitarian gesture. U.S. Ambassador Peter Burleigh described the Security Council action as the ''largest U.N.-sanctioned humanitarian program'' in its history. I have no disagreement with finding ways to reduce the misery of the Iraqi people, who have suffered greatly under Hussein's leadership, but I do have a problem with the oil-for-food expansion, because I am not convinced it is controllable under the current U.N. proposal.

The administration has not yet convinced me that the monitoring of this program is so airtight that it does not allow kickbacks that benefit Saddam Hussein directly.

But even if the monitoring is airtight, Mr. President, I am convinced that the program indirectly benefits Saddam Hussein for several reasons.

First, using this program to feed his people and to provide medicine frees up other resources that can be used to finance his factories of death.

Second, the increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this oil is moving via truck across the Turkey-Iraq border. A more significant amount is moving by sea vessel through the Persian Gulf. The Multinational Interdiction Force that operates in the gulf reported last fall that exports of contraband Iraqi oil through the gulf has jumped sevenfold in the past year from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Furthermore, Iraq has been steadily increasing exports of oil to Jordan, from 60,000 barrels per day at the end of Operation Desert Storm to an expected 96,000 barrels per day currently.

An ABC News report in December of 1997 cited the Center for Global Energy Studies estimate that Saddam Hussein was generating $300 to $400 million a year from contraband oil sales.

Mr. President, these are illegal sales that have generated funds for Saddam Hussein's war machine.

I have absolutely no doubt that allowing Saddam to increase his oil production under the new resolution means that contraband oil exports will increase proportionately. It is this illegal flow of oil that is the lifeline that keeps his Republican Guards well fed and his weapons of mass destruction production program on track. A former head of Iraq's military intelligence, in an interview with ABC News, said that the dollars generated by smuggling ''enable Saddam Hussein to support his intelligence services and the military to keep them loyal. That is how he stays in power.''

Finally, Resolution 1153 does more than provide for humanitarian imports. It finances almost the full range of imports that Iraq would make were it not under the sanctions. Again quoting from Patrick Clawson:

> In fact, UNSCR 1153, provides imports at about half the prewar level, putting the lie to the idea that Saddam is stuck in an ever-constricting ''box.''

He is not stuck in an ever-constricting box; the box is full of holes. The resolution provides for infrastructure improvements such as sewers and electricity—all activities that would normally be undertaken by the Iraqi Government. To the extent this U.N. action quells citizen discontent with Iraqi leadership, we are just prolonging the life of this horrible regime.

So why did the U.N. Security Council adopt Resolution 1153? I have a few theories about the motivation of the interested parties. For the Clinton administration, this may have been viewed as a counterbalance to the call for military action. I think it was counterproductive, but that was their decision.

But for other members of the Security Council, particularly those who oppose the use of military force—Russia, France and China—the motivation is clear. It is an economic motivation. As a recent Wall Street Journal article observed:

> For Kremlin envoys, more than $10 billion in contracts and debt is at stake in bringing an end to the United Nations economic sanctions against one of Russia's biggest trading partners. Indeed, even under the U.N. embargo, Russian oil companies such as NK Zarubezhneft and AO Surgutneftegas have been the prime beneficiaries of the ''food for oil'' program . . . Russia signed and delivered 36 contracts to supply pharmaceuticals worth $100 million to Iraq hospitals under the U.N. deal.

The Wall Street Journal correctly observes that Russia's heavy industry would also benefit by supplying oil equipment, such as platforms and rigs, to Iraq, as would Russian arms makers. Of course, some Russian companies have not waited for the end of sanctions. Iraq obtained several Russian gyroscopes used for aiming Scuds in 1995, and just last week we became aware that U.N. inspectors accused Russia of selling Iraq huge steel drums that could be used to produce biological warfare agents.

In spite of these actions by Russia, it was reported this weekend that U.N. Secretary General Kofi Annan was studying a Russian request to have a Russian named as codeputy chairman of the U.N. special commission overseeing the weapons inspections. I sincerely hope the United States will use its veto power to prevent this appointment in light of the obvious conflicts of interest.

I should note, Mr. President, that both China and France have similar conflicts of interest in that their close economic ties to Iraq have been in existence for some time, and their desire for Iraqi oil is well known. These have made them hard set against any military action for some time.

With the United Nations having now negotiated a deal with Saddam Hussein that appears in the short term to have sidetracked military options—and with members of the Security Council actively working to let Saddam Hussein off the hook—what can the United States do unilaterally to advance our national security interests?

I have some suggestions. First, the Congress should hold hearings to examine the impact of increased oil sales on Saddam Hussein's ability to stay in power. As chairman of the Energy and Natural Resources Committee, I would like to conduct these hearings jointly with the Senate Foreign Relations Committee and my good friend, Senator HELMS.

Second, the administration should keep our forces in the gulf region while we test whether this time Saddam Hussein means what he says.

Third, Congress should instruct the administration to pursue means to tighten the oil-for-food monitoring program and to develop measures that would prevent the illegal leakage of oil into the world marketplace. I submitted a resolution 2 weeks ago, Senate Concurrent Resolution 76, which would send that message to the administration. I plan to amend that resolution to reflect what is learned in congressional hearings, and I will ask the Senate to take action on that in the near future.

My resolution will call on the administration to consider the following options:

First, expanding the multinational interdiction force, the MIF, in the Gulf of Arabia and ensuring that the rules of engagement allow MIF forces to effectively interdict vessels containing contraband oil.

Second, using all diplomatic means available to ensure that other countries in the region are not aiding illegal oil exports in violation of the U.N. resolutions.

Third, inspecting all vessels leaving the Iraqi Port of Basra to ensure that the economic sanctions are not being circumvented. This type of blockade is justified under existing U.N. resolutions implementing economic sanctions. While it may sound like an extreme measure to initiate a blockade, I remind my colleagues that we have a blockade of the airspace over that part of the country, which we have taken the initiative to enforce.

Fourth, and finally, entering into negotiations with oil-producing nations to encourage them to make subsidized oil sales to Jordan so that the Iraqi-Jordanian flow of oil can be shut off.

Taken together, all these measures will serve to increase Iraq's economic isolation and provide a deterrence to illegal actions. This is an approach we used successfully in confronting the former Soviet Union, and I think we should return to it right now.

Again, oil is the key to controlling the future military capability of Iraq. We must control it if we are ever going to contain Saddam Hussein.

Mr. President, that concludes my remarks. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise, one, to compliment my colleague, Senator MURKOWSKI from Alaska, for his speech in talking about the United Nations and their increase of the flow of oil. I want to make a couple comments about the administration's handling of the latest crisis with Iraq and express my very strong displeasure with the administration, because I do not think they were very open with Congress.

I met with Secretary of State Albright, Secretary of Defense Cohen, National Security Adviser Sandy Berger, and Chairman of the Joint Chiefs of Staff General Shelton on numerous occasions when we were debating what our reaction should be to Iraq's noncompliance with the U.N. resolutions allowing arms control inspectors to investigate whether or not they were building up munitions of mass destruction. I know the Senator from Arizona sat in on several of these meetings.

As you know, we were in the process of building up armed forces. We were very close to having a military strike. Some people were suggesting different alternatives. The Senator from Alaska said, ''Well, maybe we should curtail the flow of oil. We have a program that is called oil for food that has been going on for years now. Maybe if we tighten that up, it would put an economic squeeze on the Iraqis and maybe they would change their behavior and maybe we wouldn't need to drop bombs to have Saddam Hussein realize the errors of his way and that he needs to comply with the U.N. resolutions.''

I told the Secretary of State that I was upset about the fact that our international coalition has dissipated, if not disappeared. The only real strong supporter we had in this entire venture was Great Britain. We did not have strong, at least visible support, or audible support from the Saudis or from Turkey. We did not have access to the bases in those countries for bombing purposes if there was an airstrike. That bothered me a lot.

But what bothers me as much now, when we were discussing different options in lieu of a military strike, and one of the options was curtailing the flow of oil that was discussed in this Capitol with leaders of our Government, our leaders did not tell Congress that they had already agreed in the Security Council, or they were working on an agreement in the Security Council, on February 20, to more than double the amount of oil that would be used in this oil-for-food program—more than doubled.

Actually, they go from $2 billion every 6 months to $5.2 billion. They did not tell us that. Most people were not aware of the fact that before the Secretary General flew to Baghdad for his effort to avert or stop the airstrikes and achieve compliance, 2 days before, the U.N. Security Council had raised the amount of the oil-for-food program and more than doubled it. We had those sanctions on since 1991. We restricted the flow of oil to that specific amount of $2 billion for every 6 months, and then all of a sudden, just when we are getting ready to maybe have airstrikes and the U.N. Secretary General was going to go to Baghdad to negotiate a deal—he did not use it for leverage, we basically gave them the carrot—we gave him that incentive before he went to negotiate.

It just happens to be a coincidence? I do not think so. And why wasn't the administration forthcoming to Members of Congress and say, ''Well, we've already done this,'' or ''We are now negotiating the U.N. Security Council to do this.'' They did not do that. They did not tell this Senator, they did not tell other Senators that they were in the process of doing it, and that bothers me. It bothers me a lot.

I for one had serious misgivings, as I know other Members of this body did, on how far we should go in response and how much of a blank check this Congress should give this administration in dealing with Saddam Hussein, but for them to not tell the Congress or the American people, and the fact that the increase in this oil-for-food program was going forward at this very critical time—just a coincidence, I guess—is more than an oversight. It is a very serious mistake. A very serious mistake in dealing with Congress and a very serious mistake in our foreign policy as well.

So I compliment my colleague from Alaska for bringing this to our attention. And I wish to bring it to the administration's attention that some of us might have been willing to say, hey, let us use the oil-for-food program as an incentive to get him to comply. I do not think we would have said, let us give it to him, and then hope that maybe he would agree with the Secretary General. Maybe the deal was already cut before the Secretary General left. We have not heard that, but maybe that was the case. But in any case, I think the administration was not very forthcoming with Congress. And that is not a very positive sign.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, seeing no other Senator seeking recognition, I ask unanimous consent to speak briefly for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

TAIWAN MOVES CLOSER TO WTO ENTRY

Mr. MURKOWSKI. Mr. President, I rise today to call my colleagues' attention to the recent conclusion of the bilateral trade negotiations between the United States and the Republic of China on Taiwan. I think it is significant because it is this event that moves Taiwan one step closer to entry into the World Trade Organization.

This event has particular significance to me because I was a member of the Foreign Relations Committee in 1990 when Taiwan first applied for membership in the General Agreement on Tariffs and Trade, the predecessor organization to the World Trade Organization.

Then chairman of the Foreign Relations Committee, Claiborne Pell, and I and a number of others initiated a letter to President Bush, signed by 13 members of the Foreign Relations Committee, urging our Government to support the formation of a working group on Taiwan's application to GATT. A similar letter to the President, initiated by then chairman of the Finance Committee Lloyd Bentsen and ranking Republican Bob Packwood was signed by 20 members of the Senate Finance Committee.

Mr. President, I am gratified that Taiwan and the United States have reached this important milestone in our bilateral relationship. I also congratulate Taiwan for committing to adopt WTO principles at this time, particularly when many countries in the region are questioning the merits of opening doors and providing freer access to their domestic markets. Taiwan, once again, is serving as a model for the region.

Last week, members of the Finance Committee had an opportunity to meet with the U.S. Trade Representative, Charlene Barshefsky, to discuss this

issue, among others. The members of the Finance Committee attending that meeting signed a letter to Ambassador Barshefsky congratulating her and the other USTR negotiators for reaching a deal that will dramatically open Taiwan's markets to U.S. agricultural products, services, and other industrial goods.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, February 26, 1998.

Hon. CHARLENE BARSHEFSKY,
United States Trade Representative, Winder Building, Washington, DC.

DEAR AMBASSADOR BARSHEFSKY: We write to congratulate you and your team of negotiators on the successful conclusion of bilateral negotiations with the Republic of China on Taiwan regarding Taiwan's entry into the World Trade Organization (WTO).

We agree with your assessment that this agreement will ''dramatically open Taiwan's market to U.S. agricultural products, services and industrial goods.'' The agreement marks an important milestone in our bilateral relationship with Taiwan, this country's seventh largest trading partner and the world's fourteenth largest economy. Taiwan's commitment to adopt WTO principles should be applauded, especially during a time when many countries in the region are questioning the merit of opening doors and providing freer access to their domestic markets. The United States should now exercise international leadership to support Taiwan's entry into the WTO at the earliest possible opportunity.

We look forward to your continued leadership on this issue.

Frank H. Murkowski, Richard H. Bryan, Connie Mack, Bob Graham, Max Baucus, Chuck Grassley, Jay Rockefeller, John Breaux.

Mr. MURKOWSKI. Mr. President, I hope that Taiwan now continues its forward march and finishes its two outstanding bilateral negotiations with the European Union and Switzerland. And I call on our administration to continue to show leadership on this issue.

I am also encouraged by the leadership of the Director General of the World Trade Organization, Renato Ruggiero, in his recent comments that, ''Taiwan's entry does not depend on China. The negotiations of Taiwan are progressing well. At the World Trade Organization we are not, fortunately, ruled by political principles.'' I hope the rest of the WTO members, the United States included, will abide by those words.

Mr. President, I am not ignoring that Taiwan's entry into the World Trade Organization faces hurdles not faced by other prospective entries. It is well known that the People's Republic of China, which is not yet a member of the World Trade Organization, has indicated that Taiwan should not join the WTO before the PRC. The optimistic solution, of course, is that the PRC conclude its outstanding bilateral negotiations with the United States and the other countries and is prepared for entry at the same time. I would certainly support that outcome. Unfortunately, negotiations with the PRC are not proceeding quickly, and there is always the risk that the PRC will decide to drop its bid for WTO entry altogether. What happens then to Taiwan? Well, that isn't addressed, Mr. President.

Fortunately, Mr. President, we are not yet faced with that situation, so I will not speculate on possible alternatives. But it does call to mind the delicate nature of the three-way relationship between the United States, the Republic of China on Taiwan, and the People's Republic of China.

Recently, comments of Dr. Arthur Waldron, a prominent Asia scholar and a professor of international relations at the University of Pennsylvania, have been brought to my attention because of the insight that he offers on American policy on this triangular relationship.

I would like to share with my colleagues some of the observations Dr. Waldron made at a recent forum hosted by the American Enterprise Institute.

Dr. Waldron said that, ''although we have a military policy toward the two sides of the Taiwan Strait, we don't really have a political policy.'' He was referring, of course, to President Clinton's decision in 1996 to send a pair of aircraft carriers into the region when the PRC began a series of missile tests in the Taiwan Strait on the eve of the first direct democratic presidential elections in Taiwan.

Waldron argues that, while the United States showed military support for Taiwan in 1996, there has been little discussion of a long-term political policy. One of the reasons he says—and I agree—is that, ''there are all kinds of taboos around,'' particularly with regard to the language we use when discussing the issue. ''We have a very strong relationship with Taiwan, but we're not allowed to go public with it,'' Waldron said at last month's forum.

We can't call them by their official name. You even look in the CIA guide and it has Taiwan, and where it says ''official name'', it says ''none.'' It's called the Republic of China, or the Republic of China on Taiwan. Those who work for our government aren't allowed to say that. I don't know why.

Waldron believes that the American policy toward the PRC-Taiwan issue is based on similar problems of language. The three communiques between the PRC and the United States, along with the Taiwan Relations Act, outline the official U.S. position on the issue, which is that the United States supports ''peaceful reunification'' of the two sides of the Taiwan Strait. But in the 1970s, when the first two communiques were signed, it was generally thought that Taiwan would not survive on its own for very long. ''There was a real underestimation of the resilience, the capability of Taiwan and its people. There was a sense . . . that they would reach some sort of an agreement with the PRC, which would eliminate this issue,'' he says.

Of course, that has not happened, Mr. President. And today, with the PRC's Communist regime still in place and Taiwan's democracy growing every day, it is unlikely to happen any time soon.

Waldron calls the current situation ''the policy of denial.'' ''The idea is if you can get everybody in the world to say that Taiwan is no more than a renegade province, then somehow it will become a reality. Well, just having somebody say that something is so doesn't [necessarily] make it so,'' he said at the AEI forum.

Waldron concluded his remarks last month with the comment that he was not calling for ''a sudden and dramatic change in policy.'' Instead, he said:

What I am calling for is a change in the way we talk and the way we think. We have to start saying to ourselves, suppose that there isn't going to be this wonderful peaceful unification that we've all been talking about, suppose Taiwan keeps on developing the way it is, with even more legitimacy in its political organizations, freer speech and independent capabilities that make it impossible for anybody to compel them. And suppose the PRC doesn't evolve in ways that would make a solution more possible. What should we do? Let's call things by their true names, and talk about real possibilities and real scenarios for the future, rather than imagining that somehow this problem has been solved.

Mr. President, I found Dr. Waldron's comments refreshing. Back in 1993, I requested a hearing on Taiwan in the Foreign Relations Committee on how we could update our relations with Taiwan. This hearing was delayed for over a year as the administration completed the ''Taiwan Policy Review.'' That review was finally released in September 1994. Although the administration did take some positive steps, which I welcomed, it left unanswered many of the inconsistencies that Dr. Waldron discussed.

Further on the subject of Taiwan, Mr. President, yesterday's Washington Post carried yet another in what is clearly a series of Clinton Administration trial balloons on the subject of a Taiwan-Beijing dialogue. This article, authored by former Assistant Secretary of Defense Joseph Nye, indicates the Administration is continuing to use third parties to increase pressure on Taiwan to return to the negotiating table with Beijing.

I, for one, would welcome fruitful dialogue between Taiwan and Beijing, but I think we in the United States would do well to ensure that it takes place on mutually satisfactory terms.

We promised Taiwan in 1979, when we withdrew recognition of the Republic of China, that we would never pressure Taiwan into direct negotiations with the communist authorities on the mainland.

I am troubled by Dr. Nye's thesis and the whole premise of the messages the Administration his been sending to Taipei through former government officials. That is, that Taiwan should

hasten to sit at the negotiating table with a nuclear super power that refuses to renounce the use of force against Taiwan's democracy. I believe a renunciation of the use of force by Beijing would be an important demonstration of good will and would facilitate a meaningful dialogue so our democratic friends in Taiwan are not pressured by Washington to negotiate with a gun to their head.

Further, Dr. Nye states that the United States should publicly announce that it will not defend Taiwan if Taiwan declare independence. While I agree that it is undesirable for Taiwan to declare independence, I think Nye's logic is backward. Do we want to encourage people to think that Taiwan is ripe for the picking? Our policy of creative ambiguity has long served U.S. interests. So has our demonstrated readiness to use force, as we did when we introduced the two carriers into the Taiwan Strait two years ago when China tried to intimidate the people of Taiwan on the eve of their presidential election. I believe we should not change this policy. The U.S. should continue to be prepared, under appropriate circumstances, to deploy our defense resources in support of democracy in Taiwan.

Finally, Dr. Nye suggests that there is nothing but second class status in Taiwan's future. I do not think that the United States should endorse such a fate for the proud, free democratic people of Taiwan. With creative solutions, I hope Taiwan can assume its full and rightful place in international organizations. I don't think the United States through current officials, former officials or trial balloons should walk away from our support in this regard.

As President Clinton prepares for another summit with President Jiang of China, I hope that he will take into consideration Dr. Waldron's comments and the input of interested Members of Congress who have long followed this issue. Taiwan is a strong democracy. It is not going to simply bow to coercion from China. The United States should recognize this and work to find a policy that will ease regional tensions and promote future stability in the Asia-Pacific area.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1718 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary of Transportation to reduce the amounts made available under the bill for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997)

Mr. CHAFEE. Mr. President, last Friday, I sent to the desk an amendment numbered 1718. I ask to call up that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1718 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CHAFEE. Mr. President, this is an amendment, as I said, that I sent to the desk last Friday. It would require the Secretary of Transportation to reduce the amounts made available under the so-called ISTEA Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997, the so-called 6-month extension.

Last year, Mr. President, as you recall, in the latter part of the calendar year, around October, the Senate passed a 6-month extension of the ISTEA legislation which allowed States to use their unobligated balances to fund eligible transportation projects. It also allocated an additional $5.5 billion in new money to the States. The Senate agreed to provide that $5.5 billion on the condition that the amounts allocated to the States under the ISTEA II legislation in fiscal year 1998 would be reduced by the amount each State received for the 6-month extension. In other words, under the legislation we are now considering, Mr. President, we provide money for the entire fiscal year of 1998.

What this amendment would do is say the amounts we previously gave the States in October for this fiscal year will be deducted from the total amount that we provide for the entire fiscal year for them. By the way, Mr. President, the amounts would be allocated to each of the categories for which they had received that amount previously. For example, the amount each State will receive in the surface transportation program, so-called STP funds, under ISTEA II will be reduced by their portion of the more than $1 billion provided in STP funds for the 6-month extension.

There are several reasons why this reduction is necessary. First of all, ISTEA II provides money for each fiscal year 1998 through 2003. It does not provide a half-year amount. If this reduction is not required and agreed to, the States would receive one and one-half times as much as they should for 1998 and our bill would be subject to a point of order. Second, the reduction ensures that each State will receive money based on the new formula provided in ISTEA II instead of the old formula, or amounts received in the past.

We worked long and hard to update this formula to make it as fair as possible.

Mr. BAUCUS. Mr. President, this is essentially a bookkeeping amendment to prevent double counting and to make sure that moneys States do receive under the new ISTEA highway program are according to the new formula rather than the old formula. It is really very straightforward—to prevent double counting.

There is no reason why this should not pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1718) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1841 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1841 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CHAFEE. Mr. President, this amendment makes several technical clarifying and noncontroversial changes to the underlying legislation.

Mr. BAUCUS. Mr. President, I urge adoption. These are truly technical amendments, clarifying amendments, truly noncontroversial. It should pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Now, Mr. President, we are waiting for those who are going to present the Finance Committee amendment, which I hope will be soon.

Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without ojbection, it is so ordered.

Mr. BAUCUS. Mr. President, I wonder if I could engage the distinguished chairman of our committee in a colloquy about the status of the bill.

Mr. President, I ask the chairman: Isn't it true that we are pretty much wrapped up with our bill, but we are waiting on two major amendments? They are from two other committees, and we are waiting for those committees to come to the floor and offer their amendments so we can get them agreed to and then get on with this bill and get this bill off the floor so we can, hopefully following the House action, have a bill to go to conference.

Isn't it true that we are about wrapped up here but we waiting on two committees?

Mr. CHAFEE. Mr. President, I say to my distinguished colleague, the ranking member of the committee, that he is exactly right. There are two big amendments out there, but neither of them have anything to do with our committee. One is from the Finance Committee dealing with the tax portions of this legislation, and the other from the Banking Committee dealing with the mass transit portions of this legislation. But both of those are in other committees.

So we have been very anxious. The Finance Committee chairman and others have indicated that they are prepared to come to the floor. We started this at 1 p.m., and we keep hoping that they will come. We are losing valuable time, Mr. President. Obviously, both of us and all members of the committee want to finish this legislation. There are several hundred amendments still out there, but I have reason to believe very few of those are actually going to be presented.

So, we could really make tremendous progress if we could dispose of those two major amendments—the one from the Banking Committee and the one from the Finance Committee, which we are expecting to have presented momentarily.

Mr. BAUCUS. I ask the chairman, also, is it his understanding that the Finance Committee is ready with its amendment, that it has been drafted, but for some reason they just do not come over to the floor and offer it?

Mr. CHAFEE. The Senator is exactly right. That is my understanding. My understanding is they are ready to go.

One of the most famous reports that one hears in the Senate is, so and so ''is on his way.'' ''On his way'' can mean a lot of things. It can mean circling Ronald Reagan Airport preparing to land, or it could just mean that he has gotten on the elevator and will be here within 45 seconds. So we have heard reports that the Finance Committee representatives who are going to present that amendment are on their way. Again, I am not sure what that exactly means.

Mr. BAUCUS. Mr. President, might I ask the distinguished chairman of our committee, isn't it true that the Finance Committee amendment is very important to this bill because that is the amendment which will extend the current gasoline tax that is going to transfer the funds into the trust fund and, therefore, to other trust fund States? So we definitely need to get this Finance Committee amendment agreed to.

Mr. CHAFEE. I say to the distinguished Senator that he is absolutely right. Without the money, this bill isn't going to amount to much. So we treat the members of the Finance Committee and the chairman with great deference since he provides the wherewithal to make this whole program fly.

The amendment they will present will extend the highway trust fund taxes for 6 years. It will extend the highway trust fund expenditure authority for 6 years. It creates a 15-project pilot program dealing with tax-exempt bonds for private-public partnerships. It has a whole series of provisions that have been worked out in the Finance Committee. It is crucial to this legislation.

So once we get that dealt with, which I certainly hope won't take long, we can then move on to the Banking Committee amendment.

I have just heard through the grapevine that the Banking Committee amendment, which deals with mass transit, will be ready tomorrow. But, as everyone knows, there is a cloture vote coming up at 5 or 5:30. It would seem to me that they should get that Banking Committee amendment in, or there will be all kinds of problems should cloture be invoked since that would not be germane to the bill.

Mr. BAUCUS. Mr. President, might I ask the chairman again, where does he think the Finance Committee amendment is? Here it is, 2:30 in the afternoon.

Mr. CHAFEE. They are on their way. I keep looking toward that door expecting that door to swing open.

Mr. BAUCUS. My office called, and there is no answer. They are out to lunch. The lunch hour, I am sure, is over by 2:30. I hope the Finance Committee comes over quickly so that we get their amendment offered.

I also ask the chairman—there is no reason why we even have to take the Banking Committee amendment. It seems to this Senator that we can just as soon go to third reading, and, if the Banking Committee does not come over with its amendment by tomorrow or the next day, then there is no transit amendment to the bill. There will be other opportunities for them to bring up their transit amendment sometime later this year, I would think. We don't have to wait. We don't have to have the transit amendment in this bill.

Mr. CHAFEE. Mr. President, I have to be cautious about allying myself with those comments since my State gets something out of the transit legislation. It is very important. We have one transit system within our State.

So I am very anxious to see that transit measure passed—the so-called ''banking amendment.'' So, I do not want to foreclose anybody. But I urge the managers of that legislation, as well as others who have amendments which they might want to present, to come on over. The store is open for business. Now is the time.

Mr. BAUCUS. Mr. President, I might also note that last week when we were working out an arrangement to allocate dollars in the Byrd-Gramm-Warner-Baucus amendment the mass transit folks were going berserk; they were all upset that they were not ''taken care of''.

As we all know, the distinguished chairman of the Budget Committee and the chairman of the Banking Committee and others have reached an agreement of the amounts that will be in the transit title. So there is no reason why they can't quickly put this bill together with the amounts that are contained in that agreement and offer their amendment. I hope they will do that very quickly.

Again, we are here waiting for the Finance Committee. We are here waiting for the Banking Committee. Once those two committees come over with their major amendments to different titles to this bill, we will by and large be able to pass this bill and urge the House to take up and pass their ISTEA bill so we can meet the deadline of April 30. A lot can slip between now and April 30—passage here and in the House, then conference, and we have to have all of that done by April 30, and signed by the President by that same date so we don't have to worry about the possibility of another extension, which I certainly don't want, and so that States can rest assured that the highway program is in place. We have to move here. I hope the Finance Committee and the Banking Committee will help us out.

Mr. CHAFEE. Mr. President, I totally agree. I think once we dispose of those two big amendments, we can really wrap this thing up. It is dangerous to make predictions around here.

Mr. BAUCUS. Don't.

Mr. CHAFEE. All right. I will not. Anyway, I think we can do it rather soon. I know the majority leader is very anxious to get this legislation completed. I share that interest and concern with him.

So, while we wait upon the Finance Committee representatives, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Collins). Without objection, it is so ordered.

AMENDMENT NO. 1724 TO AMENDMENT NO. 1676

(Pending: To specify further penalties and the use of withheld funds under the section relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence)

Mr. CHAFEE. Madam President, I now call up amendment No. 1724, which I submitted last Friday.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DEWINE, for himself, Mr. WARNER, Mr. CHAFEE, Mr. LAUTENBERG, Mr. DORGAN, Mrs. MURRAY, Mr. LIEBERMAN and Mr. BAUCUS, proposes an amendment numbered 1724 to amendment No. 1676.

Mr. CHAFEE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 225, strike line 12 and all that follows through page 227, line 13, and insert the following:

''(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

''(A) receive a driver's license suspension for not less than 1 year;

''(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

''(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

''(D) receive—

''(i) in the case of the second offense—

''(I) an assignment of not less than 30 days of community service; or

''(II) not less than 5 days of imprisonment; and

''(ii) in the case of the third or subsequent offense—

''(I) an assignment of not less than 60 days of community service; or

''(II) not less than 10 days of imprisonment.

''(b) TRANSFER OF FUNDS.—

''(1) FISCAL YEARS 2001 AND 2002.—

''(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

''(i) to be used for alcohol-impaired driving countermeasures; or

''(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

''(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

''(i) from the apportionment of the State under section 104(b)(1);

''(ii) from the apportionment of the State under section 104(b)(3); or

''(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

''(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

''(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

''(i) to be used for alcohol-impaired driving countermeasures; or

''(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

''(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

''(i) from the apportionment of the State under section 104(b)(1);

''(ii) from the apportionment of the State under section 104(b)(3); or

''(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

Mr. CHAFEE. Madam President, this is what we might call a repeat offenders amendment. I filed it last Friday so that our Members would have a chance, and their staffs, to look at it and consider it. The amendment would strengthen and clarify the repeat drunk driving offenders section of the bill; that is, the underlying bill.

The bill, as currently drafted, requires States to act and support penalties for drunk drivers who have a blood alcohol concentration of .15 or greater. And two things have to occur—the drunk driver is arrested, has a blood alcohol content of .15 or greater, and has been convicted of a second or third or more drunk driving offense within 5 years.

This amendment, of which Senator DEWINE is the lead sponsor, is cosponsored by Senator LAUTENBERG, Senator WARNER, Senator CHAFEE, Senator BAUCUS, and Senator DORGAN. And what it does, it strikes the reference to the .15 blood alcohol concentration and lets the State law on blood alcohol concentration determine what is a ''repeat offender.''

The amendment, therefore, clarifies that a person who is arrested for driving with a blood alcohol concentration level lower than .15, such as .08 or .10, still may be classified as a repeat offender if the State so chooses. So, in essence, Madam President, what this amendment does, instead of our setting it at a Federal level, we let the States set the level for the second or greater offense that has occurred within the 5 years.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I support this amendment. There are no objections I am aware of on our side.

A critical feature is State discretion. The States will have the authority, have the discretion, under this amendment, to change the alcohol content to a level that they so choose. That is, this amendment does not prescribe specifically what the alcohol content should be with respect to the repeat offender law. And because the States have that discretion, that choice, I support the amendment.

Mr. LIEBERMAN. Madam President, on March 4 the Senate voted in favor of an amendment to ISTEA that would make .08 BAC for drunk drivers the law of the land. I voted for this amendment and was an original co-sponsor of the bill introduced last year by Senators LAUTENBERG and DEWINE to establish .08 BAC as a national standard.

Today I stand in support of a related amendment sponsored by Senators LAUTENBERG and DEWINE that would establish national minimum penalties for repeat drunk driving offenders. Like the .08 BAC amendment, this amendment is supported by senators from both sides of the aisle. Having agreed upon a clear and reasonable standard for drunk driving, we need to take firm steps that stop repeat offenders and that discourage others from drinking and driving.

The terrible price we pay as a society for drunk driving warrants firm measures to address the repeat offender problem. In 1996, over 17,000 Americans lost their lives in car accidents when a driver had been drinking alcohol. These Americans died in every state and they come from all walks of life. Many thousand more Americans suffer severe injuries in alcohol-related car accidents and families are devastated. Experts tell us that repeat offenders account for a disproportionate part of these drunk driving accidents.

This amendment provides states with necessary flexibility and a number of important tools with which to combat the repeat offender problem. It includes minimum sentencing and license revocation. It allows states to implement vehicle impoundment or restrictions on vehicle use. Punitive actions are only part of what is necessary. The amendment also provides for alcohol assessment and appropriate treatment for repeat offenders to address the underlying problems that lead to drunk driving. These carefully considered steps to fight repeat offender drunk driving need to be implemented to protect all Americans.

Drinking and driving once is inexcusable. Drinking and driving a second or third time simply cannot be tolerated. Madam President, I support the Lautenberg and DeWine repeat offender amendment to ISTEA.

Mr. LAUTENBERG. Madam President, I rise to express my support for Senator MIKE DEWINE's amendment that would establish minimum standards of punishment and treatment for repeat offenders of drunk driving. These standards will send a strong message that repeated convictions for drinking and driving will not be tolerated.

We have heard, over the past few days, the extent of the national scourge that is drunk driving in our country. Let me remind you, in 1996, 41,907 people were killed in highway crashes. Another three million were injured. These crashes cost society $150 billion every year. Forty-one percent of all traffic fatalities are alcohol related.

In 1996, 17,126 people were killed in alcohol-related crashes. That year, more people were killed in alcohol related crashes than were killed in the worst year of the Vietnam War, a war that tore this country apart.

Driving While Intoxicated, or DWI, is one of the most prevalent crimes in this country. In 1994, more people were arrested for DWI—1.5 million—than for any other reported criminal activity including larceny or theft. We need to start treating this epidemic.

A shocking number of DWI convictions are repeat offenders. When the National Highway Traffic and Safety Administration studied this issue, it found that about one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders. One out of eight drunk drivers in a fatal crash has had a DWI conviction in the past three years. The danger of these repeat offenders is illustrated by the fact that drivers with prior DWI convictions are over represented in fatal crashes. These drivers have a 4.1 times greater risk of being in a fatal crash, as do intoxicated drivers without a prior DWI, and the risk of a particular driver being involved in a fatal crash increases with each DWI arrest.

According to the National Commission Against Drunk Driving, about 2,300 innocent victims are killed each year due to so-called persistent drinking drivers, or those who repeatedly drive after drinking. Annually, persistent drinking drivers represent an estimated 65 percent of fatally injured drinking drivers and 15 to 20 percent of all injured drivers. This translates into 7,000 dead drivers and 250,000 injured drivers each year. And, Mr. President, persistent drinking drivers cost the economy $1.5 billion each year in enforcement and court costs and $45 billion each year in crashes.

One study in California demonstrated the extent of this problem over the long-term. It found that 44 percent of all drivers convicted of DWI in California in 1980 were convicted again of DWI within the next ten years.

Madam President, when we talk about drunk driving, too often we talk about it in statistical terms. But there are real people attached to those statistics. In the spring of 1995, a young man, from Tuckerton, New Jersey, full of goodness and potential, was struck down by a drunk driver while he and his friend were in-line skating. Matthew Hammell was exceptional. All those who knew him talk about being touched by his kindness and caring. At one point Matt dreamed of being a baseball player, but as he matured he knew he wanted to be a missionary. His dream became living a life of helping others. But this dream never materialized. Robert Hyer, drunk and driving, struck Matthew with his car while passing another vehicle. Hyer should not have been on the road. Not only was he drunk, but he had a history of driving drunk. Before this fateful incident, Hyer had been charged with DWI six times, though he was convicted only twice. Hyer lost his license in New Jersey in 1984, but somehow he obtained a North Carolina License just two years later. He was a habitual offender who kept bucking the system. A system which kept letting him go. A system which, in the end, was too late in responding.

Madam President, it may be too late for Matthew Hammell, and all of the other Matthew Hammells who are taken from us too early, but it is now that we must become serious about drinking and driving. I introduced a bill one year ago that I named in his honor the ''Deadly Driver Reduction and Matthew P. Hammell Memorial Act.'' That bill required states to adopt a ''three strikes and you're out'' law that took away the driver's license.

While I introduced that bill, I am pleased to say that the amendment proposed by Senator DEWINE is a positive step toward combating this terrible epidemic. The amendment before us provides a comprehensive approach toward reducing repeated drinking and driving.

First, the amendment recognizes that the large percentage of DWI arrestees, from 40 to 80 percent of all offenders, are alcohol dependent, by requiring alcohol assessment and treatment, as necessary, after the second and each subsequent offense. Experts suggest that combining treatment and legal sanctions will produce the largest benefit to traffic safety. It makes sense.

Second, the proposal requires states to revoke a driver's license for one year after the second and each subsequent offense. Most states already require license suspensions after the first and subsequent offense, and states have found that the threat of taking away one's license has been very effective deterrent for the general population. However, studies have also found that for the chronic drinking driver, license suspensions have very little effect—upwards of 80 percent of drinking drivers continue to drink and drive after license suspension.

That's why this amendment seeks to employ other methods that will make it difficult for the repeat offender to drive when he or she is drunk, or to drive at all. The amendment requires that, after the second and subsequent offense, the person is subject to vehicle impoundment or immobilization, or the installation of an ignition interlock device on the car. These tools have found to be extremely effective in reducing recidivism of drunk driving. After the City of Portland, Oregon adopted an ordinance to take cars away from repeat offenders, the City saw a 42 percent decrease in drunk driving fatalities, and a recidivism rate of only four percent for offenders whose cars had been seized.

Ignition interlock devices are those that are locked into a repeat offender's car. Before the person can drive, he or she must blow into the device, and if the device registers more than .02 BAC—or zero tolerance—the car will not turn on. The repeat offender usually is responsible for paying the costs of the device, which is about two dollars a day. Over 35 states have passed some form of legislation that uses ignition interlock devices to combat repeat offenders. According to the NCADD, ignition interlock programs used in several states have reduced recidivism to about one percent while the program is in effect.

Finally, the amendment requires states to adopt laws if they have not already, mandating jail time or community service for the second (five days in jail or 30 days community service) and subsequent (ten days in jail or 60 days community service) offense. Repeat offenders must know the severity of their crime.

States are given three years to adopt laws that have, at a minimum, these provisions. States that fail to do so must transfer one and one-half percent of their highway construction funds in the fourth year, and three percent in the fifth year, to their Section 402 impaired driving program, or to the state police, to assist in enforcing drunk driving laws.

The NCADD has proposed strategies to deal with the persistent drinking driver. I am pleased to say that this amendment incorporates almost all of those strategies. License revocation. Vehicle immobilization or impoundment. Imposition of an ignition interlock device. Alcohol assessment and treatment. Another strategy the NCADD proposes to deal with the persistent drinking driver is to reduce the legal BAC limit to .08 BAC for adults, because studies have shown that .08 BAC laws have reduced drunk driving at even higher BACs. As we all know, the Senate approved that amendment last week.

Madam President, I want to commend Senator DEWINE and Senator WARNER on their effective leadership on behalf of this issue. The programs that we have passed—the .08 BAC amendment, Senator DORGAN's open-container amendment, and this repeat offender amendment—create a comprehensive program that when in place, will show measurable effects. We will

see a reduction of alcohol-related crashes. Fewer families will face the crippling grief of a loved one lost to drunk driving.

This amendment matters. I hope my colleagues will join us in supporting this comprehensive amendment that will save lives.

The PRESIDING OFFICER. Is there any further debate? If there is no further debate, the question now occurs on agreeing to amendment No. 1724.

The amendment (No. 1724) was agreed to.

Mr. CHAFEE. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1922 TO AMENDMENT NO. 1676

(Purpose: To codify the transportation infrastructure finance and innovation provisions)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. GRAHAM, proposes an amendment numbered 1922 to amendment No. 1676.

Mr. CHAFEE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CHAFEE. Madam President, this is a package of amendments to the Transportation Infrastructure Finance and Innovation Act, so-called TIFIA. These include two types of changes. First, they make technical and noncontroversial changes to the TIFIA subchapter. The majority were recommended by the U.S. Department of Transportation to improve and clarify provisions under this act.

Second, this package establishes a fee for those States that use the Federal credit assistance to fund transportation projects under so-called TIFIA. This fee is necessary to offset the revenue loss that the Joint Committee on Taxation estimated will result in the program. It is important to note we have confirmation from the Congressional Budget Office that this fee will address the loss.

I am pleased that TIFIA was included in the underlying bill, S. 1173, as it will assist the Nation in funding the gap between transportation resources and needs.

Mr. BAUCUS. Madam President, we accept the amendment. The chairman has articulated the reasons. They are good reasons.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1922) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ACTION AND WITHDRAWAL OF AMENDMENT NO. 1310

Mr. WARNER. Madam President, this is a request from the Republican leader. I understand it is joined in by the Democratic leader.

I ask unanimous consent that Senate action on amendment No. 1310 be vitiated, and I further ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1310) was withdrawn.

Mr. WARNER. Madam President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, I rise to address a problem that threatens to overwhelm the Nation's Capital and surrounding jurisdictions: traffic. As our colleagues know, driving in the greater Washington area can raise your blood pressure and test your patience. Our regional traffic jam, which is rated as second only to Los Angeles, will get worse, not better, over the next few decades if we fail to act.

Projections indicate that the number of people and jobs in this area will grow by about 50 percent over the next two decades and the number of vehicle miles traveled will grow by nearly 75 percent.

Unfortunately, transportation funding will fall short of our needs by $500 million each year, and this shortfall will be even larger if we don't get the higher funding levels agreed to in ISTEA II. The U.S. Federal Highway Administration predicts that highway funding for the Nation as a whole in 1999 will be $12 billion less than we need just to maintain our current system, and, again, that is assuming the higher funding we have already agreed to in ISTEA II.

Unfortunately, State funding in Virginia will not be able to make up this shortfall. A recent report by the Virginia Department of Transportation shows that the spending shortfall in Virginia alone will be $1.74 billion in 1999, and this shortfall is projected to get worse, rising to $2.44 billion in the year 2009.

This paints a very grim picture for the future when our present situation is already intolerable.

Today, on average, every man, woman and child pays a congestion tax in fuel expenses, lost salaries and productivity, and pollution of $860 every year. Some have predicted by the year 2020 commuters will spend 50 percent more time getting to work. Imagine increasing your drive time from an hour up to an hour and a half or even from 30 minutes up to 45 minutes, depending on where you live and where you work.

Given our predicament, our failure to act may seem surprising, but when we stop and think about it, the Capital region encompasses two States and a Federal district within a single metropolitan area. And although the area has common needs, it is understandably hard to get everyone to agree.

Some have suggested creating a regional transportation department to tax the region and build needed roads. But Marylanders really don't want Virginians helping to choose what roads to build in Maryland, and Virginians don't want their tax dollars paying for projects in DC, and District residents don't want their interests overwhelmed by the suburbs. In short, everyone wants to have a say in how he or she will be taxed, how their money will be spent, and where roads will be built in their neighborhoods.

Earlier today, I submitted an amendment to assist the region in reaching consensus on how to meet its transportation needs. Under this proposal, which my office has vetted with a number of State and local officials and with the Greater Metropolitan Washington Board of Trade, the metropolitan planning organization for this region would come up with a set of projects and a regional funding mechanism to get those projects built. The region would then work toward consensus and an interstate agreement on the projects and funding.

The amendment that I have submitted offers several incentives for the region to reach agreement on this package.

First, the Federal Government would provide a small amount of administrative funding to assist the metropolitan planning organization for this region,

the National Capital Regional Transportation Planning Board at the Metropolitan Washington Council of Governments. This board would work to find a way to fund and implement its regional transportation plan, which is ready to go but for the funding.

I believe the region has no real choice but to look at a regional funding mechanism to meet its needs, because Federal and State money will not be enough to address the spending shortfall.

I understand that reaching an agreement will be a lengthy process. So the proposal creates a corporation to provide short-term action on transportation needs. The corporation, acting alone, with the express consent of the region, would have the power to issue bonds to pay for regional projects.

At first, the corporation would obtain revenue by expanding transportation options. For instance, current Federal laws bar single drivers from using HOV lanes in this region during peak hours. This legislation would permit single drivers to use HOV lanes if they pay a toll and if the region agrees to spend the proceeds on transportation. In this way, drivers would have more options than they have today and the region would have more transportation revenue.

I realize that tolls are controversial, and part of the controversy comes from the fact that toll collection can slow down traffic. This legislation bars the use of tolls if they would result in slowing down drivers. There is no reason the region could not collect tolls through advanced technology, called ''hot lanes,'' which allows drivers to pay their tolls without slowing down. ''Hot lanes'' use sensors to measure a driver's mileage on a toll road and bill the driver accordingly, without requiring them to slow down. Obviously, the tolls would not go into effect immediately. As with all the provisions of this amendment, the region would have to consent, as it would have to consent to any proposal advanced by the Transportation Planning Board.

Finally, this proposal provides for the expedited congressional approval of the region's interstate compact or agreement. Once the region reached consensus, it would not have to wait for Congress to act. This amendment would give automatic approval of the consensus plan unless Congress rejected the plan within 60 days.

I should reemphasize that this legislation is not intended to impose a solution on the region. Neither the transportation planning board nor the new corporation would have the power to raise taxes or build roads in anyone's backyard. Instead, the legislation is designed to promote cooperation among the local governments.

The region would have to find a set of projects and a funding mechanism that is fair to everyone. Only a balanced plan could gain the required approval of the regional and State governments.

In addition, the transportation planning board would need to make sure the plan is cost-effective. Voters and local governments will not agree to extravagant or impractical projects. Voters would have to be convinced that the TPB has come up with an affordable and practical strategy to reduce this region's growing traffic problem. The TPB could come up with any number of solutions to our gridlock problem, but let me describe one possible vision for the region's transportation plan.

First, we could add an extra lane in each direction on the beltway.

We could add an additional Potomac River crossing. Alexandria and southern Maryland, in particular, would benefit from a southern crossing to divert traffic away from the Woodrow Wilson Bridge. We could use these large-scale efforts simply to keep up.

Additional mass transit and alternative transportation are also critical if we are going to reduce congestion and pollution and provide transportation for the disabled and for those who cannot afford cars.

We could direct funds to maintain, upgrade and expand the Metro system. And to further reduce automobile traffic, we could expand bus service and improve bicyclist and pedestrian facilities. Additional commuter rail and commuter ferry service on the Potomac are also possibilities.

Finally, we could improve local roads to create a more web-like highway system instead of our current hub-and-spoke approach. In the future, more people will be commuting along the edges of DC rather than into the city itself. A plan of this magnitude would probably cost between $8 billion and $15 billion above current spending.

I should emphasize that the vision I just suggested is that only, a vision.

The Federal Government could not impose a plan on anyone. Local citizens would participate in creating a regional transportation proposal, and the regional governments would have to consent to any agreement. The State departments of transportation in Virginia and Maryland and the Department of Public Works in the District of Columbia would also have to consent to the agreement.

The Federal Government would contribute only a small sum, less than $1 million divided over 3 years, for the region to move toward consensus on action. This small investment, however, would yield enormous returns as this region's economy grew in strength.

More important, this is the kind of investment the Federal Government should be making. Traffic in and around our Nation's Capital is an interstate problem, creating regional challenges that warrant Federal action. Indeed, congestion threatens the very livelihood of our Nation's Capital.

The Federal Government certainly cannot be expected to foot the bill for every transportation need, and that is not what I am suggesting today. Indeed, I am proposing that the Federal Government should help create a framework for the region to help itself.

There was some understandable anxiety expressed by the departments of transportation of the States and the District when we began to explore this initiative several months ago. But I believe we have addressed those concerns by giving the jurisdictions involved absolute veto power over any action they choose not to support.

Madam President, that is the outline of the proposal that I have introduced in the form of an amendment to the pending legislation. It is my hope that we will be able to clear this legislation at the appropriate time so that we can take action upon it. But at this time I simply wanted to explain to our colleagues what it was that was in this particular amendment so they could consider it, and if it is necessary, tinker with any of the specific provisions. We can do so either between now and the time we complete action on the ISTEA II bill, or in conference, or with subsequent amendments down the road if we need to do any fine-tuning. But I thought it was appropriate to provide our colleagues with some suggestions as to how I believe we should approach this particularly vexing problem for our Nation's capital.

Mr. COCHRAN. Madam President, we have had a good debate, a prolonged debate, on S. 1173, the surface transportation bill, or the highway bill, as it is known in my State of Mississippi. It is now time to pass it and get to work on a conference report with the other body to meet the May 1 expiration of current law.

There is a tremendous backlog of road, bridge and highway projects in every state. Some have estimated that our national investment in highways per vehicle miles of travel decreased by 56 percent during the last 25 years while vehicle travel has increased by 123 percent. This illustrates the problem and explains why we have such a serious need to address this legislation and complete our work so the states can start work on the projects this bill will fund.

I am very pleased that the bill allocates the money on a much more fair and equitable basis than the current formula. Mississippi will get over 90 percent, at least, of the highway tax contributions it makes to the trust fund. That is a lot better than the 83 percent my State is now receiving.

I'm also pleased that the bill gives the states more flexibility to spend the money they get from the trust fund on road, highway and other transportation projects that they identify as their priorities rather than having to abide by federal priorities that don't coincide with state needs.

In Mississippi 29 percent of our major roads are in poor or mediocre condition and 39 percent of the State's bridges are structurally deficient or functionally obsolete.

These conditions contribute significantly to highway accidents which have increased 6 percent during the last 4 years. In addition to the loss of

life, these accidents cost Mississippi's citizens $1.3 billion per year, or $500 for every resident, for emergency services, medical costs, property damage and lost productivity.

Another relevant statistic is that 77 percent of all fatal accidents were on two-lane roads and only 14 percent were on roads with four lanes or more. Money that is spent on highway improvements, such as adding lanes and shoulders, will save lives. It is also good economics.

I'm confident the flexibility provided in this bill will help Mississippi solve some of its special and most serious highway and transportation problems, especially the completion of our comprehensive four lane program.

Mississippi has been working for over ten years to implement this program. According to the Mississippi Department of Transportation, projects remaining to be put under contract include 30 miles of US 45, 17 miles of US 49 West, 69 miles of US 61, 25.4 miles of US 82, 54.6 miles of US 84, 24.6 miles of US 98, 58 miles of State Road 25, 33 miles on State Roads 57 and 63, and 10 miles of State Road 302. All of US 72 is now under contract and all of US 78 is now open to four-lane traffic.

The specific provision of the bill that helps us in this way gives states the flexibility to use up to 22 percent of their trust fund allocations for any projects that fall within title XXIII of the U.S. Code, which covers all highway programs.

There are other provisions of this legislation that are of special interest to our efforts in Mississippi to ensure that roads, highways and bridges on federal lands within the States are improved. Additional funding added to the bill as part of the committee amendment will provide $850 million in additional contract authority over 5 years for the three elements of the Federal Lands Highway Program.

Funding for Parkways and Park Roads will increase by $70 million per year for fiscal years 1999–2003, and funding for Public Lands Highways by $50 million per year during the same period. This ought to provide funding to bring the Natchez Trace Parkway closer to completion and ensure some much needed improvements are made to roads in our national forests and wildlife refuge areas.

Another provision of this bill that is of major interest to me and my State is the additional $450 million for funding NAFTA Trade Corridors.

The I–69 Trade Corridor Highway, which will run from Canada down through the Mississippi Valley to our border with Mexico, will provide significant economic benefits to the entire region through which it passes. We expect our State of Mississippi will be one of the states through which I–69 will pass.

Without this investment, the transportation infrastructure of the Mid-South region cannot accommodate the needs associated with increasing trade and commercial traffic. Growth in North American trade, as well as trade between the U.S. and the rest of the world, is supported by recent trends and current projections, particularly in the agricultural sector.

U.S. agricultural exports, which were valued at $26.3 billion in fiscal year 1986, increased to $54.2 billion in 1995 and to nearly $60 billion in fiscal year 1996. We also consistently export more agriculture commodities and food products than we import.

A recent USDA Agricultural Outlook publication projected ''robust growth'' in global demand for agricultural products in international commodity markets through the year 2005. It also predicted that U.S. high-value agricultural exports will continue to show strong growth, generally outpacing bulk exports and accounting for a growing share of U.S. farm exports.

Every state in the I–69 Trade Corridor exports agricultural products and commodities, sharing in export-generated employment, income, and rural development. These exports generate economic activity in the non-farm economy as well. USDA estimates that each $1.00 received from agricultural exports in 1995 stimulated another $1.38 in supporting activities to produce those exports generating an estimated 895,000 full-time civilian jobs, including 562,000 in the non-farm sector.

Trends in agriculture exports and the potential for their growth suggest that additional investment in transportation resources, particularly in the I–69 Trade Corridor, will provide a favorable return to the economies of all the States and communities along the route.

Madam President, I commend the members of the Committee on Environment and Public Works who have worked hard to provide more funding for our transportation needs and to ensure a more equitable distribution of funds to the States, and I especially congratulate, our distinguished majority leader for his effective leadership in helping to produce a good and fair bill. This bill ought to receive an overwhelming vote of approval.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR COLLINS' GOLDEN GAVEL AWARD

Mr. LOTT. Madam President, today I have the pleasure to announce that Senator SUSAN COLLINS of the great State of Maine, the current Presiding Officer, is the latest recipient of the prestigious Golden Gavel Award.

Since the 1960s, Senators who preside over the Senate in excess of 100 hours are recognized with the Golden Gavel. The Golden Gavel has long served as a symbol of appreciation for time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

With respect to this particular Presiding Officer, two words describe Senator COLLINS as she presides over this Chamber: reliable and punctual. Senator COLLINS takes her presiding responsibilities seriously and is someone who can always be counted on to serve. We now take the opportunity to extend our thanks to her for her commitment to the fine way in which she presides.

I must say, she has received one of the highest compliments that can be received from the Senate itself. Senator BYRD has commented about what a good job she does in the chair and that she presides fairly and she pays attention to what the Senators are saying.

I congratulate her and thank her on behalf of the U.S. Senate for her time.

(Applause, Senators rising.)

Mr. BAUCUS. Will the leader yield?

Mr. LOTT. I will be glad to yield.

Mr. BAUCUS. I agree with the leader's comments and observations with respect to the current Presiding Officer. In the few times I have been on the floor—and certainly during this last week of managing this bill—she has often been the Presiding Officer. And she smiles.

Mr. LOTT. Sometimes that is hard to do.

Mr. BAUCUS. Yes. Not all Presiding Officers smile. I don't know why she is smiling, if it is in agreement or whatever, but she certainly is engaged. It is a very refreshing continence and demeanor compared to a lot of Presiding Officers.

I also very much congratulate her and agree with the leader's comments.

Mr. LOTT. Thank you.

Mr. CHAFEE. Will the majority leader yield?

Mr. LOTT. Yes.

Mr. CHAFEE. I share those sentiments. I have noticed that the Presiding Officer who is in the seat now, the distinguished Senator from Maine, as you say, follows the debate. Now, she may be thinking about something else, but you wouldn't know it, and, as a matter of fact, she has indicated approval of many of the things I have said, at least it looks that way.

So I think it is wonderful that she has won this great award. I hope she will not give up now. What can she aspire to? How are we going to keep her in this chair?

Mr. BAUCUS. Give her a second one.

Mr. LOTT. Make her a permanent one, except when, of course, Senator THURMOND is available.

I thank the Senator for his comments.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LOTT. Madam President, I ask unanimous consent that the cloture vote scheduled to occur today now occur at a day and time to be determined by the majority leader after notification of the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I further ask unanimous consent that all first-degree amendments, as provided under rule XXII, now be filed up to 4 hours following the cloture vote and second-degree amendments to be filed within 24 hours after the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Now, to explain briefly just what we have done, and it is with the concurrence of the Democratic leader and the managers of the legislation. I do feel that we should get cloture. We should begin to move toward a defined list of amendments and try to bring this very important legislation to a conclusion.

But the biggest complicating factor we have right now is that the titles from the Banking Committee and Finance Committee have not been offered and have not been adopted. I hope now that the two chairmen of those committees will be prepared, later on today or tomorrow, to have those titles included and will give the managers more time to work with Senators who still have some questions that need to be answered. So it seemed, after talking with Senator DASCHLE, Senator BAUCUS, and Senator CHAFEE that it was the proper thing to do at this time.

But let me say, again, we need to begin to think about what are the important amendments; how do we bring this matter to a conclusion. I had indicated last week that it might be necessary, if we cannot find some way to begin to bring it to a close by Wednesday, for us to begin to think about Thursday, Friday, Saturday, and Sunday sessions. I know that a lot of Senators have conflicts and would prefer that we not do it that way. But we will need everybody's cooperation in order to avoid that.

This is Monday. I have faith that we are going to make progress this afternoon and tomorrow. And we will do another assessment then about exactly when we have this cloture vote. I remind Senators that we do have a recorded vote scheduled at 5:30, after 20 minutes of debate on the Intelligence Disclosure Act.

I yield the floor, Madam President.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the majority leader for his efforts in helping us move this bill very expeditiously. He very graciously decided to vitiate the cloture vote that was otherwise scheduled today in an effort to speed up the passage of a couple of the titles of the bill, particularly the Finance and the Banking Committee portions.

I pledge my cooperation—I know I speak for Senator CHAFEE—in trying to work this bill through as quickly as we possibly can because we have to get this thing enacted into law—the current extension expires—so people——

Mr. LOTT. The first of May.

Mr. BAUCUS. Right—can get their dollars spent on the highway programs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, what is the pending business?

CLASSIFIED AND RELATED INFORMATION DISCLOSURE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1668, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1668) to encourage the disclosure to Congress of certain classified and related information.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There will now be 20 minutes of debate on the bill, equally divided, with no amendments or motions in order.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise today to urge my colleagues to support the passage of S. 1668, the Disclosure to Congress Act of 1998.

This legislation directs the President to inform employees of the intelligence community that they may disclose information, including classified information, to an appropriate oversight committee of Congress when that information is evidence of misconduct, fraud, or gross mismanagement.

The committee is hopeful that this legislation will also encourage employees within the intelligence community to bring such information to an appropriate committee of Congress rather than unlawfully disclosing such information to the media, as happens from time to time.

It is imperative that individuals with sensitive or classified information about misconduct within the executive branch have a ''safe harbor'' for disclosure where they know the information will be properly safeguarded and thoroughly investigated.

Further, employees within the intelligence community must know that they may seek shelter in that ''safe harbor'' without fear of retribution.

It is not generally known that the Whistle Blower Protection Act does not cover employees of the agencies within the intelligence community.

The whistle blower statute also expressly proscribes the disclosure of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

In other words, classified information is not covered by the current whistle blower statute.

Therefore, employees within the intelligence community are not protected from adverse personnel actions if they choose to disclose such information to Congress.

In fact, an employee who discloses classified information to Congress without prior approval is specifically subject to sanctions which may include reprimand, termination of a security clearance, suspension without pay, or removal.

Last year, the Senate Select Committee on Intelligence reported the Intelligence Authorization Act for Fiscal Year 1998 which included section 306, a provision with language similar to the bill before you.

Section 306, however, was much broader than the language in this bill because it directed the President to inform all executive branch employees that it would not be contrary to law, regulation, executive order, or public policy to disclose certain information, including classified information, to an appropriate committee or their own Member of Congress.

The Senate passed that bill by a vote of 98 to 1.

Shortly after the Senate vote, the administration issued a Statement of Administration Policy claiming that section 306 was unconstitutional and that if it remained in the bill, in its present form, senior advisers would recommend that the President veto the bill.

Last year, in conference, members of the House Permanent Select Committee on Intelligence also expressed concern over the constitutional implications of section 306.

Our House colleagues were also mindful of the administration's veto threat as expressed in the Statement of Administration Policy.

In response to their concerns, the Senate offered an amendment that significantly narrowed the scope of the provision to cover only employees of agencies within the intelligence community, as does this bill.

The amendment offered in conference further narrowed the provision by allowing disclosure only to committees with primary jurisdiction over the agency involved.

In deference to our colleagues' concerns, however, our committee agreed to amend the provision to express a sense of the Congress that the Congress and executive branch have equal standing to receive this type of information.

In conference, members of both committees committed to hold hearings in the second session of the 105th Congress with the intent to fully examine the constitutional implications to such legislation and to pursue appropriate legislative remedy.

Our committee fulfilled our obligation by holding hearings on February 4 and 11.

The committee heard from constitutional scholars and legal experts on both sides of the issue.

An administration representative argued that section 306 and any similar language represents an unconstitutional infringement on the President's authority as Commander in Chief and Chief Executive.

The administration asserted the following:

The President as Commander in Chief, Chief Executive, and sole organ of the Nation in its external relations has ultimate and unimpeded authority over the collection, retention, and dissemination of intelligence and other national security information.

Therefore, any congressional enactment that may be interpreted to divest the President of his ultimate control over national security information is an unconstitutional usurpation of the exclusive authority of the Executive.

Finally, the Administration argues that the Senate's language vests lower-ranking personnel in the Executive Branch with a ''right'' to furnish such information to a Member of Congress without prior official authorization from the President or his designee. Section 306 and any similar provision is, therefore, unconstitutional.

The committee also heard from constitutional scholars that argued that the President's authority in this area is not exclusive.

Hence, Congress also has the authority to regulate the collection, retention, and dissemination of national security information.

Their argument was as follows:

A claim of exclusive authority must be substantiated by an explicit textual grant of such authority by the Constitution.

There is no express constitutional language regarding the regulation of national security information as it pertains to the President.

Therefore, the President's authority to regulate national security information is an implied authority flowing from his responsibilities as Commander in Chief and Chief Executive.

As the regulation of national security information is implicit in the command authority of the President, if is equally implicit in the broad array of national security authorities vested in the Congress by the Constitution. In fact, Congress has legislated extensively over a long period of time to require the President to provide such information to Congress.

Therefore, Congress may legislate in this area because the Executive and Legislative Branches share constitutional authority to regulate national security information.

This legislation is also constitutional because it does not prevent the President from accomplishing his constitutionally assigned functions and any intrusion upon his authority is justified by an overriding need to promote objectives within the constitutional authority of Congress.

The committee found the latter argument to be persuasive and determined that the Administration's intransigence on this issue compelled the committee to act.

The bill before you is a modified version of section 306, but still directs the President to inform employees and contractors of the covered agencies that it is not prohibited by law, executive order, or regulation to disclose to the appropriate committee, information that the employee reasonably believes to provide direct and specific evidence of, one, a violation of any law, rule, or regulation; two, a false statement to Congress on an issue of material fact; three, gross mismanagement, a gross waste of funds, a flagrant abuse of authority, or a substantial and specific danger to public health or safety.

This bill is intended to ensure that members receive information only in their capacity as a member of the committee concerned.

The committee fully appreciates the need to protect national security information, particularly information that might reveal sensitive intelligence sources and methods.

Therefore, it is critical that classified information received by a member of one of the appropriate committees be protected in accordance with that particular committee's rules.

The Intelligence Committee, for example, must follow a very strict procedure before any classified information could be disclosed to the public.

Accordingly, a member is not free to accept classified information as a member of a committee unrestrained by such rules or to withhold knowledge of the information from the committee's leadership.

When individual Members are entrusted with classified information, they may not pick and choose what role they wish to play in an attempt to circumvent their responsibility to safeguard our nation's secrets. We cannot disregard our obligations, under Senate rules, in order to serve our own political interests.

If a Senator is not a member of one of the applicable committees and is approached by an employee from the intelligence community, it is the hope of the Intelligence Committee that the member would direct the employee to the appropriate committee so that the employee would enjoy the full protection of this legislation.

The various national security committees enjoy a long history of trust with the executive branch and this bill is intended to prevent a member or members from inadvertently or intentionally spoiling that record.

This bill further directs the President to inform such employees that members of the appropriate committees have a ''need to know'' and are authorized to receive such information.

This language is consistent with the argument propounded by the administration in a brief that it filed in the Supreme Court in 1989, namely that

. . . the president has uniformly limited access to classified information to persons who have a need to know the particular information, such as a congressional committee having specific jurisdiction over the subject matter.

There is no question that the appropriate committees need this type of information to effectively perform their oversight responsibilities and the administration seems to agree that these committees have a ''need to know.'' Our only disagreement is over the means by which this type of information is brought to the attention of Congress.

In accordance with Executive Order No. 12,958, classified information must remain under the control of the originating agency and it may not be disseminated without proper authorization.

Consequently, an executive branch employee may not disclose classified information to Congress without prior approval. In fact, employees are advised that the agency will provide ''access as is necessary for Congress to perform its legislative functions. . . .''

In other words, an executive agency will decide what Members of Congress may need to know to perform their constitutional oversight functions.

We believe that Members of Congress are best positioned to decide what they need to know.

If an employee must secure prior authorization before they can bring evidence of wrongdoing to an appropriate committee, we may never get the opportunity to make that assessment.

Therefore, this legislation is critical if we are to effectively discharge our constitutional obligations.

I urge my colleagues to support this bill as they did last year and send a clear message to the President that the United States Congress will not be subject to the whims of a Chief Executive that may wish to withhold evidence of wrongdoing in the name of national security.

Mr. President, before I yield the floor, I send to the desk a Congressional Budget Office cost estimate for S. 1668, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1668

A BILL TO ENCOURAGE THE DISCLOSURE TO CONGRESS OF CERTAIN CLASSIFIED AND RELATED INFORMATION—AS REPORTED BY THE SENATE SELECT COMMITTEE ON INTELLIGENCE ON FEBRUARY 23, 1998

The bill would require the President to inform certain federal employees and contract employees that they may disclose classified and unclassified information to Congressional oversight committees if they believe the information provides direct and specific evidence of wrongdoing. CBO estimates that the costs of implementing S. 1668 would not be significant because the number of employees covered by the bill would be small and the cost associated with each notice would be minimal. Because the legislation would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not affect the budget of state, local, or tribal governments.

The CBO staff contact for this estimate is Dawn Sauter, who can be reached at 226–2840. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I rise in strong support of S. 1668, a bill to require the President to inform Executive Branch employees it is legal for them to bring information to Congress regarding wrongdoing, even if the information has been classified by an Executive Branch official.

Some of my colleagues may be surprised that the Intelligence Committee, which reported this bill after long discussion and study, finds such legislation necessary. Members are aware that the principle of a government employee's right to directly inform Congress has been in statute for eighty six years, and was reinforced in this decade by the Whistleblower Protection Act. What may be less well known is that the Whistleblower Protection Act specifically exempts the principal agencies of the Intelligence Community from the requirements of that law. In addition, successive administrations have held that where classified information of wrongdoing is concerned, Executive Branch officials will decide what portion of the information will be shared with Congress, and how, when, and with whom in Congress it will be shared. The Administration believes the control of classified information lies solely with the President and his designees. They base this belief on the President's role as Commander in Chief.

In current practice, an employee of the Executive Branch with classified information about wrongdoing has the option of informing his or her superior, or the inspector general of the department or agency. The employee also has the option of making a report to the Attorney General. In my view, this is insufficient. Members, especially those who have served on the Armed Services Committee or the Intelligence Committee, can visualize cases in which the classified information of wrongdoing is so sensitive that an employee will fear to take any of the avenues now available. He or she may fear for their career if they inform their boss or their Inspector General prior to informing Congress. In some rare circumstances they might even fear for their safety. Yet today such employees have no other legal recourse.

The ability of government employees to bring information to Congress should be our first concern in this matter. But we should also be concerned about the rights of Congress and the ability of Congress to do the job the Constitution requires. Congress also has important national security responsibilities.

Congress, not the President, raises armies and maintains navies. Congress, not the President, calls out the militia. Congress, not the President, declares war. Congress therefore has the right to national security information, and in fact Congressional committees in the national security and foreign policy fields have been successfully working with and storing this information for many years. In addition, Congress' annual responsibility to authorize and appropriate funds for national security and foreign policy purposes, and its continuing responsibility to oversee how those funds are spent, gives Congress a need to know which justifies its access to information. For these reasons, the Administration's arguments for their exclusive control over classified information ring hollow. I should add that according to CIA Director Tenet, Congress does a better job keeping the secrets entrusted to it than does the Executive Branch. So an argument that Congress should not be trusted with sensitive information is baseless.

Mr. President, I recognize the Administration argument is based on a requirement, as they see it, to defend Presidential prerogatives. In fact, the Clinton Administration has been more open in informing Congress on intelligence matters, including instances of wrongdoing, than any of its predecessors. Some Administration of the future might classify a report to deny Congress the facts, but not this one. So my support for this legislation is not based on concern about a particular Administration. It is based on my concern for the ability of government employees to inform Congress, and on the ability of Congress to play its role in keeping America safe. Given the responsibilities of Congress and its record in keeping classified information secure, there is no reason why whistleblower protection statutes should not also apply to classified information. In voting for this bill, my colleagues are voting for their own right to do their job.

Mr. President, I yield such time as is necessary to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank the Senator from Nebraska for yielding.

Mr. President, there is nothing more fundamental to a democratic government than the oversight of executive responsibility by the Congress. It is, indeed, the essence of an accountability of power that this Congress has access to information and the people who hold it. That exercise of congressional power requires the truthful testimony of personnel in the executive branch of the Government. In no area is this more important than in issues of national security, because, ultimately, it is this Congress that holds the power of war and peace and the responsibility to raise funds for the national defense. But in recent decades, the intelligence agencies of this Government have become the exception in this accountability of power—an exception by statute in the Whistle Blower Protection Act and, perhaps more fundamentally, by the culture of governance in the Government itself.

Tragically, one of the best examples was a former assistant in the Latin American Bureau of the State Department, Richard Nuccio, who came to me, as a Member of the House of Representatives, to report what he believed to be illegal activity. At the time, I served as a member of the Intelligence Committee of the House of Representatives. What Mr. Nuccio imparted to me was criminal conduct. Information that, by statute, was to be reported to the Intelligence Committee had been omitted. In the months and years that followed, the President of the United States expressed outrage. The Central Intelligence Agency conducted an investigation and the rules were changed. Mr. Nuccio paid a price with his intelligence clearance, and ultimately with his career. It appeared that no real lesson had been learned at all.

Last year Senator SHELBY and Senator KERREY provided real protection to executive employees if they come to this Congress with the truth. I have rarely been prouder of two Members of this institution, nor more disappointed in the President of the United States. He threatened to veto the change.

Mr. President, I rise because I am extremely grateful to Senator SHELBY and Senator KERREY for their leadership. Indeed, they were joined by all 19 members of the committee. As a result, I believe that the intelligence community not only will not be weakened, but it will be strengthened. The best protection against abuse of their authority or, indeed, violations of the law, is the knowledge that Federal employees will be protected if they come to this Congress to report such activities.

The occurrence of illegal acts will not be concealed by classifying them or by carefully omitting them in a notification requirement of this Congress.

The best means I know is assuring the intelligence community that it retains the confidence of this Congress and our people.

This legislation is a real contribution to this Congress. Mostly it is a real contribution to the accountability of power that is so important in our democratic system.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes 30 seconds.

Mr. SHELBY. How much time remains for the other side?

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute 8 seconds.

Mr. SHELBY. Mr. President, I yield our time, and I understand the Senator from Nebraska does also.

Mr. KERREY. Mr. President, I ask unanimous consent to yield the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the role.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. GLENN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—93

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bennett	Gramm	Moseley-Braun
Biden	Grams	Moynihan
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Breaux	Hagel	Nickles
Brownback	Harkin	Reed
Bryan	Hatch	Reid
Bumpers	Helms	Robb
Burns	Hollings	Roberts
Byrd	Hutchinson	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Collins	Jeffords	Sessions
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (NH)
Craig	Kennedy	Smith (OR)
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Landrieu	Thompson
Dorgan	Lautenberg	Thurmond
Enzi	Levin	Torricelli
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone

NAYS—1

Cleland

NOT VOTING—6

Boxer	Durbin	Leahy
Coats	Glenn	Wyden

The bill (S. 1668) was passed, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the covered agencies, and employees of contractors carrying out activities under classified contracts with covered agencies, that—

(A) except as provided in paragraph (4), the disclosure of information described in paragraph (2) to the individuals referred to in paragraph (3) is not prohibited by law, executive order, or regulation or otherwise contrary to public policy;

(B) the individuals referred to in paragraph (3) are presumed to have a need to know and to be authorized to receive such information; and

(C) the individuals referred to in paragraph (3) may receive information so disclosed only in their capacity as members of the committees concerned.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to provide direct and specific evidence of—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, a flagrant abuse of authority, or a substantial and specific danger to public health or safety.

(3) COVERED INDIVIDUALS.—The individuals to whom information described in paragraph (2) may be disclosed are the members of a committee of Congress having as its primary responsibility the oversight of a department, agency, or element of the Federal Government to which such information relates.

(4) SCOPE.—Paragraph (1)(A) does not apply to information otherwise described in paragraph (2) if the disclosure of the information is prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

(c) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect any reporting requirement relating to intelligence activities that arises under the National Security Act of 1947 (50 U.S.C. 401 et seq.) or any other provision of law.

(d) COVERED AGENCIES DEFINED.—In this section, the term ''covered agencies'' means the following:

(1) The Central Intelligence Agency.

(2) The Defense Intelligence Agency.

(3) The National Imagery and Mapping Agency.

(4) The National Security Agency.

(5) The Federal Bureau of Investigation.

(6) Any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is it in order for me to proceed for 2 minutes as in morning business?

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONGRATULATING DR. BILL FELDMAN, THE NASA TEAM AND LOS ALAMOS NATIONAL LABORATORY

Mr. DOMENICI. Madam President, last Friday, the front page of the Washington Post discussed solid new evidence for water at the poles of the Moon. That news may have great implications for future lunar colonies. With costs around $10,000 per pound just to put material in orbit around the earth, this discovery could tremendously reduce costs for future manned lunar bases. Future lunar camps may be able to extract their water supplies, rather than hauling water with them. The whole NASA team deserves many compliments for their efforts leading up to this exciting news.

I want to commend to your attention the role that New Mexico's Los Alamos National Laboratory, in partnership with the Southwest Research Institute, played in this momentous announcement. Los Alamos designed the neutron spectrometer aboard the Lunar Prospector that enabled these exciting measurements.

The neutrons studied by the instrument come from natural cosmic rays that constantly bathe the moon. The neutrons are then slowed by interactions with hydrogen in water. The spectrometer detects the energy of neutrons leaving the lunar surface.

The complexity of designing instrumentation and actually obtaining the data for a mission like this is immense. For Lunar Prospector, the instrumentation not only had to survive launch, but also the four and a half day trip to the moon, and the insertion into lunar orbit.

Bill Feldman is the Los Alamos project leader for the Los Alamos instrumentation package. Feldman has experienced both the ecstasy of a successful mission and the agony of a failed one. He had instrumentation for mapping Martian water on the failed Mars Observer mission in 1993.

The neutron spectrometer used for this mission builds on a 35 year history at Los Alamos of designing instruments for non-proliferation programs. Feldman's work on neutron spectrometers in space traces back to the Army Background Experiment, that he helped conduct in 1990, that measured the energies of neutrons encountered in orbit.

For events like the Mars Observer or the Lunar Prospector, the team has to find ways to carefully check out their instruments. Sometimes those approaches are almost as daunting as the actual mission. For example, Feldman and his colleagues traveled to Antarctica where they took more than a ton of dirt and a detection package about 19 miles high on a balloon to see how cosmic rays would interact with the materials to provide practice for later real observations.

Secretary of Energy Peña sent a nice note to Dr. Feldman and his team that I will read:

Congratulations to you and your team of researchers that helped make possible this week's announcement that the Lunar Prospector has found evidence of water on the Moon. These exciting results show that research from the Department of Energy's national laboratories is truly ''out of this world.'' Besides demonstrating the value of the Nation's investment in science and technology, discoveries like this excite and inspire young people to pursue science and engineering as careers.

Secretary Peña said it well. I add my congratulations in celebrating another momentous achievement from New Mexico and our national Laboratory in Los Alamos.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the mass transit programs of the Federal Government, and for other purposes)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1931 to amendment No. 1676.

Mr. D'AMATO. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. D'AMATO. Madam President, I rise today to offer an amendment which will reauthorize the mass transit program under ISTEA.

First of all, I thank my colleagues for the many months of negotiations and hard work necessary to produce this breakthrough agreement which has resulted in the amendment that we have offered.

What I intend to do is just briefly give an outline and, hopefully, with the concurrence of the majority leader and other Members, we will take this matter up for fuller discussion and consideration tomorrow morning. But let me first thank the ranking member on the Banking Committee for his support during this very difficult time. Senator SARBANES has been steadfast in his support and in his approach to working out a balanced transit package.

Let me also thank the chairman of the Budget Committee, Senator DOMENICI, for without him and his ability to see that the levels of increase can be accommodated in the budget, we would have no opportunity of going forward.

Then, of course, there is my friend and colleague, the senior Senator from New York, Senator MOYNIHAN, and his steadfastness in helping to achieve this balance.

In total, our amendment will authorize $41.3 billion for mass transit over the next 3 years. That represents a 30-percent increase from the $31.5 billion authorized in the 1991 ISTEA bill. Our amendment provides for funding levels that are $12.6 billion over the administration's NEXTEA proposal.

The amendment will also provide $5 billion more than the Banking Committee bill reported out by a 17-to-1 margin last September. We have been able to achieve this increase thanks to a bipartisan coalition of 24 Senators, including our present Presiding Officer. I thank the Senator from Texas for her graciousness and for her support, because I think it is a recognition of the growing needs of mass transit.

Madam President, I ask unanimous consent to have printed in the RECORD a letter to the majority and minority leaders which was signed by this bipartisan coalition requesting an increase in mass transit funding.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 24, 1998.

Hon. TRENT LOTT,
Russell Senate Office Building,
Washington, DC

Hon. TOM DASCHLE,
Hart Senate Office Building,
Washington, DC

DEAR SENATOR LOTT AND SENATOR DASCHLE: We write to express our support for mass transit funding adequate to meet the nation's growing public transportation needs. While we wish to honor the 1997 Balanced Budget Act, we are convinced that the nation's mass transit needs are not being addressed. As strong supporters of investment in mass transit, we want to underscore our view that any additional surface transportation spending agreed to in the Budget Resolution or subsequently in ISTEA must reflect the historic balance between transit and highways.

Mass transit provides an indispensable service to communities all across the country—in major metropolitan areas, small cities and suburbs, and rural regions. It fosters economic development, offers mobility for working Americans, reduces congestion and improves air quality. Moreover, mass transit supports the transportation needs of our nation's elderly, persons with disabilities, transit-dependent populations and the economically disadvantaged. Millions of Americans use mass transit every day. As demand for more and better transit service soars, we in Congress must help all regions of the country meet those needs.

We are committed to assuring that any efforts to increase federal investments in transportation apply equitably to both mass transit and highway programs. Transit must receive its fair share under any transportation funding proposal under consideration. Maintaining the program balance so carefully crafted in ISTEA will ensure that adequate resources are available to address the nation's surface transportation needs into the next century.

We look forward to working with you to advance a balanced transportation investment policy that meets our nation's transit and highway needs.

Sincerely,

Alfonse D'Amato, Ted Kennedy, Paul Wellstone, Jack Reed, Richard H. Bryan, Daniel Moynihan, Chuck Robb, Chris Dodd, Paul Sarbanes, Dick Durbin, Arlen Specter, Robert G. Torricelli, Rick Santorum, Harry Reid, Barbara Boxer, John F. Kerry, Frank R. Lautenberg, Barbara A. Mikulski, Joseph Lieberman, Carol Moseley-Braun, Robert F. Bennett, Ron Wyden, and Mary Landrieu.

Mr. D'AMATO. Madam President, these additional funds will benefit transit operators of all sizes in both urban and rural areas, and in order to meet the new demands for bus and rail systems across the Nation, half the increase—$2.5 billion—will be spent only on new starts. The rural transit program will enjoy a $354 million increase over the amount authorized in the 1991 ISTEA bill.

Over the last 15 years, transit funding has remained relatively flat while highway funding has soared. In 1982, the Federal Government spent $4 billion on mass transit and $9 billion on highways. In 1998, the Government will spend $4.8 billion on transit while spending has grown to $23 billion.

Meanwhile, the demands for transit funding have grown exponentially. Communities in high-growth cities are facing problems of traffic congestion and poor air quality while older transit cities, such as New York and Chicago, need additional funds to maintain and improve transit service. With this increase in mass transit funding, we can now address many of these needs.

More than 80 million Americans, almost one-third of the U.S. population, cannot drive or do not have access to a car. For these people, mass transit is usually the only means of transportation available. The Nation's 32 million senior citizens and 24 million people with disabilities require reliable, safe public transportation service to maintain their independence.

According to the Federal Transit Administration's annual report, U.S. businesses would lose $15 billion a year because of highway traffic congestion if all U.S. transit commuters drove to work instead. More than half of all transit trips are work trips, and people who use transit come from every income level and demographic background.

Federal transit programs benefit communities of all sizes across the Nation. Today, rural transit carries riders more than a billion miles every year. Rural areas have a higher percentage of elderly and disabled populations who are increasingly dependent on mass transit for basic transportation needs.

Madam President, in closing, I thank the chairman of the Environment and Public Works Committee, Senator CHAFEE.

Mr. SARBANES has been a steadfast ally in these negotiations.

And, once again, without the cooperation of my Budget Committee

chairman, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, we never would have come to this point.

I ask unanimous consent to have printed in the RECORD a proposed summary of the amendment, for those Senators and staffs who wish to review the amendment.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF D'AMATO-SARBANES AMENDMENT FEDERAL TRANSIT ACT OF 1997

Section 1. Short Title and Table of Contents
Section 2. Authorizations

The bill authorizes a total of $41.3 billion for federal transit programs over the 6 year period from FY 1998 to 2003. This represents a $9.8 billion increase (31%) over ISTEA authorizations of $31.5 billion.

$36.3 billion of $41.3 billion total was authorized in the Banking Committee bill. S. 1271, while $5 billion comes from the ''Transportation Equity Act'' negotiated with Sen. Domenici et al.

Section 3. Capital Projects and Small Area Flexibility

Expands definition of capital to include preventive maintenance, leasing, intelligent transportation systems, deployment of new technology and joint development activities.

Allows small urbanized areas (50,000 to 200,000 population) to use their funds for operating or capital, as rural areas now do.

Section 4. Metropolitan Planning

Modifies current planning requirements similar to the Senate highway bill recently reported by the EPW Committee, and makes other changes.

Section 5. Metropolitan Planning Organizations

Requires MPOs in transportation management areas designated after 1991 to include a representative of transit users.

Section 6. Farebox Revenues

Allows proceeds from farebox revenue bonds to be used as the local share for financing capital projects.

Section 7. Clean Fuels Program

Creates a new Clean Fuels formula grant program to assist transit systems in purchasing low emissions vehicles and related equipment. Participation is voluntary and the federal share is 80%. Funds are provided separately for large and small areas, with a cap on what any one recipient can receive. Eligible technologies may include compressed natural gas, hybrid electric, biodiesel and other clean technologies.

Section 8. Capital Investment Grant and Loans

Extends current 40/40/20 split between Discretionary grants for New Starts, Bus and Fixed Guideway Modernization projects.

Section 9. Transit Supportive Land Use

Adds benefits of transit-oriented land use to the factors to be considered by the Secretary in reviewing New Starts projects.

Section 10. New Starts

Limits the amount of New Starts funding that can be used for other than final design and construction to 8 percent.

Section 11. Joint Partnership for Deployment of Innovation

Permits FTA to join with a consortia of public and private organizations to undertake research and deploy new transit technology.

Section 12. Workplace Safety

Provides additional funding to the National Mass Transit Institute to provide workplace safety training to public transit employees.

Section 13. University Transportation Centers

Restores current law regarding University Transportation Centers, repeals change by Senate Highway bill reported by EPW Committee.

Section 14. Job Access Grants

Authorizes $100 million per year for a new ''Job Access Grants'' program to assist welfare recipients and other low-income individuals get to and from jobs.

Section 15. Grant Requirements

Conforms transit grant requirements to match those under the Federal highway program.

Section 16. HHS and Public Transit Service

Requires coordination of Human Service Agency transportation providers and public transit systems to improve efficiency.

Section 17. Proceeds from the Sale of Transit Assets

Permits a transit recipient to sell an asset purchased with federal funds and retain the proceeds as long as the proceeds are used for mass transit purposes.

Section 18. Operating Assistance for Small Transit Systems in Large Urbanized Areas

Requires large urban areas to consider the impact of any operating aid reductions on the smaller transit operators within the same urban area.

Section 19. Appointment of Appropriations for Fixed Guideway Modernization

Adopts the modified formula for this program as recommended by APTA. Maintains the existing distribution for the first $760 million, and allocates an increasing share of program growth to newer rail systems.

Section 20. Urbanized Area Formula Study

Requires the Secretary to study the current urbanized area formula to determine whether changes are needed to reflect the fact that some small urban areas under 200,000 population carry more passengers per mile or hour than larger systems over 200,000 population.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I rise today in support of S. 1173, the highway reauthorization legislation currently pending before the Senate. Passage of this ISTEA legislation will be very beneficial to the people of my State and to Maine's economy.

Before beginning my remarks tonight, I commend the distinguished managers of this comprehensive legislation, Senator JOHN CHAFEE and Senator MAX BAUCUS. They have worked diligently to produce a broad, bipartisan consensus for this complicated 6-year reauthorization bill. I commend them for their efforts today, and I look forward to working with them as this legislation continues to move through the Senate, be passed by the House, be reconciled in conference and ultimately to be signed into law by the President.

The State of Maine has 1.2 million people. They are spread out across roughly 34,000 square miles. Our State has, by far, the lowest population density in all of New England. Consequently, continuing to improve and upgrade our roads, our highways, our bridges is essential to Maine's future prosperity.

Studies have shown that roughly 80 percent of all economic development occurs within 10 miles on either side of our interstate highway. Thus, the expansion and improvement of our transportation system are vital to increasing job opportunities for all the citizens of our State.

From Maine's perspective, the 1998 ISTEA legislation builds upon the successes of the 1991 law and will continue to provide Maine with needed funding to build, repair, and maintain our surface transportation system into the 21st century.

Madam President, Maine, like other northeastern States, is facing an aging transportation infrastructure. It requires maintenance, rehabilitation, and in some cases outright replacement. S. 1173, as amended, would provide Maine with vitally needed funds for transportation. It would provide a much-needed boost in the funding that would go to my State.

Under the 1991 ISTEA law, Maine received approximately $118 million in annual highway funding. With the adoption of the amendment worked out by the Senator from Rhode Island last week, which I strongly supported, this legislation will now authorize $144 million in transportation spending for Maine annually.

This, Madam President, is good news for our State. It represents a 22 percent increase over the average of the State under the 1991 law. Clearly, this increase will be very beneficial for the people of Maine. The ability of the economy of Maine to grow and offer new and exciting job opportunities to its people is directly related to the quality and the availability of our transportation system. In addition, the higher funding levels should enable the State to pursue some very high-priority transportation projects over the next 6 years.

For example, Madam President, as a native of Aroostook County, I have long been a strong supporter of a four-lane, limited-access highway project in Aroostook County. We need such a highway—all the way from Houlton to Fort Kent—and I am committed to doing everything possible to assist in this vital effort. The higher funding levels authorized by this legislation should enable the State of Maine to continue moving this vitally important project forward by completing the next stage, the environmental studies.

Another important transportation project for Maine will be the efforts to improve our roads and highways that cross the State in an east-west direction. There is also considerable interest in the State in undertaking studies to look at constructing an east-west highway to improve trade and opportunity throughout the State.

In recent years, the prospect of an east-west highway has been getting more and more attention, and the increased highway funding contained in

the legislation before us today will assist the State in exploring this exciting new opportunity. Madam President, the ISTEA legislation will also help the State of Maine with other important priorities, such as replacing aging bridges, developing our cargo ports, and improving critical economic corridors throughout the entire State.

These suggest a few of the very important transportation projects that the State of Maine can and should consider moving forward with just as soon as this Congress completes action on the long-term surface transportation reauthorization.

Madam President, the ISTEA legislation will help Maine and its people maintain and develop a transportation system that will meet the challenges of the future. Again, I commend the distinguished managers of this bill for all of their hard work, and I am very pleased to support their efforts in passing this much needed and vitally important legislation.

I thank you, Madam President, and I yield the floor.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MELVIN R. LAIRD

Mr. WARNER. Mr. President, the Melvin R. Laird Center, a medical research facility, was recently dedicated in Marshfield, Wisconsin. The event brought together political notables from both parties, past and present. Former-President Gerald Ford delivered, what I believe, is one of his finest speeches of his long career of service to the public.

Although Mel Laird may be best remembered for his service as Secretary of Defense during a turbulent period of the Vietnam war, when it was my privilege to serve in the Navy Secretariat, he devoted a full lifetime of public service in the course of improving quality of life in medical fields. This chapter of public service must be made permanent, so I ask unanimous consent to have printed in the RECORD President Ford's Remarks about this medical facility—an institution to which Mel Laird gave a full measure of devotion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESIDENT FORD'S REMARKS, SEPTEMBER 12, 1997, THE LAIRD CENTER DEDICATION

Thank you, Bob, for that most generous introduction. What an honor to participate in this special tribute to a very special, extraordinary friend. I'm loath to refer to Mel as an elder statesman—if only because of something Harry Truman once said. Candid as ever, Mr. Truman defined a statesman as a politician who has been dead for twenty years.

Perhaps in this case it would be more accurate to say that Mel has been out of active, visible politics for twenty years. But that hasn't prevented Henry Kissinger, Bob Michel, John Rhodes, Governor Nelson, Larry Eagleburger, or David Broder from assembling here to honor Mel for his outstanding service in the U.S. Navy and the Wisconsin legislature—on Capitol Hill and at the Pentagon. In the words of Readers Digest, I regard Mel Laird as one of the most unforgettable characters I have ever met!

I've just come from a private tour of the new Laird Center, which enabled me to see firsthand the pioneering application of molecular genetics to the field of preventive medicine. Needless to say, Mel, you should be very, very proud of this state of the art facility that bears your name. The Center is a magnificent tribute in brick and mortar. But it is much more than that. It is also a dynamic institution whose greatest benefits will accrue to generations yet unborn.

I can't help but reflect, Mel, on how proud John Fogerty, your partner in providing health are funds in the annual Labor, Health, Education and Welfare Appropriations Bill, would be—both of you and of the Center here in Marshfield.

As you all know, age has its privileges, among them the chance to wax nostalgic from time to time. I can hardly believe that over forty years have passed since our first meeting, Mel. It was January 3, 1953, the day you were sworn in as a freshman in the House of Representatives.

I can't honestly say that I was surprised at your swearing in by Speaker Sam Rayburn in the House Chamber. Several months earlier, members of the Wisconsin delegation had tipped me off to an outstanding State Senator from the Marshfield area whom they were convinced would be elected to the House in November 1952.

Come Election Day their prophecy was emphatically confirmed by voters. For Mel it was the first of nine such triumphs at the polls. Over the next sixteen years he more than lived up to his advance billings. From the outset, Marshfield's favorite son was a highly effective member of the House Committee on Appropriations. As the senior Republican on the HEW Subcommittee, he won the respect and confidence of members on both sides of the political aisle.

Long before today's talk of a health crisis in America, Mel Laird was legislating in hopes of averting a crisis. Having served with John and Mel on the House Committee on Appropriations, I think it's no exaggeration to call the period from 1953 through 1969 the Fogerty/Laird Years. Certainly their influence on the NIH was pivotal as they oversaw a vast expansion of American health research programs and facilities. At least five Secretaries of HEW know of Mel's constructive impact on rural health care delivery systems. They know, because he brought them to Marshfield to see for themselves the Clinic's tremendous programs for a major area in Wisconsin.

Of course, there were times during those years when the Republican elephant itself required a little emergency care. It will come as no surprise to his friends and neighbors that Mel was always intensely interested in electing a Republican majority in the House of Representatives. To tell the truth, I was just as interested in electing a Republican Speaker. So, in the late 1950s, when a group of so-called ''Young Turks'' joined forces to overthrow Joe Martin in favor of Congressman Charlie Halleck of Indiana, Mel and I were all for the change.

In the wake of the Goldwater debacle of 1964, history repeated itself. Only this time around, these by now ''Middle Aged Turks'' were looking for a candidate to challenge Halleck. Mel urged me to run, and thanks in no small part to his efforts, I won that election by the landslide margin of 73/67. Mel became GOP Conference Chairman. For the next four years we worked in tandem on legislative programs that helped revitalize the Republican party and elect Dick Nixon President in 1968.

I well remember a day in December 1968 when we found ourselves in Palm Springs, California, attending a Republican Governors' Conference. Walter Annenberg hosted a luncheon honoring the President-elect, at which Henry Kissinger was present as the new head of the NSC. Between the main course and dessert Nixon announced that Walter would become his Ambassador to Great Britain and Mel Laird was to be Secretary of Defense.

Mel's friends were overjoyed by his selection. Knowing of his impressive military record in the Navy in WWII and his subsequent service as one of Capitol Hill's genuine defense experts; admiring his uncommon common sense and his sound political judgment, I believed that Mel would be of enormous help to President Nixon as he struggled to find a responsible solution to the tragedy of Vietnam. No less important, I felt certain that Mel and Henry could jointly resolve that terribly difficult issue. Nixon was fortunate to have them on his team.

They can tell you, far better than I, just how the Paris Accord was achieved, followed by the withdrawal of American forces from Vietnam. Let me say this: few public servants have been so tested by events, or have so confirmed the confidence of their admirers, as Mel Laird in those days of tumult and challenge. After four arduous years at the Pentagon he tried to retire. But by then he was Washington's Indispensable Man. President Nixon immediately drafted him as a Presidential Counselor for Domestic Affairs.

In an era when the White House was tainted by scandal, Mel Laird stood out as a model of personal and political integrity. The resignation of Vice President Agnew in October 1973 touched off speculation over who Nixon might choose to replace him under the 25th Amendment. Two days after Agnew's departure Betty and I were having a quiet dinner at our home in Alexandria, Virginia, when the phone rang. It was Mel calling from the White House. He told me that the Democrat controlled House and Senate were unlikely to confirm Rockefeller, Reagan or Connally. In fact, both Speaker Albert and Senator Mike Mansfield were recommending my name as an alternative.

Mel asked whether I had any interest in the job. Frankly, his question came like a bolt out of the blue. My ambition was to be Speaker of the House, not Vice President. I told Mel that I would consult with Betty and call him back. That evening Betty and I agreed that 3½ years as Vice President would be a nice way to end my quarter century in Washington. I passed our decision onto Mel, and the rest, as they say, is history.

Of course, history doesn't stop for anyone. So let me suggest another way we could all honor our friend. This Center will perpetuate Mel's work in the health field. Wouldn't it be great if our politics today could also reflect his blend of principle and pragmatism? You might not guess it from watching The McLaughlin Group, but at heart most Americans are pragmatists. We want to make things work. We value authenticity at least as much as ideology—especially in this age when so much of what passes for American public life seems unreal if not irrelevant.

Mel will recall vividly the days when I used to play straight man to Senator Everett

Dirksen in what became known as the Ev and Jerry show. Neither one of us was bashful about criticizing the shortcomings of the Great Society. Yet our differences with the Johnson White House, however sharp they might seem at the time, were programmatic, not personal. We might question the other side's ideas, but rarely its motives and never its patriotism.

Indeed, Everett Dirksen had a great line. ''I live by my principles,'' he liked to say, ''and one of my principles is flexibility.'' Perhaps to some who are disillusioned by politicians whose only principle seems to be flexibility, Dirksen's folk wisdom may appear a cynical contradiction in terms. I didn't see it that way. As far as I'm concerned, there are no enemies in politics—just adversaries who disagree with you on this vote, and might be might you on the next one.

Moreover, I've always thought that you had to listen before you could lead. It's pretty hard to listen to each other if you're busy screaming at each other. It's even harder to hear the voice of those who sent you to Washington in the first place.

If partisan political parties are out of favor with most Americans, perhaps it's because they appear to have forgotten that ours is a representative democracy. To many voters—and even more non-voters—parties today are suspected of being decidedly unrepresentative. At worst, they appear as little more than conduits for huge amounts of special interest money.

But fundraising abuses are by no means the only cancer eating away at our democracy. Today we look with horror upon the smoke filled rooms of legend. Over the years, I've sat in more than my share of smoked filled rooms. So has Mel. I think it is fair to say, we've even inhaled from time to time.

I ask you: who is more accountable to the voters—those in the smoke filled room whose jobs depended on keeping their word—and who gave us Lincoln, both Roosevelts, Truman and Eisenhower—or the professional hired guns of today whose services are for sale, whose convictions are located in focus groups, and whose loyalty may not outlast election day?

Based on personal experience, our parties will never regain public confidence until they look beyond the consultants and the tracking polls. As President, facing a stiff challenge from the right wing of my own party in 1976, I was urged to abandon our efforts to promote black majority rule in what was then Rhodesia. Did Henry Kissinger really have to choose at the height of the Republican primary season to fly to Africa and denounce the vestiges of colonial rule?

The pre-primary Texas polls gave one answer, and individual conscience a very different one. Kissinger went, I lost a few primaries, and Rhodesia was set on the course of self-rule as the independent nation of Zimbabwe.

There are dangers that arise when any leader starts to calculate his chances at the expense of his conscience. In the high stakes game of history, only those who are willing to lose for principle deserve to win at the polls. Only those whose principles do not blind them to the search for common ground, can hope to rally a political system that was intentionally designed by the Founders to frustrate utopian reformers.

This much I know for sure: at the end of the day, no leader worth his salt will take comfort in the polls he conducted or the tactical victories he may have racked up. Anyone can take a poll. Only a leader can move a nation.

All his life, Mel Laird has given that kind of leadership—to Wisconsin, to America, to the world. As a result, no historian tracing the evolution of this country during the second half of the twentieth century will be able to overlook the life and legacy of the man from Marshfield. He remains today what he has always been—a model public servant, a can-do conservative who went into politics because he liked people even more than he distrusted bureaucrats. A man who reflects honor upon Washington and the people who sent him there. A patriot before he is a partisan.

Thank you, old friend, for all you have done for the Fords—for all you have been to Wisconsin—for all you have given to America. We are all better for having known you.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1731. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 1732. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VESTERHAVEN; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 193. A resolution designating December 13, 1998, as ''National Children's Memorial Day''; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. Con. Res. 81. A concurrent resolution honoring the Berlin Airlift; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1732. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Vesterhavet*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE VESTERHAVET

Mr. GORTON. Mr. President, I rise today to introduce a bill to grant a waiver to the Jones Act to a vessel named the *Vesterhavet* owned by Brett Snow. I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VESTERHAVET, (United States Official Number 979206).

ADDITIONAL COSPONSORS

S. 414

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 414, a bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

S. 656

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 778

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 1069

At the request of Mr. MURKOWSKI, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. REID], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1069, a bill entitled the ''National Discovery Trails Act of 1997.''

S. 1325

At the request of Mr. FRIST, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote

competition in the market for delivery of multichannel video programming and for other purposes.

S. 1530

At the request of Mr. HATCH, the names of the Senator from Oregon [Mr. SMITH] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1530, a bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1684

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1684, a bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board.

S. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. NICKLES, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New York [Mr. D'AMATO], the Senator from California [Mrs. FEINSTEIN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1724

At the request of Mr. DEWINE the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Amendment No. 1724 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 81—HONORING THE BERLIN AIRLIFT

Mr. COVERDELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 81

Whereas the date of June 26, 1998, marks the 50th anniversary of the commencement of the Allied effort to supply the people of Berlin, Germany, with food, fuel, and supplies in the face of the illegal Soviet blockade that divided the city;

Whereas this 15 month Allied effort became known throughout the free world as the ''Berlin Airlift'' and ultimately cost the lives of 78 Allied airmen, of whom 31 were United States fliers;

Whereas this heroic humanitarian undertaking was universally regarded as an unambiguous statement of Western resolve to thwart further Soviet expansion;

Whereas the Berlin Airlift was an unqualified success, both as an instrument of diplomacy and as a life saving rescue of the 1,000,000 inhabitants of West Berlin, with 2,326,205 tons of supplies delivered by 277,728 flights over a 462-day period;

Whereas historians and citizens the world over view the success of this courageous action as pivotal to the ultimate defeat of international tyranny, symbolized today by the fall of the Berlin Wall; and

Whereas this inspiring act of resolve must be preserved in the memory of future generations in a positive and dramatic manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the 50th anniversary of the Berlin Airlift should include the presentation of a suitable gift of representational art from the citizens of the United States to the citizens of the Federal Republic of Germany, commemorating the fall of the Berlin Wall and the reunification of the great city of Berlin; and

(2) civic and corporate leaders across the Nation are entrusted to fulfill the intent of paragraph (1) by using private subscription and volunteer effort with the encouragement and support of Congress.

SENATE RESOLUTION 193—DESIGNATING ''NATIONAL CHILDREN'S MEMORIAL DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 193

Whereas approximately 79,000 infants, children, teenagers, and young adults die each year in the United States;

Whereas the death of a child is one of the greatest tragedies suffered by a family; and

Whereas support and understanding are critical to the healing process of a bereaved family: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 1998, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation designating December 13, 1998, as ''National Children's Memorial Day'' and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers, and young adults who have died.

Mr. REID. Mr. President, today I am submitting a resolution that would set aside December 13, 1998 as the National Children's Memorial Day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

I have had many constituents share their heart wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the

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

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

COLLINS AMENDMENTS NOS. 1730–1732

(Ordered to lie on the table.)

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

AMENDMENT NO. 1730

At the appropriate place, insert the following:

SEC. 18___. FUNDING TRANSFER.

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

AMENDMENT NO. 1731

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

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

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

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

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

AMENDMENT NO. 1732

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

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

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

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

On page 368, line 11, strike ''and''.

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

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

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

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

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

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

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

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

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

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

GORTON AMENDMENT NO. 1733

(Ordered to lie on the table.)

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

On page 99, line 22, strike ''and''.

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

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

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

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

(C) INFRASTRUCTURE CONSTRUCTION.—

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

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

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

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

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

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

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

BOND AMENDMENT NO. 1734

(Ordered to lie on the table.)

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

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

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

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

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

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

(C) the difficulty in making lane changes; and

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

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

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

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

CLELAND AMENDMENT NO. 1735

(Ordered to lie on the table.)

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

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

SEC. 18___. ADDITIONS TO APPALACHIAN REGION.

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

(1) by inserting ''Elbert,'' after ''Douglas,''; and

(2) by inserting ''Hart,'' after ''Haralson,''.

HOLLINGS AMENDMENTS NOS. 1736–1737

(Ordered to lie on the table.)

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

AMENDMENT NO. 1736

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1737

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

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

(a) Section 5117 is amended—

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

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

(2) by striking ''exemption'' each place it appears and inserting ''special permit'';

(3) by inserting ''authorizing variances'' after ''special permit'' the first place it appears;

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

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

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

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

''(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

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

(b) Section 5119(c) is amended by adding at the end the following:

''(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).''.

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits, pilot programs, and exclusions.''.

SARBANES AMENDMENTS NOS. 1738–1739

(Ordered to lie on the table.)

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

AMENDMENT NO. 1738

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

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

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

(b) TYPES OF MERCHANDISE.—

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

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

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

AMENDMENT NO. 1739

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

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

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

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

BREAUX (AND LANDRIEU) AMENDMENTS NOS. 1740–1743

(Ordered to lie on the table.)

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

AMENDMENT NO. 1740

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18___. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking ''Corridor from Kansas'' and inserting the following: ''Corridor—

''(A) from Kansas'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana.''; and

(2) in subsection (e)(5)(A), by inserting ''in subsection (c)(1)(B),'' after ''routes referred to''.

AMENDMENT NO. 1741

On page 318, strike line 15 and insert the following: fiscal year for which the funds are authorized.''.

SEC. 2002A. UNIVERSITY OF NEW ORLEANS INTERMODAL TRANSPORTATION PLANNING AND POLICY CENTER.

(a) IN GENERAL.—In addition to establishing the university transportation centers under subsections (a) and (b) of section 5241 of title 49, United States Code (as added by section 2003 of this Act), the Secretary shall enter into such arrangements as are necessary to assist the University of New Orleans in establishing an Intermodal Transportation Planning and Policy Center (referred to in this subsection as the ''Center'').

(b) NATIONAL UNIVERSITY TRANSPORTATION CENTER.—The Secretary shall designate the Center as a university transit center for purposes of section 5241 of title 49, United States Code.

(c) REQUIREMENTS FOR CENTER.—

(1) IN GENERAL.—The Center shall serve as the lead institution in a consortium of the entities described in paragraph (2).

(2) CONSORTIUM.—At a minimum, the consortium with respect to which the Center serves as lead agency shall consist of—

(A) the Center;

(B) the National Ports and Waterways Institute of Louisiana State University;

(C) a recognized freight intermodal transportation research organization; and

(D) the Louisiana Transportation Research Center.

AMENDMENT NO. 1742

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

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

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

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

AMENDMENT NO. 1743

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

SEC. 18___. USE OF CERTAIN TRUCKS FOR HAULING SUGARCANE.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: ''The State of Louisiana may allow, by special permit, the operation of vehicles with a gross weight of not more than 100,000 pounds for the hauling of sugarcane during the harvest season of sugarcane. A special permit issued under the preceding sentence shall be issued for a period not to exceed 100 days per year.''.

BREAUX (AND OTHERS) AMENDMENT NO. 1744

(Ordered to lie on the table.)

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

On page 414, strike line 18 and insert the following: App.).''.

SEC. 2103A. COOPERATIVE RESEARCH ON INTELLIGENT TRANSPORTATION SYSTEMS BY THE LOUISIANA STATE UNIVERSITY MEDICAL CENTER NEUROSCIENCE CENTER OF EXCELLENCE, THE GEORGE WASHINGTON UNIVERSITY/VIRGINIA RESEARCH INSTITUTE, AND THE NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGIES AT THE UNIVERSITY OF IDAHO.

(a) DEFINITIONS.—In this section:

(1) CRASH ANALYSIS.—The term ''crash analysis'' means advanced testing and crash simulations that address deficiencies in the use of available airbag technology, including—

(A) crash pulse measurement by airbag triggering sensors;

(B) the development of a smart algorithm to dictate appropriate deployment conditions to minimize potential injuries;

(C) a characterization of injuries of the full range of occupants, vehicle classes, and impact scenarios;

(D) the development of a model to identify preventive measures of neural damage;

(E) the development of a combination of car-to-car, car-to-barrier, and sled tests using advanced computer simulation to thoroughly analyze current problems; and

(F) the conducting of full-scale car-to-car tests of speeds up to 70 miles per hour with—

(i) offsets in the 20 to 100 percent range; and

(ii) impact angles with a range between 0 and 90 degrees; and

(G) the use of a programmable sled test that is capable of reproducing a variety of crash pulses from repeatable crash tests with active restraint systems that use different anthropomorphic test dummy sizes, typed to gender and percentile.

(2) POST-CRASH RESEARCH.—The term ''post-crash research'' means research that addresses post-crash injury control, including—

(A) an automatic crash notification system that sends a message to emergency medical service personnel to alert the personnel to severe crashes, including severe crashes that require immediate medical attention;

(B) the development of advanced sensors that are capable of identifying and locating crash victims in need of time-critical emergency care; and

(C) the development of post-crash pharmaceutical strategies for acute neuroprotection and the promotion of repair and regeneration of neural cells to allow victims of crashes to lead productive lives.

(3) PRE-CRASH ANALYSIS.—The term ''pre-crash analysis'' means the use of driver and vehicle technologies that are designed to ensure that any intelligent systems that are subsequently developed and implemented will be effective when used by all drivers of automobiles (including identifying preventive measures of neurological damages, including redesigning seat-passenger and driver compartments to prevent or limit damage to the eye, inner ear, head, peripheral nerves, and the spinal cord).

(b) GRANT AGREEMENT.—As part of the comprehensive program described in section 524 of title 23, United States Code, as added by section 2103 of this Act, the Secretary shall offer to enter into a grant agreement with the appropriate officials of the George Washington University/Virginia Research Institute, the Louisiana State University Medical Center Neuroscience Center of Excellence, and the National Center for Advanced Transportation Technologies at the University of Idaho to carry out an innovative research project (as that term is used in section 524(b)(4) of title 23, United States Code) to—

(1) accelerate the deployment of technology to improve motor vehicle safety systems;

(2) accelerate the deployment of smart air bags (as that term is defined by the Secretary); and

(3) develop medical technologies to prevent and minimize head and spinal cord injuries.

(c) RESEARCH EMPHASIS.—The research conducted pursuant to the grant agreement referred to in subsection (b) shall emphasize pre-crash analysis, crash analysis, and post-crash research that takes into consideration the effects of humans, motor vehicles, and the environment.

(d) FUNDING.—

(1) IN GENERAL.—Of the funds made available under section 524(f) of title 23, United States Code, to carry out this section, the Secretary shall use—

(A) $15,000,000 for fiscal year 1998; and

(B) $12,000,000 for each of fiscal years 1999 through 2003.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 524(f)(2) of title 23, United States Code, the funds made available for use under paragraph (1) shall remain available until expended. For purposes of section 524(b)(4)(B) of title 23, United States Code, the research project under this section shall be considered to be an innovative research project.

FEINSTEIN AMENDMENTS NOS. 1745–1746

(Ordered to lie on the table.)

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

AMENDMENT NO. 1745

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

SEC. 18___. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

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

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

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(4) the Administrator of the Environmental Protection Agency;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

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

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

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

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

(1) assess—

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

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

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

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

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

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

AMENDMENT NO. 1746

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

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

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

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

JOHNSON (AND OTHERS) AMENDMENT NO. 1747

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

SEC. . MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

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

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

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

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

''(2) CALCULATION.—

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

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

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

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

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

''(3) SOURCE OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(ii) the quotient of—

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

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

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

''(5) USE AND AVAILABILITY.—

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

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

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

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

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

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

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

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

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

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

ROBB AMENDMENT NO. 1748

(Ordered to lie on the table.)

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

At the end of the amendment, add the following:

TITLE ___—REGIONAL TRANSPORTATION IMPROVEMENT

Subtitle A—Metropolitan Washington Regional Transportation

SEC. ___001. SHORT TITLE.

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

SEC. ___002. FINDINGS.

Congress finds that—

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

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

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

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

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

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

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

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

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

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

SEC. ___003. PURPOSES.

The purposes of this subtitle are—

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

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

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

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

SEC. ___004. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

SEC. ___005. DUTIES OF THE BOARD.

(a) DUTIES.—

(1) IN GENERAL.—The Board shall—

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

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

(iii) manage the Corporation; and

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

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

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

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

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

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

(A) impose a tax; or

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

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

(c) TIMETABLE.—The Board shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION CORPORATION.—

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

(2) GENERAL POWERS.—

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

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

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

(A) impose a tax; or

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

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

(5) PUBLIC ACCOUNTABILITY.—

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

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

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

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

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

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

(i) shall not constitute—

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

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

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

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

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

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

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

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

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

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

(ii) fostering development of a new transportation technology;

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

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

(J) to appoint 1 or more advisory committees;

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

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

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

(c) INTERSTATE COMPACT OR AGREEMENT.—

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

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

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

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

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

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

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

SEC. ___007. MAINTENANCE OF FUNDING AND EFFORT.

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

SEC. ___008. REPORTS.

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

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

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

SEC. ___009. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

Subtitle B—Regional Transportation Improvement Grants and Assistance

SEC. ___101. FINDINGS.

Congress finds that—

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

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

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

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

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

TORRICELLI AMENDMENTS NOS. 1749–1750

(Ordered to lie on the table.)

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

AMENDMENT NO. 1749

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

(1) in subsection (a)—

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

''(a) IN GENERAL.—

''(1) PROGRAM.—Each'';

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

(C) by adding at the end the following:

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

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

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

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

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

''(1) any public road;

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

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

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

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

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

AMENDMENT NO. 1750

At the appropriate place, insert the following:

SEC. ___. NATIONAL ESTUARY PROGRAM.

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

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

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

''(A) shall not exceed—

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

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

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

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

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

BAUCUS AMENDMENT NO. 1751

(Ordered to lie on the table.)

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

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

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

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

CAMPBELL (AND OTHERS) AMENDMENTS NO. 1752

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mrs. MOSELEY-BRAUN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. . LIMITATIONS.

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

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

COVERDELL AMENDMENT NO. 1753

(Ordered to lie on the table.)

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

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

SEC. 18___. FOOD SIGNS.

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

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

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

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

(1) has a blue background;

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

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

DOMENICI AMENDMENTS NOS. 1754–1756

(Ordered to lie on the table.)

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

AMENDMENT NO. 1754

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

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

(b) DESIGNATION OF ZONE.—

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

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

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

AMENDMENT NO. 1755

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

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

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

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

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

AMENDMENT NO. 1756

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

''(I) surface transportation safety;

''(J) infrastructure finance studies; or

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

DOMENICI (AND OTHERS) AMENDMENT NO. 1757

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR INDIAN RURAL TRANSIT PROGRAM.

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

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

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

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

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

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

HUTCHINSON AMENDMENT NO. 1758

(Ordered to lie on the table.)

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

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

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

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

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

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

''(ii) for the State, the ratio that—

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

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

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

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

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

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

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

ROTH AMENDMENT NO. 1759

(Ordered to lie on the table.)

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

At the end of the bill add the following:

TITLE ___—REVENUE

SEC. _001. SHORT TITLE; AMENDMENT OF 1986 CODE.

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

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

SEC. _002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—(1) The following provisions are each amended by striking ''1999'' each place it appears and inserting ''2005'':

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

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

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

(D) Section 4051(c) (relating to termination).
(E) Section 4071(d) (relating to termination).
(F) Section 4081(d)(1) (relating to termination).
(G) Section 4221(a) (relating to certain tax-free sales).
(H) Section 4481(e) (relating to period tax in effect).
(I) Section 4482(c)(4) (relating to taxable period).
(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).
(K) Section 4483(g) (relating to termination of exemptions).
(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).
(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking ''2000'' each place it appears and inserting ''2007'':
(A) Section 4041(b)(2)(C) (relating to termination).
(B) Section 4041(k)(3) (relating to termination).
(C) Section 4081(c)(8) (relating to termination).
(D) Section 4091(c)(5) (relating to termination).

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

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

(5) Section 40(e)(1) (relating to termination) is amended—
(A) by striking ''December 31, 2000'' and inserting ''December 31, 2007'', and
(B) by striking subparagraph (B) and inserting the following:
''(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.''.

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

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—
(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—
(A) in subsection (b)—
(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—
(I) by striking ''1999'' and inserting ''2005'',
(II) by striking subparagraph (C),
(III) in subparagraph (D), by striking ''and tread rubber'', and
(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,
(ii) in paragraph (2), by striking ''1999'' each place it appears and inserting ''2005'' and by striking ''2000'' and inserting ''2006'',
(iii) in the heading of paragraph (2), by striking ''OCTOBER 1, 1999'' and inserting ''OCTOBER 1, 2005'', and
(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking ''1999'' and inserting ''2005'', and
(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—
(i) in paragraph (1)—
(I) by striking ''1998'' and inserting ''2003'',
(II) in subparagraph (C), by striking ''or'' at the end,
(III) in subparagraph (D), by striking ''1991.'' and inserting ''1991, or'',
(IV) by inserting after subparagraph (D) the following:
''(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.'', and
(V) by striking the last sentence and inserting the following:
''In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.'',
(ii) in paragraph (2)(A)(i)—
(I) by striking ''2000'' and inserting ''2006'',
(II) in subclause (II), by adding ''and'' at the end,
(III) in subclause (IV), by striking ''1999'' and inserting ''2005'', and
(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),
(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:
''(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.'',
(iv) in paragraph (3)—
(I) by striking ''July 1, 2000'' and inserting ''July 1, 2006'', and
(II) by striking the heading and inserting ''FLOOR STOCKS REFUNDS'',
(v) in paragraph (4)(A)—
(I) in clause (i), by striking ''1998'' and inserting ''2003'', and
(II) in clause (ii), by adding at the end the following new flush sentence:
''In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.'', and
(vi) in paragraph (5)(A), by striking ''1998'' and inserting ''2003''.

(2) LIMITATION ON EXPENDITURES.—
(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:
''(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—
''(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—
''(i) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and
''(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.
''(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.''.

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—
(i) in subparagraph (E), by striking ''or'' at the end,
(ii) in subparagraph (F), by striking the period at the end and inserting '', or'', and
(iii) by adding at the end the following:
''(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).''.

(c) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—
(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:
''(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—
''(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—
''(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',
''(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and
''(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.
''(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

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

(2) CONFORMING AMENDMENTS.—
(A) Section 4041(b)(2) is amended—
(i) in subparagraph (A)(i), by striking ''5.4 cents'' and inserting ''the applicable blender rate'', and
(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:
''(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—
''(i) except as provided in clause (ii), 5.4 cents, and
''(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.''.

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:
''(A) GENERAL RULES.—
''(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—
''(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,
''(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and
''(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.
''(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—
''(I) in the case of 10 percent gasohol, 6 cents per gallon,

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

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

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

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

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

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

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

(2) CONFORMING AMENDMENTS.—

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

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

(e) AQUATIC RESOURCES TRUST FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. __003. MASS TRANSIT ACCOUNT.

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

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

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

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

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

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

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

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

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

(c) TECHNICAL CORRECTION.—

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

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

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

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

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

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

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

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

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

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

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

(b) BOND DESCRIBED.—

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

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

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

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

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

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

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

(B) ELIGIBLE PILOT PROJECT.—

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

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

(I) The project must serve the general public.

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

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

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

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

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

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

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

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

(c) REPORT.—

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

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

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

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

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

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

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

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

SEC. _005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

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

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

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

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

(2) Section 6427(l)(3)(B) is amended—

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

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

SEC. _006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

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

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

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

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

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

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

(c) NO INFLATION ADJUSTMENT FOR 1999.—

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

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

''(A) such dollar amount, multiplied by

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

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

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

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

(d) CONFORMING INFLATION ADJUSTMENT.—

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

''(6) INFLATION ADJUSTMENT.—

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

''(i) such dollar amount, multiplied by

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

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

''(i) such dollar amount, multiplied by

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

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

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

SEC. _007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

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

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

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

SEC. _008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

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

''(f) EFFECTIVE DATES.—

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

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

TORRICELLI AMENDMENT NO. 1760

(Ordered to lie on the table.)

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

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

SEC. 34___. MOTOR CARRIER SAFETY PERMITS.

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

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

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

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

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

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

TORRICELLI AMENDMENT NO. 1761

(Ordered to lie on the table.)

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

At the end of the amendment, add the following:

TITLE ___—QUIET COMMUNITIES

SEC. ___01. SHORT TITLE.

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

SEC. ___02. FINDINGS.

Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

(a) REESTABLISHMENT.—

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

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

(A) coordinating Federal noise abatement activities;

(B) updating or developing noise standards;

(C) providing technical assistance to local communities; and

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

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

(b) STUDY.—

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

noise to Congress and the Federal Aviation Administration.

(2) AREAS OF STUDY.—The study shall—

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

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

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

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

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

MCCAIN AMENDMENT NO. 1762

(Ordered to lie on the table.)

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

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

"SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, Untied States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

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

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

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

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $20,000,000 for fiscal year 1998;
(ii) $20,000,000 for fiscal year 1999;
(iii) $20,000,000 for fiscal year 2000;
(iv) $20,000,000 for fiscal year 2001;
(v) $22,000,000 for fiscal year 2002; and
(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

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

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

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

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsection (l) and (m) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

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

ENZI (AND THOMAS) AMENDMENT NO. 1763

(Ordered to lie on the table.)

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

At the appropriate place, insert:

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

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

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

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

(1) Fundamental composition studies.

(2) Fundamental physical and rheological property studies.

(3) Asphalt-aggregate interaction studies.

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

(5) Asphalt-water interaction studies.

(6) Asphalt-aggregate thin film behavior.

(d) TEST STRIP.—

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

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

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

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

INHOFE AMENDMENTS NOS. 1764–1765

(Ordered to lie on the table.)

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

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

AMENDMENT NO. 1764

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF MASS TRANSIT ACCOUNT FUNDS.

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

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

AMENDMENT NO. 1765

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

SEC. 18___. NATURAL GAS FUELING STATIONS.

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

(b) DEFINITIONS.—In this section:

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

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

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

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1766

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

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

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

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

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

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

SEC. . REPORT ON UTILIZATION POTENTIAL.

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

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

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

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

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

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

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

(A) locations and routes that might be served;

(B) estimates of capacity required;

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

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

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

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

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

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

MURKOWSKI (AND OTHERS) AMENDMENTS NOS. 1767–1768

(Ordered to lie on the table.)

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

AMENDMENT NO. 1767

At the appropriate place, insert the following:

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

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

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

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

AMENDMENT NO. 1768

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

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

SEC. . REPORT ON UTILIZATION POTENTIAL.

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

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

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

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

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

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

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

(A) locations and routes that might be served;

(B) estimates of capacity required;

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

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

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

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

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

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

MURKOWSKI (AND STEVENS) AMENDMENTS NOS. 1769–1770

(Ordered to lie on the table.)

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

AMENDMENT NO. 1769

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

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

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

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

2. STREAMLINING.—

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

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

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

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

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

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

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

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

AMENDMENT NO. 1770

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

(4) DISTRIBUTION OF FUNDS.—

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

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

McCONNELL AMENDMENTS NOS. 1771–1772

(Ordered to lie on the table.)

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

AMENDMENT NO. 1771

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

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

AMENDMENT NO. 1772

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

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

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

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

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

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

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

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

BENNETT (AND HATCH) AMENDMENTS NOS. 1773–1774

(Ordered to lie on the table.)

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

AMENDMENT NO. 1773

At the appropriate place, insert the following new section:

SEC. ___. OLYMPIC AND PARALYMPIC AIRPORT DEVELOPMENT PROJECTS.

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

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

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

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

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

(3) by adding at the end the following:

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

AMENDMENT NO. 1774

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) GRANT OR CONTRACT TERMS AND CONDITIONS.—

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

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

(1) the policy goals stated in—

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

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

(2) the requirements of—

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

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

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

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

LAUTENBERG AMENDMENTS NOS. 1775–1779

(Ordered to lie on the table.)

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

AMENDMENT NO. 1775

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

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

(a) DEFINITIONS.—In this section:

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

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

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

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

(B) is constructed—

(i) on a truck chassis; or

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

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

(b) STUDY OF LIGHT TRUCK SAFETY.—

(1) IN GENERAL.—The Secretary shall—

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

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

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

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

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

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

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

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

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

(iii) of light trucks in single vehicle collisions.

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

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

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

(1) IN GENERAL.—

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

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

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

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

(i) in subparagraph (A)—

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

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

(ii) by striking subparagraph (B); and

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

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

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

(d) REGULATIONS.—

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

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

AMENDMENT NO. 1776

Strike pages 10 through 29 and insert the following:

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

''(i) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

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

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

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

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

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

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

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

"(III) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;".

AMENDMENT NO. 1777

Strikes pages 257 through 277 and insert the following:

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

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

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

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

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

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

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

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

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

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

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

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

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

"(B) a financial plan that—

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

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

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

"(3) INCLUDED PROJECTS.—

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

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be

identified individually in the transportation improvement program.

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

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

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

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

''(5) SELECTION OF PROJECTS.—

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

''(i) by—

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

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

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

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

''(i) TRANSPORTATION MANAGEMENT AREAS.—

''(1) DESIGNATION.—

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

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

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

''(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

''(4) SELECTION OF PROJECTS.—

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

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

''(5) CERTIFICATION.—

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

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

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

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

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

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

''(C) EFFECT OF FAILURE TO CERTIFY.—

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

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

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

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

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

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

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

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

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

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

''(m) FUNDING.—

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

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

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

''134. Metropolitan planning.''.

SEC. 1602. STATEWIDE PLANNING.

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

''§ 135. Statewide planning

''(a) GENERAL REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) CONSULTATION WITH GOVERNMENTS.—

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

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

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

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

''(A) provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

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

''(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—

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

''(B) CONSULTATION WITH GOVERNMENTS.—

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

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

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

''(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

''(2) INCLUDED PROJECTS.—

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

''(B) CHAPTER 2 PROJECTS.—

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

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

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

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

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

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

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

''(i) IN GENERAL.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

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

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

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

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

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

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

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

AMENDMENT NO. 1778

Strike pages 91 through 99 and insert the following:

past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

''(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

''(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

''(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

''207. Cooperative Federal Lands Transportation Program.''.

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

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

(2) BORDER REGION.—The term ''border region'' means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

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

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

(B) is located along the border with Canada.

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

(5) FEDERAL INSPECTION AGENCY.—The term ''Federal inspection agency'' means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the

Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

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

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

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

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

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

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

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR AND AFFECTED PORT OF ENTRY PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance and through affected ports of entry.

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

(2) CORRIDOR AND AFFECTED PORT OF ENTRY PLANS.—

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

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

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

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

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

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

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

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

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

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

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

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

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

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

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

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

(i) use of innovative financing;

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

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

(F) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

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

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

(I) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

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

AMENDMENT NO. 1779

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

SEC. . TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

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

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

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

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

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

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

BINGAMAN (AND OTHERS) AMENDMENT NO. 1780

(Ordered to lie on the table.)

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

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

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

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

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

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

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

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

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

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

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

''(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

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

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

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

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

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

''(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

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

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

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

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

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

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

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

DASCHLE AMENDMENT NO. 1781

(Ordered to lie on the table.)

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

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

GRAHAM AMENDMENTS NOS. 1781–1795

(Ordered to lie on the table.)

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

AMENDMENT NO. 1782

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

198);

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

(I) subsections (c) and (d) of section 1128.

AMENDMENT NO. 1783

On page 30, line 1, strike ''and''.

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

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

''(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

''(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

''(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

''(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

''(i) IN GENERAL.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

''(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

''(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

''(ii) DATA.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

''(C) SPECIAL RULE FOR FISCAL YEAR 1998 AND 1999 ESTIMATES.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

''(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by 2/14 of the amount of the estimated tax payments for fiscal year 1999; and

''(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1784

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

''(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.

AMENDMENT NO. 1785

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.95''.

AMENDMENT NO. 1786

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, strike line 15 and insert the following:

''(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(III)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.95''.

AMENDMENT NO. 1787

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;
is not less than 0.95.

(2) EXCLUDED ALLOCATIONS.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 11___ (Chafee amendment No. 1684).

AMENDMENT NO. 1788

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;
is not less than 0.95.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1789

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;
is not less than 0.95.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1790

On page 30, line 1, strike ''and''.

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

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

''(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

''(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

''(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

''(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

''(i) IN GENERAL.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

''(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

''(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

''(ii) DATA.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

''(C) SPECIAL RULE FOR FISCAL YEAR 1998 AND 1999 ESTIMATES.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

''(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by 2/14 of the amount of the estimated tax payments for fiscal year 1999; and

''(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1791

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

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

AMENDMENT NO. 1792

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 18, strike ''bears to''.

On page 29, between lines 18 and 19, insert the following:

''(VI) under section 1116 of the Intermodal Transportation Act of 1997 for trade corridor and border crossing planning; and

''(VII) under section 1604 of the Intermodal Transportation Act of 1997 for the transportation and community and system preservation pilot program; bears to''.

AMENDMENT NO. 1793

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

AMENDMENT NO. 1794

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of

1997 (excluding allocations under the Federal lands highways program); and

''(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.91''.

AMENDMENT NO. 1795

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, strike line 15 and insert the following:

''(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(III)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.91''.

GRAHAM (AND OTHERS) AMENDMENT NO. 1796

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ABRAHAM, Mr. KOHL, Mr. THURMOND, Mr. MACK, Mr. COATS, Mr. LEVIN, Mr. LUGAR, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

GRAHAM AMENDMENT NO. 1797

(Ordered to lie on the table.)

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

On page 218, after line 25, add the following:

SEC. 13___. IMPOSITION OF ANNUAL FEE ON TIFIA RECIPIENTS.

(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument under this part (as defined in section 1313(2)), an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to such recipient during the year under this part.

(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument (as so defined).

(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

(1) fiscal years 1999 through 2003, 1.9095 percent, and

(2) fiscal years after 2003, 0.5144 percent.

(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary of Transportation under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

GRAHAM (AND OTHERS) AMENDMENT NO. 1798

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ABRAHAM, Mr. KOHL, Mr. THURMOND, Mr. MACK, Mr. COATS, Mr. LEVIN, Mr. LUGAR, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

GRAHAM (AND COATS) AMENDMENT NO. 1799

(Ordered to lie on the table.)

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

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(2) EXCLUDED ALLOCATIONS.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 11___ (Chafee amendment No. 1684).

THURMOND AMENDMENT NO. 1800

(Ordered to lie on the table.)

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

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) REDUCTION OF SUMS.—For each fiscal year, the amount that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

NICKLES AMENDMENTS NOS. 1801–1803

(Ordered to lie on the table.)

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

AMENDMENT NO. 1801

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

AMENDMENT NO. 1802

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

AMENDMENT NO. 1803

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

SESSIONS AMENDMENTS NOS. 1804–1814

(Ordered to lie on the table.)

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

AMENDMENT NO. 1804

On page 88, on line 10 to the Chafee Amendment No. 1676 strike lines 10 through 13 and insert the following:

''(ii) shall determine the sum of the percentages determined under clause (i) for states with respect to which the percentage is 4.5 or greater, however the 4.5 percent requirement shall not apply to those states that have had federal lands transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems, including longleaf pine ecosystem; and''.

AMENDMENT NO. 1805

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, strike lines 12 and 13 and insert the following:

project eligible for funding under section 149 of title 23, United States Code.

AMENDMENT NO. 1806

On page 124, strike lines 12 through 19 and insert the following:

this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year; or

''(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year.

AMENDMENT NO. 1807

On page 104, strike lines 14 through 19 and insert the following:

''(2) SUBSTITUTE CORRIDOR.—

''(A) IN GENERAL.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).

''(B) EFFECT OF SUBSTITUTION.—The substitution of the segment under subparagraph (A) shall not result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive under this Act.''.

AMENDMENT NO. 1808

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

SEC. 18___. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act is not at least 4 lanes wide, separated by a median, access-controlled, and grade-separated shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment substantially meets the Interstate System design standards described in paragraph (1).

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments for each fiscal year 98–03.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—This section shall not decrease the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

AMENDMENT NO. 1809

Beginning on page 58, strike line 6 and all that follows through page 59, line 14, and insert the following:

subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

''(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

''(ii) 30 percent shall be used for uses relating to motorized recreation; and

''(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

''(B) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

''(C) STATE ADMINISTRATIVE COSTS.—''.

AMENDMENT NO. 1810

On page 42, line 20, strike ''1503, 1603,'' and insert ''1603''.

AMENDMENT NO. 1811

On page 42, lines 7 and 8, strike ''207, and 322'' and insert ''and 207''.

AMENDMENT NO. 1812

On page 136, strike line 22 and insert the following:

specified in subparagraph (G).''.

SEC. 11___. PREVAILING RATE OF WAGE.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 113.

AMENDMENT NO. 1813

On page 116, strike lines 3 through 24 and insert the following:

''(i) IN GENERAL.—There shall be available from the Mass Transit Account to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

''(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

''(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

''(II) the availability of the funds shall be determined in accordance with paragraph (2).

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account to carry out''.

AMENDMENT NO. 1814

Beginning on page 182, line 15, the following new subsection (R) is to be added:

''(R) Any bridge project which has already received funding in accordance with P.L. 102–240 section 1107, subparagraph (b) and for which 100% of the planning and over 25% of the construction is completed shall be considered a project eligible for funding under the National Highway System.''

CHAFEE AMENDMENTS NOS. 1815–1829

(Ordered to lie on the table.)

Mr. CHAFEE submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1815

On page 163, line 10, insert ''the decision-making process for'' after ''with''.

On page 163, line 17, insert ''the decision-making process for'' after ''with''.

On page 164, line 17, insert ''the decision-making process for'' after ''with''.

AMENDMENT NO. 1816

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.

''(2) ADJUSTMENT OF RATE TO ENSURE REVENUE NEUTRALITY.—For taxable periods beginning after June 30, 1998, the Secretary shall reduce the rate of tax under paragraph (1) by an amount which shall result in total revenues resulting from the imposition of the tax under this section for such taxable periods being no greater than the total revenues resulting from such imposition if the amendment made by section __ of the Intermodal Surface Transportation Revenue Act of 1998 had not been enacted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1817

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

''(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1818

On page 43, lines 11 and 12, strike ''sections 5222, 5232, and 5241'' and insert ''sections 5222 and 5232''.

On page 309, after line 15, strike the items relating to subchapter IV and section 5241.

On page 318, strike lines 18 through 23 and insert the following:

(a) IN GENERAL.—Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. National university transportation centers

On page 319, line 1, insert ''of title 49'' after ''5317''.

On page 319, strike lines 7 through 15 and insert the following:

''(2) to continue operation of university transportation centers at the National Center for Transportation and Industrial Productivity, the Mack-Blackwell National Rural Transportation Study Center, the National Center for Advanced Transportation Technology, the Norman Y. Mineta International Institute for Surface Transportation Policy, and the University of Alabama Transportation Research Center.

On page 325, strike lines 12 and 13 and insert the following:

not more than $12,000,000 for each of fiscal years 1998 through 2003, of which, for each fiscal year—

''(A) not more than $8,000,000 shall be available for operation of the university transportation centers described in subsection (a)(1); and

''(B) not more than $4,000,000 shall be available for operation of the university transportation centers described in subsection (a)(2).

On page 325, line 17, strike ''of title 23''.

On page 337, after the item relating to section 512, insert the following:

''513. National University Transportation Centers.

AMENDMENT NO. 1819

On page 337, after the item relating to section 512, insert the following:

''513. Use of fluorescent materials for enhanced night visibility.

On page 381, strike line 7 and insert the following:

SEC. 2018. USE OF FLUORESCENT MATERIALS FOR ENHANCED NIGHT VISIBILITY.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Use of fluorescent materials for enhanced night visibility

''(a) IN GENERAL.—

''(1) PROGRAM.—The Secretary shall establish and carry out a program to demonstrate the application and feasibility of technology using ultraviolet-activated fluorescent materials for enhanced night visibility on the highways of the United States (referred to in this section as the 'technology').

''(2) GOALS.—The goals of the program shall include—

''(A) advancing the current state of the technology;

''(B) reducing the technological, institutional, and economic constraints associated with the use and commercialization of the technology;

''(C) determining the costs and benefits of widespread use of the technology; and

''(D) promoting technology transfer and laying the foundation for widespread deployment of the technology.

''(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(1) RESEARCH AND DEVELOPMENT.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a research and development program to achieve the goals specified in subsection (a)(2), including—

''(A) increasing efficiency in the design and manufacture of ultraviolet headlights; and

''(B) reducing highway installation and maintenance costs of fluorescent markings and signs.

''(2) DEMONSTRATION.—

''(A) IN GENERAL.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a demonstration program to accelerate innovation with respect to the technology and to lay the foundation for widespread deployment of the technology.

''(B) REQUIRED ELEMENTS.—

''(i) IN GENERAL.—The demonstration program shall consist of 2 or more demonstration projects designed to develop—

''(I) reliable and valid data on the costs of, benefits from, impacts of, and technological, institutional, and economic constraints to widespread deployment of the technology; and

''(II) the information necessary to prepare the interim and final reports required by subsection (c).

''(ii) TYPES OF DATA TO BE DEVELOPED.—Data shall be developed on factors including—

''(I) improved visibility of pedestrians by operators of motor vehicles;

''(II) fluorescent traffic control devices and markings;

''(III) acceptance of the technology by the motoring public, pedestrians, automobile and equipment component manufacturers, and highway officials;

''(IV) safety benefits and costs;

''(V) environmental and health concerns; and

''(VI) technological, institutional, and economic constraints.

''(iii) MINIMUM SIZE OF DEMONSTRATION PROJECT.—At least 1 of the demonstration projects shall include not fewer than 5000 vehicles.

''(C) COMMENCEMENT OF PROJECTS.—Site selection and experimental design for the demonstration projects shall commence not later than October 1, 2000.

''(c) REPORTS.—

''(1) IN GENERAL.—Not later than September 30, 2001, the Secretary shall submit an interim report, and not later than September 30, 2003, the Secretary shall submit a final report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate that—

''(A) describes the advances of the research and the results of the demonstration projects conducted under this section;

''(B) analyzes the constraints to widespread deployment of the technology, including the institutional and economic constraints associated with the use of fluorescent traffic control devices and markings identified by ultraviolet headlights; and

''(C) makes recommendations for legislative and administrative actions that would address the constraints and accelerate widespread deployment of the technology.

''(2) ASSESSMENT ON HEALTH AND ENVIRONMENTAL CONSEQUENCES.—Each report shall include an independent assessment conducted by the National Academy of Sciences on the health and environmental consequences, if any, that might be anticipated from widespread deployment of the technology.

''(3) CONSULTATION.—Each report shall be prepared by the Administrator of the Federal Highway Administration, after consultation with the National Highway Traffic Safety Administration, the American Association of State Highway and Transportation Officials, and representatives of the automobile industry and the highway safety community.

''(d) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from the research and development and demonstration programs carried out under this section are made available to State and local transportation departments and interested parties as specified by the Secretary.

''(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Of the funds made available by section 541,—

''(A) to carry out the research and development program under subsection (b)(1), including development of ultraviolet headlights, $1,500,000 for each of fiscal years 1999 through 2001; and

''(B) to carry out the demonstration program under subsection (b)(2) $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

''(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.''.

SEC. 2019. CONFORMING AMENDMENTS.

AMENDMENT NO. 1820

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $60,000,000 of the funds made available to carry out the program to eligible States described in subparagraph (C).

(B) DISTRIBUTION AND USE OF FUNDS.—Funds allocated under subparagraph (A) shall be—

(i) divided equally among the eligible States; and

(ii) used for projects eligible for funding under this subsection.

(C) ELIGIBLE STATES.—A State is eligible for an allocation under subparagraph (A) if the State—

(i) is listed in the table in subsection (d)(1);

(ii) is not eligible for funding under subsection (b)(1)(B); and

(iii) is not eligible for funding under the other paragraphs of this subsection.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 19, strike ''$360,000,000'' and insert ''$420,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $41,000,000 for fiscal year 1999, $44,000,000 for fiscal year 2000, $47,000,000 for fiscal year 2001, $49,000,000 for fiscal year 2002, and $54,000,000 for fiscal year 2003.

AMENDMENT NO. 1821

On page 85, between lines 18 and 19, insert the following:

(d) REPORT ON USE OF FUNDS.—Section 104 of title 23, United States Code (as amended by subsection (c)) is amended by adding at the end the following:

''(n) REPORT ON USE OF FUNDS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit a report to Congress describing and depicting in map form, on the basis of sub-State geographic area, the relationship between—

''(A) tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account); and

''(B) the obligation of funds from the Highway Trust Fund (other than the Mass Transit Account).

''(2) ESTIMATES.—The report shall include estimates for the most recent fiscal year for which data are available and, to the maximum extent practicable, for previous fiscal years.

''(3) TYPES OF SUB-STATE GEOGRAPHIC AREA.—The report shall contain information on the basis of each State's urbanized, nonurbanized, and rural areas and may contain information on the basis of other sub-State geographic areas.

''(4) DATA COLLECTION.—The Secretary may perform such analysis and collect or require to be collected such data as is necessary to carry out this subsection.

''(5) ANNUAL UPDATES.—Not later than 1 year after the date of submission of the report to Congress and annually thereafter, the Secretary shall update the information contained in the report.

''(6) PUBLICATION.—The Secretary shall publish, or otherwise make publicly available, the information contained in the report and annual updates.''.

AMENDMENT NO. 1822

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

SEC. ___. BUDGETARY TREATMENT OF TRANSPORTATION TRUST FUNDS.

(a) FINDINGS.—Congress finds the following:

(1) Included in the President's budget for fiscal year 1999 was a proposal by the Office of Management and Budget to administratively redefine obligation limitations on transportation trust funds as budget authority and thereby eliminating contract authority as a form of budget authority.

(2) This administrative decision is in direct contradiction to explicit legislative guidance to the contrary in the Congressional Budget Act of 1974. Section 3(2)(A) of the Congressional Budget Act of 1974 defines contract authority as a form of budget authority. Section 3(2)(B) of the Congressional Budget Act of 1974 explicitly defines the trust funds where obligation limitations shall be defined as obligation limitations. This list does not include the transportation trust funds.

(3) The Office of Management and Budget proposal does not help to address the fundamental problem with the budgetary treatment of the transportation trust funds, the lack of linkage between the taxes deposited into the trust fund and the spending from those same trust funds.

(4) It is clear that the budgetary treatment of the transportation trust funds need to be modified to provide a more appropriate linkage between trust fund receipts and trust fund spending. The Office of Management and Budget proposal is not a step forward in is direction. Under current law, increases in trust fund receipts to these trust funds can only be used to offset other mandatory spending and cannot be used to pay for increased transportation spending. Congress should address the illogical budgetary treatment of the transportation trust funds.

(b) DEFINITION.—For purposes of this section, the term ''transportation trust funds'' includes the Highway Trust Fund and Airport and Airway Trust Fund.

(c) LIMITATION.—The Office of Management and Budget may not use its authority to change budgetary concepts and definitions under the Balanced Budget and Emergency Deficit Control Act of 1985 to redefine obligation limitations for the transportation trust funds as budget authority for any purpose under that Act or the Congressional Budget Act of 1974.

(d) PROHIBITION.—Obligation limitations on transportation trust funds shall not be treated as budget authority for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985 or the Congressional Budget Act of 1974 unless the application of this subsection is specifically limited and referenced in law.

AMENDMENT NO. 1823

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

SEC. ___. AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities'' after ''and the Senate''.

(b) DISCRETIONARY SPENDING.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities'' after ''and the Senate''.

AMENDMENT NO. 1824

Strike ''Intermodal Surface Transportation Efficiency Act of 1997'' each place it appears and insert ''Intermodal Surface Transportation Efficiency Act of 1998''.

Strike ''Transportation Infrastructure Finance and Innovation Act of 1997'' each place it appears and insert ''Transportation Infrastructure Finance and Innovation Act of 1998''.

Strike ''Intelligent Transportation Systems Act of 1997'' each place it appears and insert ''Intelligent Transportation Systems Act of 1998''.

Strike ''Intermodal Transportation Safety Act of 1997'' each place it appears and insert ''Intermodal Transportation Safety Act of 1998''.

AMENDMENT NO. 1825

At the end of title IV, add the following:

SEC. ___. ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1826

At the end of title IV add the following:

SEC. __. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

AMENDMENT NO. 1827

SEC. ___. ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1828

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,369,867,000 for fiscal year 1999, $12,343,721,000 for fiscal year 2000, $12,367,017,000 for fiscal year 2001, $12,634,621,000 for fiscal year 2002, and $13,065,331,000 for fiscal year 2003, of which—

(A) $4,761,136,000 for fiscal year 1998, $4,771,338,000 for fiscal year 1999, $4,801,026,000 for fiscal year 2000, $4,837,108,000 for fiscal year 2001, $4,926,078,000 for fiscal year 2002, and $5,075,859,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,449,041,000 for fiscal year 1998, $1,452,416,000 for fiscal year 1999, $1,460,912,000 for fiscal year 2000, $1,472,658,000 for fiscal year 2001, $1,499,600,000 for fiscal year 2002, and $1,545,051,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,245,207,000 for fiscal year 1998, $7,201,047,000 for fiscal year 1999, $7,305,594,000 for fiscal year 2000, $7,361,222,000 for fiscal year 2001, $7,495,937,000 for fiscal year 2002, and $7,724,222,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,190,284,000 for fiscal year 1998, $1,192,576,000 for fiscal year 1999, $1,199,998,000 for fiscal year 2000, $1,209,794,000 for fiscal year 2001, $1,231,262,000 for fiscal year 2002, and $1,269,481,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 50 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States; and

''(ii) 50 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United

States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

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

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

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

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

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

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

''(a) ADJUSTMENT.—

''(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

''(A) the ratio that—

''(i) each State's percentage of the total apportionments for the fiscal year—

''(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

''(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

''(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than .85; and

''(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

''(i) not less than the percentage specified for the State in paragraph (2); but

''(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

''(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

''(b) TREATMENT OF ALLOCATIONS.—

''(1) OBLIGATION.—Amounts allocated under subsection (a)—

''(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

''(B) shall be available for any purpose eligible for funding under this title.

''(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

''(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

''(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

''105. Minimum guarantee.''.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.''.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting ''NOTIFICATION TO STATES.—'' after ''(e)'';

(B) in the first sentence—

(i) by striking ''(other than under subsection (b)(5) of this section)''; and

(ii) by striking ''and research'';

(C) by striking the second sentence; and

(D) in the last sentence, by striking '', except that'' and all that follows through ''such funds''; and

(2) in subsection (f)—

(A) by striking ''(f)(1) On'' and inserting the following:

''(f) METROPOLITAN PLANNING.—

''(1) SET-ASIDE.—On'';

(B) by striking ''(2) These'' and inserting the following:

''(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These'';

(C) by striking ''(3) The'' and inserting the following:

''(3) USE OF FUNDS.—The''; and

(D) by striking ''(4) The'' and inserting the following:

''(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The''.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking '', 104(b)(2), and 104(b)(6)'' and inserting ''and 104(b)(3)''.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

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

(A) in subsection (a)—

(i) by striking paragraph (1);

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

(iii) in paragraph (1) (as so redesignated)—

(I) by striking ''AFTER THE FIRST YEAR'' and inserting ''IN GENERAL''; and

(II) by striking '', 104(b)(2), 104(b)(5), and 104(b)(6)'' and inserting ''and 104(b)(3)''; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraph (1)''; and

(B) by striking subsection (b) and inserting the following:

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking ''or 104(b)(5), as the case may be,''.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(1)''.

(C) Section 141(c) of title 23, United States Code, is amended by striking ''section 104(b)(5) of this title'' each place it appears and inserting ''section 104(b)(1)(A)''.

(D) Section 142(c) of title 23, United States Code, is amended by striking ''(other than section 104(b)(5)(A))''.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking ''(5) of'' each place it appears and inserting ''(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of''; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking ''section 104(b)(5)(A)'' each place it appears and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(II) in paragraph (1)(A)(ii), by striking ''section 104(b)(5)(B)'' and inserting ''section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(III) in paragraph (3)(B), by striking ''(5)(B)'' and inserting ''(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''; and

(IV) in paragraphs (3) and (4), by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''.

(F) Section 161(a) of title 23, United States Code, is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1) and (3) of section 104(b)''.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking ''sections 130, 144, and 152 of this title'' and inserting ''subsection (b)(1)(B) and sections 130 and 152'';

(ii) in the first and second sentences—

(I) by striking ''section'' and inserting ''provision''; and

(II) by striking ''such sections'' and inserting ''those provisions''; and

(iii) in the third sentence—

(I) by striking ''section 144'' and inserting ''subsection (b)(1)(B)''; and

(II) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(C)''.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking ''104(b)(2), 104(b)(3), 104(f), 144,'' and inserting ''104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),''; and

(ii) in subsection (c), by striking ''144,,''.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking ''and in section 144 of this title''.

(D) Section 151(d) of title 23, United States Code, is amended by striking ''section 104(a), section 307(a), and section 144 of this title'' and inserting ''subsections (a) and (b)(1)(B) of section 104 and section 307(a)''.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking ''or section 144 of this title''.

(F) Section 303(g) of title 23, United States Code, is amended by striking ''section 144 of this title'' and inserting ''section 104(b)(1)(B)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

AMENDMENT NO. 1829

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,691,604,000 for fiscal year 1999, $12,672,215,000 for fiscal year 2000, $12,709,390,000 for fiscal year 2001, $13,028,866,000 for fiscal year 2002, and $13,485,484,000 for fiscal year 2003, of which—

(A) $4,884,261,000 for fiscal year 1998, $4,895,439,000 for fiscal year 1999, $4,928,972,000 for fiscal year 2000, $4,971,020,000 for fiscal year 2001, $5,079,789,000 for fiscal year 2002, and $5,239,088,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,486,514,000 for fiscal year 1998, $1,490,193,000 for fiscal year 1999, $1,499,790,000 for fiscal year 2000, $1,513,428,000 for fiscal year 2001, $1,546,393,000 for fiscal year 2002, and $1,594,736,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,432,571,000 for fiscal year 1998, $7,449,905,000 for fiscal year 1999, $7,500,013,000 for fiscal year 2000, $7,565,013,000 for fiscal year 2001, $7,729,837,000 for fiscal year 2002, and $7,972,616,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,221,065,000 for fiscal year 1998, $1,233,595,000 for fiscal year 1999, $1,231,933,000 for fiscal year 2000, $1,243,286,000 for fiscal year 2001, $1,269,682,000 for fiscal year 2002, and $1,310,305,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 50 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States; and

''(ii) 50 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

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

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

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

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

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

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than ___; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by

striking '', 104(b)(2), and 104(b)(6)'' and inserting ''and 104(b)(3)''.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

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

(A) in subsection (a)—

(i) by striking paragraph (1);

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

(iii) in paragraph (1) (as so redesignated)—

(I) by striking ''AFTER THE FIRST YEAR'' and inserting ''IN GENERAL''; and

(II) by striking '', 104(b)(2), 104(b)(5), and 104(b)(6)'' and inserting ''and 104(b)(3)''; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraph (1)''; and

(B) by striking subsection (b) and inserting the following:

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking ''or 104(b)(5), as the case may be,''.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(1)''.

(C) Section 141(c) of title 23, United States Code, is amended by striking ''section 104(b)(5) of this title'' each place it appears and inserting ''section 104(b)(1)(A)''.

(D) Section 142(c) of title 23, United States Code, is amended by striking ''(other than section 104(b)(5)(A))''.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking ''(5) of'' each place it appears and inserting ''(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of''; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking ''section 104(b)(5)(A)'' each place it appears and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(II) in paragraph (1)(A)(ii), by striking ''section 104(b)(5)(B)'' and inserting ''section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(III) in paragraph (3)(B), by striking ''(5)(B)'' and inserting ''(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''; and

(IV) in paragraphs (3) and (4), by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''.

(F) Section 161(a) of title 23, United States Code, is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1) and (3) of section 104(b)''.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking ''sections 130, 144, and 152 of this title'' and inserting ''subsection (b)(1)(B) and sections 130 and 152'';

(ii) in the first and second sentences—

(I) by striking ''section'' and inserting ''provision''; and

(II) by striking ''such sections'' and inserting ''those provisions''; and

(iii) in the third sentence—

(I) by striking ''section 144'' and inserting ''subsection (b)(1)(B)''; and

(II) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(C)''.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking ''104(b)(2), 104(b)(3), 104(f), 144,'' and inserting ''104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),''; and

(ii) in subsection (c), by striking ''144,,''.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking ''and in section 144 of this title''.

(D) Section 151(d) of title 23, United States Code, is amended by striking ''section 104(a), section 307(a), and section 144 of this title'' and inserting ''subsections (a) and (b)(1)(B) of section 104 and section 307(a)''.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking ''or section 144 of this title''.

(F) Section 303(g) of title 23, United States Code, is amended by striking ''section 144 of this title'' and inserting ''section 104(b)(1)(B)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

MCCAIN AMENDMENTS NOS. 1830–1834

(Ordered to lie on the table.)

Mr. MCCAIN submitted five amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1830

On page 34, line 18, strike ''$117,858,000'' and insert ''$166,700,000'';

On page 34, line 19, strike ''$123,492,000'' and insert ''$166,700,000'';

On page 34, line 20, strike ''$126,877,000'' and insert ''$166,700,000'';

On page 34, line 22, strike ''$130,355,000'' and insert ''$166,700,000'';

On page 34, line 24, strike ''$133,759,000'' and insert ''$166,700,000'';

On page 35, line 1, strike ''$141,803,000'' and insert ''$171,034,000'';

On page 35, line 8, strike ''$30,570,000'' and insert ''$44,000,000'';

On page 35, line 9, strike ''$28,500,000'' and insert ''$39,000,000'';

On page 35, line 10, strike ''$29,273,000'' and insert ''$39,000,000'';

On page 35, line 11, strike ''$30,065,000'' and insert ''$39,000,000'';

On page 35, line 12, strike ''$38,743,000'' and insert ''$49,000,000'';

On page 35, line 14, strike ''$39,815,000'' and insert ''$50,170,000'';

On page 35, line 21, after the first comma, insert ''to subsection 402(m) and section 410 of title 23, United States Code.'';

On page 36, line 5, strike ''$13,950,000'' and insert ''$20,000,000'';

On page 36, line 6, strike ''$14,618,000'' and insert ''$20,000,000'';

On page 36, line 7, strike ''$15,012,000'' and insert ''$20,000,000'';

On page 36, line 8, strike ''$15,418,000'' and insert ''$20,000,000'';

On page 36, line 9, strike ''$17,640,000'' and insert ''$22,000,000'';

On page 36, line 11, strike ''$17,706,000'' and insert ''$22,312,000'';

On page 37, line 4, strike ''$8,370,000'' and insert ''$12,000,000'';

On page 37, line 5, strike ''$8,770,000'' and insert ''$12,000,000'';

On page 37, line 6, strike ''$9,007,000'' and insert ''$12,000,000'';

On page 37, line 8, strike ''$9,250,000'' and insert ''$12,000,000'';

On page 37, line 23, strike ''$60,100,000'' and insert ''$73,100,000'';

On page 37, line 25 and 26, strike all after ''2001,'' and insert ''2002, and 2003.'';

On page 38, line 13, strike ''$1,605,000'' and insert ''$2,300,000'';

On page 38, line 14, strike ''$1,680,000'' and insert ''$2,300,000'';

On page 38, line 15, strike ''$1,726,000'' and insert ''$2,300,000'';

On page 38, line 16, strike ''$1,772,000'' and insert ''$2,300,000'';

On page 38, line 17, strike ''$1,817,000'' and insert ''$2,300,000''; and

On page 38, line 18, strike ''$1,872,000'' and insert ''$2,360,000''.

AMENDMENT NO. 1831

At the end of subsection (f) of Section 3101, ''Highway Safety Programs,'' insert the following:

''(n) DRUGGED DRIVING COUNTERMEASURES.—The Secretary shall make grants to those States that adopt and implement effect programs to reduce drug use and drugged driving:

(l) GRANT ELIGIBILITY.—A state is eligible for a grant under this subsection in a fiscal year by meeting, to the satisfaction of the Secretary, 5 or more of the following criteria:

(A) ZERO TOLERANCE FOR DRUGS.—The State has in effect a law that requires that any person with a measurable amount of a controlled substance, a combination of controlled substances, or a combination of alcohol and controlled substances when driving a motor vehicle shall be deemed to be driving under the influence of or impaired by a controlled substance.

(B) DRUG IMPAIRED DRIVING.—The State has in effect a law that makes it unlawful for any person to drive or be in actual physical control of a motor vehicle while under the influence of or impaired by a drug or substance (licit or illicit).

(C) MANDATORY TESTING FOR DRUGS OR SUBSTANCES.—The State has in effect a law that provides for mandatory chemical testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed a drug or substance-related traffic offense.

(D) ADMINISTRATIVE LICENSE REVOCATION.—The State has in effect an administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of a drug or substance which requires that—

''(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of one or more chemical tests to have been operating a motor vehicle under the influence of a drug or substance or is determined to have refused to submit to such a test as requested by the law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt the report of the law enforcement officer—

''(I) shall suspend the driver's license of such person for a period of not less than 90

days if such person is a first offender in such 5-year period; and

''(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

(ii) the suspension and revocation referred to under (D)(i) shall take effect not later than 30 days after the day on which the person was determined to have been driving under the influence of drugs or refused to take a chemical test in accordance with the State's procedures.

''(E) LICENSE REVOCATION OR SUSPENSION OF PERSONS CONVICTED OF DRUG OFFENSES.—The State has in effect a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of any person who is convicted, after the enactment of such law, of—

''(I) any violation of the Controlled Substances Act, or

''(II) any drug offense; and

''(ii) a delay in the issuance or reinstatement of a driver's license to such a person for at least 6 months after the person applies for the issuance or reinstatement of a driver's license if the person does not have a driver's license, or the driver's license of the person is suspended, at the time the person is so convicted.

''(F) GRADUATED LICENSING.—The State has adopted an effective three state graduated licensing system for young drivers, as determined by the Secretary, that includes drug use and drugged driving provisions.

''(G) ACTIVE ENFORCEMENT AND PUBLICITY.—The State provides for active enforcement and publicity, as determined by the Secretary, of drugged driving laws.

''(H) DRUG INTERVENTION.—The State has in effect a system, that provides for an assessment of persons determined to have been operating a motor vehicle under the influence of or impaired by a drug or controlled substance, as determined by the Secretary, and referral to drug education, counseling, and treatment, as appropriate.

''(I) DRUG EDUCATION.—The State as adopted an effective educational program, as determined by the Secretary, under which drug information is provided to persons who apply for and who renew their driver's licenses, and drug-related questions are included on drivers' license examinations.

''(2) GRANT AMOUNT.—The amount of a grant made for drugged driving countermeasures for any fiscal year to any eligible State shall not be more than 20 percent of the amount apportioned to the State for fiscal year 1997 under Section 402 of this title.

''(3) DEFINITIONS.—For the purposes of this subsection—

''(A) 'Alcoholic beverage' has the meaning such term has under section 158(c) of this title.

''(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.''.

Strike ''Section 3103, Authorization of Appropriations'' and insert in its place the following:

''SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAYS SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

(i) $166,700,000 for fiscal year 1998;
(ii) $166,700,000 for fiscal year 1999;
(iii) $166,700,000 for fiscal year 2000;
(iv) $166,700,000 for fiscal year 2001;
(v) $166,700,000 for fiscal year 2002; and
(vi) $171,034,000 for fiscal year 2003;

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $44,000,000 for fiscal year 1998;
(ii) $39,000,000 for fiscal year 1999;
(iii) $39,000,000 for fiscal year 2000;
(iv) $39,000,000 for fiscal year 2001;
(v) $49,000,000 for fiscal year 2002; and
(vi) $50,170,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $20,000,000 for fiscal year 1998;
(ii) $20,000,000 for fiscal year 1999;
(iii) $20,000,000 for fiscal year 2000;
(iv) $20,000,000 for fiscal year 2001;
(v) $22,000,000 for fiscal year 2002; and
(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $12,000,000 for fiscal year 1998;
(ii) $12,000,000 for fiscal year 1999;
(iii) $12,000,000 for fiscal year 2000; and
(iv) $12,000,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsections (l) and (m) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $2,300,000 for fiscal year 1998;
(B) $2,300,000 for fiscal year 1999;
(C) $2,300,000 for fiscal year 2000;
(D) $2,300,000 for fiscal year 2001;
(E) $2,300,000 for fiscal year 2002; and
(F) $2,360,000 for fiscal year 2003.''.

AMENDMENT NO. 1832

At the appropriate place insert the following:

SEC. 11___. AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking ''FUNDS.—Except as'' and inserting the following: ''FUNDS.—

''(A) IN GENERAL.—Except as''; and

(2) by adding at the end the following:

''(B) DEMONSTRATION PROJECTS.—

''(i) DEFINITION.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

''(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

''(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

''(III) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

''(IV) any other law.

''(ii) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the funds and the authorization of the project shall lapse.

''(iii) TRANSITION PROVISION.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of that date, the funds and the authorization of the project shall lapse on that date.''.

AMENDMENT NO. 1833

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following:

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

''(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

''(A) in the area covered by an emergency declaration under this paragraph; and

''(B) for a period of not more than 30 days designated in that declaration,

ssued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

''(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

''(A) a utility service vehicle driver to which the declaration applied; or

''(B) a utility service vehicle to the driver of which the declaration applied.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

AMENDMENT NO. 1834

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, and exclusions'';

(2) by striking ''exemption'' each place it appears and inserting ''special permit'';

(3) by inserting ''authorization variances'' after ''special permit'' the first place it appears in subsection (a), as amended by paragraph (2) of this subsection;

(4) by striking ''2'' in subsection (a)(2) and inserting ''4'';

(5) by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter. The Secretary may carry out pilot programs unless the Secretary determines pilot programs would pose an undue risk to public health and safety.

''(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

''(3) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.''.

(b) Section 5119(c) is amended by adding at the end the following:

''(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).''.

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits, pilot programs, and exclusions.''.

ALLARD (AND GRAMS) AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1835

On page ___, strike lines ___ through ___, and insert the following:

''(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: '', of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available''.

COATS AMENDMENTS NOS. 1836–1837

(Ordered to lie on the table.)

Mr. COATS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1836

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 20, strike ''$360,000,000'' and insert ''$368,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

On page 415, strike lines 10 through 15 and insert the following:

''(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $93,000,000 for fiscal year 1999, $96,000,000 for fiscal year 2000, $99,000,000 for fiscal year 2001, $102,000,000 for fiscal year 2002, and $106,000,000 for fiscal year 2003.''

AMENDMENT NO. 1837

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 20, strike ''$360,000,000'' and insert ''$368,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

SPECTER (AND MOYNIHAN) AMENDMENT NO. 1838

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. MOYNIHAN) submitted an amendment

intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

SPECTER AMENDMENT NO. 1839

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $25,000,000 for each of fiscal years 1999 and 2000, in addition to any funds authorized to be appropriated under subsection (h) of this section. Funds made available under this paragraph shall remain available until expended.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

SPECTER (AND OTHERS) AMENDMENT NO. 1840

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

''§ 5320a. Access to jobs

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means—

''(A) ACCESS TO JOBS PROJECTS.—a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(ii) promoting the use of transit by workers with nontraditional work schedules;

''(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(iv) promoting the use of employer-provided transportation including the transit pass benefit under subsections (a) and (f) of section 132 of title 26; or

''(B) REVERSE COMMUTE PROJECTS.—a project related to the development of transportation services designed to transport individuals to suburban employment opportunities from urban, urbanized, or nonurbanized areas. Amounts made available to a grant recipient under this section for reverse commute projects may be used—

''(i) to subsidize the costs associated with adding reverse commute bus or rail routes or service to suburban workplaces;

''(ii) to subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences in urban, urbanized, or nonurbanized areas to a suburban workplace; and

''(iii) to otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban, urbanized, or nonurbanized areas.

''(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from federal, state, or local sources for nonemergency transportation services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

''(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

''(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a state program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

''(b) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

''(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(c) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

''(e) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

''(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

''(2) in the case of access to jobs projects, the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

''(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

''(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

''(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

''(6) the extent to which the applicant—

''(A) in the case of access to jobs projects, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

''(B) identifies long-term financing strategies to support the services under this section;

''(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

''(8) in the case of reverse commute projects, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities and the extent to which the proposed services will address those needs.

''(f) FEDERAL SHARE OF COSTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

''(2) NONGOVERNMENTAL SHARE.—The portion of the total cost of an eligible project that is not funded under this section—

''(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

''(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(g) PLANNING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of section 5303 through 5306 apply to any grant made under this section.

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.

''(h) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

''(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

''(2) such other terms and conditions as determined by the Secretary.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

''(A) conduct a study to evaluate the grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

''(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

''(A) conduct a study to evaluate the access to jobs and reverse commute project grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

''(j) FUNDING: ALLOCATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 1998 through 2003, of which $150,000,000 shall be authorized for access to jobs projects and $100,000,000 shall be authorized for reverse commute projects. Such amounts shall remain available until expended.

''(2) ALLOCATION.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

''(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

''(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

''(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.''.

(2) Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following: ''5320a. Access to jobs.''.

CHAFEE AMENDMENT NO. 1841

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 8, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

On page 20, strike lines 11 through 21 and insert the following:

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

On page 33, line 20, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 34, line 15, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 35, line 11, strike ''104(b)(1)(A)'' and insert ''104(b)(1)''.

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike ''2003'' and insert ''2007''.

On page 41, lines 20 and 21, strike ''authorized to be appropriated'' and insert ''made available''.

On page 47, line 4, strike ''authorized to be appropriated'' and insert ''made available''.

On page 51, line 22, insert '', by rule,'' after ''develop''.

On page 74, strike lines 14 through 23 and insert the following:

''(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

''(i) $8,000,000 for development of the system; and

''(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

''(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.''.

On page 79, line 15, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 82, between lines 9 and 10, insert the following:

(b) TECHNICAL AMENDMENTS.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking ''section 120(j) of this title'' and inserting ''section 120''.

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''Except as provided in subsection (d) of section 120 of this title'' and inserting ''Subject to section 120''; and

(B) in the second sentence, by striking ''except as provided in subsection (d) of section 120 of this title'' and inserting ''subject to section 120''.

On page 116, strike lines 21 through 23 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

''(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:
under section 412;

''(C) require that—

''(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

''(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

''(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

''(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

''(D) contain such other terms and conditions as the Secretary determines to be appropriate.''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike ''$3,587,000,000'' and insert ''$3,603,000,000''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert ''at least 50 percent'' before ''greater''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: ''(as determined on the basis of the 1990 Federal census)''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike ''45'' and insert ''40''.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 150, between lines 16 and 17, insert the following:

SEC. 12___. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: ''unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable''.

On page 190, line 14, insert ''related to surface transportation'' after ''project''.

On page 220, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

''(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

''(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: ''State wildlife agency, wetland conservation group, land trust, or''.

On page 369, line 2, before the period, insert the following: '', of which not less than $500,000 shall be made available to carry out the study under section 511''.

On page 375, line 6, strike ''2 years'' and insert ''5 years''.

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

''§ 310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

On page 378, strike the item between lines 15 and 16 and insert the following:

''310. Advanced vehicle technologies program.''.

On page 381, strike lines 4 through 6 and insert the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

On page 385, line 1, add ''deployment of'' at the end.

On page 399, line 19, strike ''or'' and insert ''and''.

On page 402, line 16, strike ''and''.

On page 402, line 18, strike the period and insert ''; and''.

On page 402, between lines 18 and 19, insert the following:

''(v) developing and implementing unobtrusive eyetracking technology.

On page 159, between lines 6 and 7, insert the following:

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining ''transportation enhancement activities''—

(1) by striking ''scenic or historic highway programs,'' and inserting ''scenic or historic highway programs (including the provision of tourist and welcome center facilities),''

BREAUX (AND LANDRIEU) AMENDMENT NO. 1842

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill insert the following new section Set-Aside for Intermodal Projects:

''SEC. —. SET-ASIDE FOR INTERMODAL PROJECTS.

''(1) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002 and 2003 for obligation by the Secretary for intermodal projects. Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

''(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of an intermodal project; and

''(B) the applicant is willing and able to—

''(i) obligate the funds within one year of the date the funds are made available;

''(ii) apply the funds to a ready-to-commence project; and

''(iii) in the case of construction work, begin work within 90 days of obligation.

''(2) PRIORITY CONSIDERATION FOR CERTAIN INTERMODAL PROJECTS.—In selecting projects to fund under paragraph (1) of this section, the Secretary shall give priority consideration to any project the cost of which exceeds $5,000,000; (2) combines elements of air, rail, road, or water transportation; and (3) is coordinated by the State in conjunction with a regional planning agency.

''(3) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this section shall remain available until expended.''.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1843

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

CONRAD AMENDMENTS NOS. 1844–1847

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1844

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking ''10 percent'' and inserting ''8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)''; and

---

AMENDMENT NO. 1845

On page 51, line 22, insert '', by rule,'' after ''develop''.

AMENDMENT NO. 1846

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads

or serve as roads (including reconstruction to raise the height of a bridge)''.

AMENDMENT NO. 1847

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State of local matching funds for any Federally authorized transportation project for which matching funds are required''.

ABRAHAM AMENDMENTS NOS. 1848–1855

(Ordered to lie on the table.)

Mr. ABRAHAM submitted eight amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1848

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS.

(a) CAPITAL PROJECTS.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for—

(1) capital projects (as that term is defined in section 5302(a) of title 49, United States Code); and

(2) the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

(b) NON-FEDERAL SHARE OF NET PROJECT COST.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).''.

AMENDMENT NO. 1849

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS FOR CAPITAL PROJECTS.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS FOR OPERATING EXPENSES.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1851

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK ELIGIBILITY.

Section 5307(e) of title 49, United States Code, as amended by this title, is amended by inserting after ''new capital.'' the following: ''Notwithstanding any other provision of this section or section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), funds provided under a grant made under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used by a recipient of a grant under this section (for a capital project or for operating expenses) to provide the non-federal share of the net project cost.''.

AMENDMENT NO. 1852

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. HOURS OF SERVICE.

Section 345(e)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by inserting ''or for the facility or location to which the driver is assigned'' before the period.

AMENDMENT NO. 1853

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. TRANSPORTATION OF CONSTRUCTION MATERIALS EQUIPMENT.

Section 345(e)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by striking ''50 air mile radius of the normal'' and inserting ''100 air mile radius of the assigned''.

AMENDMENT NO. 1854

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. HOURS OF SERVICE.

Section 345(e) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended—

(1) in paragraph (2), by inserting ''or for the facility or location to which the driver is assigned'' before the period; and

(2) in paragraph (4), by striking ''50 air mile radius of the normal'' and inserting ''100 air mile radius of the assigned''.

AMENDMENT NO. 1855

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAY PROGRAM.

Section 311 of title 23, United States Code, is amended—

(1) by striking ''Funds made available'' and inserting the following:

''(a) DEFINITION OF BASE CLOSURE.—In this section, the term 'base closure' means the closure of a military installation under—

''(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102–510; 104 Stat. 1808; 10 U.S.C. 2687 note); or

''(2) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(b) USE OF ADMINISTRATIVE FUNDS.—Funds made available'';

(2) by striking ''construction of projects for'' and inserting the following: ''construction of—

''(1) projects for''; and

(3) by striking ''may designate. With the consent'' and inserting the following: ''may designate; and

''(2) transportation projects associated with the economic redevelopment of real property that was the subject of a base closure.

''(c) USE OF APPORTIONED FUNDS.—With the consent''.

ABRAHAM AMENDMENT NO. 1856

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. MACK, Mr. KOHL, Mr. GRAHAM, Mr. LEVIN, and Mr. COATS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 1, strike all after line 1 through page 5, line 6, and insert the following:

SEC. 11. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments an allocation under section 104 and 105(a) of title 23, United States Code, and section 1102 (c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the donor states in the ratio that—

(A) the rate of contribution of each donor State determined under subparagraph (b); bears to

(B) the sum of the rates of contribution of all donor States.

(2) DISTRIBUTION OF FUNDS.—

(A) DEFINITION OF DONOR STATE.—In this Section, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) RATE OF CONTRIBUTION.—The rate of contribution of a donor state shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributed to the highway users in the donor State paid in the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

ABRAHAM AMENDMENTS NOS. 1857–1863

(Ordered to lie on the table.)

Mr. ABRAHAM submitted seven amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1857

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

''(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust

Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

''(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of .3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

''(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

''(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

AMENDMENT NO. 1858

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1859

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 beginning on page 5, strike line 15 and all that follows through page 18, line 19, and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the ''program'') to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times

the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-

aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1860

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, strike lines 15 through 19 and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

AMENDMENT NO. 1861

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 9, strike all after ''program if—'' through page 10, line 2, and insert the following:

''(A) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

''(B) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (A) (as determined by the Secretary of Commerce).''

AMENDMENT NO. 1862

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 9, line 16, strike ''(A)'' and insert ''(A)(i)'';

(2) on page 9, line 22, strike ''(B)'' and insert ''(ii)'';

(3) on page 10, line 2, strike the period and insert a semicolon; and

(4) on page 10, between lines 2 and 3, insert the following:

(B) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

(C) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (B) (as determined by the Secretary of Commerce).

AMENDMENT NO. 1863

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, strike all after line 1 and insert the following:

SEC. ___. BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

''(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

''(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of 4.3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

''(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

''(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

LEVIN AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill add:

SENSE OF THE SENATE.—

It is the sense of the Senate that high density transportation program money should be fairly distributed, and that states such as Indiana and Michigan, and any other states that substantially meet the eligibility criteria under that section should be treated in the same manner as any other state eligible for the high density transportation program.

MOSELEY-BRAUN AMENDMENT NO. 1865

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Security shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1866

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 8 and all that follows through page 20, line 10, and insert the following:

(a) IN GENERAL.—For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under paragraphs (1) through (3) of subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of the amendment proposed by Ms. Moseley-Braun (No. ___).

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 34 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States;

''(ii) 34 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States; and

''(iii) 32 percent in the ratio that—

''(I) the total ton-miles of through shipments by truck in each State; bears to

''(II) the total ton-miles of through shipments by truck in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DEFINITION OF THROUGH SHIPMENT.—In this paragraph, the term 'through shipment' means a shipment of property that originates outside a State (but inside the United States), travels through the State, and terminates outside the State.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42

U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the total ton-miles of through shipments by truck in each State; bears to

''(II) the total ton-miles of through shipments by truck in all States.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(D) DEFINITION OF THROUGH SHIPMENT.—In this paragraph, the term 'through shipment' means a shipment of property that originates outside a State (but inside the United States), travels through the State, and terminates outside the State.''.

KERREY (AND HAGEL) AMENDMENT NO. 1867

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. NEBRASKA SUGAR BEET TRANSPORTATION.

Notwithstanding section 127 of title 23, United States Code, the State of Nebraska may allow for the operation of vehicles to transport sugar beets from the field where those sugar beets are harvested to storage, market, factory, or stockpile or from stockpile to storage, market, or factory if that transportation meets applicable mileage requirements under the laws of the State of Nebraska and otherwise meets applicable requirements under State and Federal law.

DEWINE AMENDMENTS NOS. 1868–1869

(Ordered to lie on the table.)

Mr. DEWINE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1868

At the end of subtitle H of title I, add the following:

SEC. 18___. ELIGIBILITY FOR FUNDING OF CUYAHOGA RIVER BRIDGE, OHIO.

Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of that title.

AMENDMENT NO. 1869

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

STEVENS AMENDMENT NO. 1870

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and

(2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

Amend 23 U.S.C. Sec. 119(e) by adding after ''. . . extending Interstate pavement life,'' the following new sentence: ''Specifically approvable hereunder is the application when conditions warrant of environmentally-beneficial minimally corrosive, cost effective anti-icing and deicing compositions to roadways, bridges, and other elevated structures.''

STEVENS (AND OTHERS) AMENDMENT NO. 1871

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. BURNS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 104, insert after line 2:

''(h) Notwithstanding any other provision of this section, the Secretary shall grant ten percent of the funds provided in this section to states with over 300 miles of international border and population densities of 10 persons or less per square mile; provided further that no state shall be awarded less than one-half of its percentage of international border with Canada and Mexico.''

STEVENS AMENDMENTS NOS. 1872–1873

(Ordered to lie on the table.)

Mr. STEVENS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1872

Insert at the appropriate place:

( ) COST-EFFECTIVE TRANSPORTATION REQUIREMENTS.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 in each of fiscal years 1998 through 2003 for the construction of ferry boats, ferry terminal facilities, and approaches to such facilities in accordance with the provisions of section

1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note), at least half of which shall be available for such boats, facilities and approaches within marine highway systems which are part of the National Highway System.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1873

On page 4, line 6, after ''including'' insert ''cost of road construction in each Bureau of Indian Affairs Area,''

KOHL AMENDMENT NO. 1874

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. GRAHAM, and Mr. MACK) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11——.93 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.93.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rate basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) OFDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

CONRAD AMENDMENTS NOS. 1875–1878

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1875

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State of local matching funds for any Federally authorized transportation project for which matching funds are required''.

AMENDMENT NO. 1876

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge)''.

AMENDMENT NO. 1877

On page 51, line 22, insert '', by rule,'' after ''develop''.

AMENDMENT NO. 1878

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking ''10 percent'' and inserting ''8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)''; and

---

MOYNIHAN AMENDMENTS NOS. 1879–1893

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1879

At the end of subtitle H of title I, add the following:

SEC. 18___. SENSE OF SENATE ON BALANCE OF PAYMENTS OF FEDERAL FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) according to the Tax Foundation's Special Report on 1997 Federal Tax Burden by State, 11 States receive less than $0.91 in Federal expenditures per dollar of Federal taxes paid;

(2) the same 11 States have paid $1,200,000,000,000 more to the Federal Government than they have received in Federal spending since 1981; and

(3) the per capita balance of payments deficit in those 11 States has totaled $173,520 since 1981.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) if it is inequitable for a State to receive less than $0.91 in spending under the Intermodal Surface Transportation Efficiency Act of 1997 for each dollar paid in gasoline taxes, it is also inequitable for a State to receive less than $0.91 in overall Federal spending for each Federal tax dollar paid; and

(2) the Senate should work to ensure that every State will receive not less than $0.91 in direct payments to individuals, grants to State and local governments, procurement contracts, salaries and wages, and other Federal spending for each dollar paid in Federal taxes.

AMENDMENT NO. 1880

On page 104, line 20, amend subsection 1117(b) by inserting the following paragraph at the end thereof:

''(3) CORRIDOR EXTENSION.—Corridor T in New York shall be extended eastward from its present terminus along Route 17 to the border of the Appalachian Region in the vicinity of Roscoe, New York''.

AMENDMENT NO. 1881

On page 21, strike line 8 and all that follows through page 30, line 18, and insert the following:

''(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

''(I) apportionments authorized under section 104 of that title for the construction of the Interstate System;

''(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

''(iii) apportionment for the Federal lands highways program under section 204 of that title; and

''(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); Interstate substitute

''(C) The product obtained by multiplying—

''(I) the annual average of the total apportionments determined under subparagraph (B); by

''(ii) the applicable percentage determined under paragraph (2).

''(D) The product obtained by multiplying—

''(I) the annual average of the total apportionments determined under subparagraph (B); by

''(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

''(A) FISCAL YEAR 1998—For fiscal year—

''(I) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

''(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

''(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 to 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States

Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(D) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

''(a) ADJUSTMENT.—

''(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

''(A) the ratio that—

''(i) each State's percentage of the total apportionments for the fiscal year—

''(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

''(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

''(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

''(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

''(i) not less than the percentage specified for the State in paragraph (2); but

''(ii) not greater than the product determined for the State under section 1102(c)(1)(C) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

''(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

''(b) TREATMENT OF ALLOCATIONS.—

AMENDMENT NO. 1882

Beginning on page 21, strike line 15 and all that follows through page 30, line 18, and insert the following:

''(C) the product obtained by multiplying—

''(i) the annual average of the total apportionments determined under subparagraph (B); by

''(ii) the applicable percentage determined under paragraph (2); and

''(D) the product obtained by multiplying—

''(i) annual average of total apportionments determined under subparagraph (B); by

''(ii) the applicable percentage determined under paragraph (2).

''(2) APPLICABLE PERCENTAGES.—

''(A) FISCAL YEAR 1998.—For fiscal year 1998—

''(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

''(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

''(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

''(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

''(ii) the percentage that—

''(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

''(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

''(5) Notwithstanding any other provision of this subsection, in each of the fiscal years 1998 through 2003, funds apportioned under this subsection shall not increase Massachusetts's share to more than 75 percent of its total fiscal year 1997 Federal-aid highway apportionment.''

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

''§ 105. Minimum guarantee

''(a) ADJUSTMENT.—

''(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

''(A) the ratio that—

''(i) each State's percentage of the total apportionments for the fiscal year—

''(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

''(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

''(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

''(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

''(i) not less than the percentage specified for the State in paragraph (2); but

''(ii) not greater than the product determined for the State under section 1102(c)(1)(C) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

''(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

''State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

''(b) TREATMENT OF ALLOCATIONS.—

AMENDMENT NO. 1883

On page 278, delete line 14 and insert the following:

''4321 et seq.)'', provided the metropolitan planning organization has included consideration of at least one alternative plan or program that is designed to maximize use of transportation demand management alternatives.''

AMENDMENT NO. 1884

At the end of the bill add the following:

TITLE ___—EQUITABLE ALLOCATION OF AIRPORT IMPROVEMENT PROGRAM FUNDING

DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) EQUITABLE STATE ALLOCATION.—The term ''equitable State allocation'', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(4) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State dollar contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(6) STATE PERCENTAGE CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State percentage contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that the State dollar contribution to the Airport and Airway Trust Fund bears to the aggregate of the State dollar contributions to the Airport and Airway Trust Fund collected from all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the fiscal year that are transferred to the Airport and Airway Trust Fund; and

(2) the Secretary shall determine the State dollar contribution to the Airport and Airway Trust Fund and State percentage contribution to the Airport and Airway Trust Fund of each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—

(A) ALLOCATION.—Notwithstanding any other provision of law, each State shall be entitled to receive under each program administered by the Secretary for which funds are authorized to be transferred from the Airport and Airway Trust Fund, an amount for a fiscal year that is not less than 90 percent of the amount that is equal to the aggregate amount to be paid under that program to all of the States for the fiscal year (adjusted for any administrative costs referred to in section 9502(d)(1)(C) of the Internal Revenue Code of 1986) multiplied by the State percentage contribution to the Airport and Airway Trust Fund for the fiscal year.

(B) RULE OF CONSTRUCTION.—Nothing in this section is intended to permit a use of amounts made available to a State under this section in a manner that does not meet the applicable requirements of part B of subtitle VII of title 49, United States Code.

(2) IMPLEMENTATION.—If, but for this section, a State would be entitled to receive less than the amount of its equitable State allocation under a program administered by the Secretary, the Secretary shall deduct from the amounts to be paid to States that would be entitled to receive more than the equitable State allocations for those States, pro rata, the amount necessary to enable the Secretary to pay the State the full amount of its equitable State allocation.

AMENDMENT NO. 1885

On page 200, strike lines 3 through 6 and insert the following:

(8) PROJECT.—The term ''project'' means—

(A) a surface transportation project eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code; and

(B) a project for an international bridge or tunnel, for which an international entity authorized under State or Federal law is responsible.

AMENDMENT NO. 1886

At the end of the bill, add the following:

TITLE___—EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS

SEC. ___01. EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) ADMINISTRATOR—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) AGENCY EXPENDITURE.—The term ''agency expenditure'' means any payment made by the Administrator to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a grant or other form of financial assistance;

(B) a payment under a contract; compensation of an employee or consultant; or

(C) any other form.

(3) EQUITABLE STATE ALLOCATION.—The term ''equitable State allocation'', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(4) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State dollar contribution to the Federal Government'', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State percentage contribution to the Federal Government'', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Administrator the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year; and

(2) the Administrator shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Administrator, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under—

(i) other programs administered by the Administrator; or

(ii) transfer funds to the Secretary of Transportation to fund programs that apportion funds to States that are administered by the Secretary under title 23 or 49 of the United States Code.

(2) IMPLEMENTATION.—If, but for this section, the Administrator would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Administrator shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Administrator to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1887

At the end of the bill, add the following:

TITLE ___—EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS

SEC. ___01. EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term ''agency expenditure'' means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term ''equitable State allocation'', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State dollar contribution to the Federal Government'', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State percentage contribution to the Federal Government'', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of Agriculture, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Chief of the Forest Service, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of Agriculture.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1888

At the end of the bill, add the following:

TITLE ___—EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS

SEC. ___01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term ''agency expenditure'' means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term ''equitable State allocation'', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State dollar contribution to the Federal Government'', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State percentage contribution to the Federal Government'', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Director of the Bureau of Land Management, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State

allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1889

At the end of the bill, add the following:

TITLE ___—EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS

SEC. ___01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term ''agency expenditure'' means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term ''equitable State allocation'', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State dollar contribution to the Federal Government'', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term ''State percentage contribution to the Federal Government'', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Commissioner of Reclamation, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1890

On page 23, line 4, strike ''145'' and substitute ''130'' in lieu thereof:

AMENDMENT NO. 1891

On page 23, line 7, strike ''107'' and substitute ''115'' in lieu thereof:

AMENDMENT NO. 1892

On page 136, after line 22, insert the following:

SEC. 1128. STUDY OF FISCAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND SEVERAL STATES.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the following issues:

(1) FACTORS IN STATE ALLOCATION FORMULAS.—

(A) IN GENERAL.—The various factors described in subparagraph (B) used in State allocation formulas included in current Federal assistance programs and possible alternative factors described in subparagraph (C), including an analysis of the strengths and weaknesses of such factors and formulas.

(B) CURRENT FACTORS.—Factors described in this subparagraph include—

(i) rolling 3-year average of State per capita income,

(ii) State total taxable resources,

(iii) per capita income squared,

(iv) poverty population, including poverty population 5–17 years old, poverty population under 21, families with incomes between 130 percent and 185 percent of poverty level, children below 130 percent of poverty level, households below 150 percent of poverty level, and rural population in poverty, and

(v) population receiving benefits under a State program funded under part A of title IV of the Social Security Act, adult population receiving such benefits, children 5–17 years old in families above poverty level receiving such benefits.

(C) ALTERNATIVE FACTORS.—Factors described in this subparagraph include—

(i) State gross domestic product,

(ii) the representative tax system,

(iii) the inclusion of user fees in factors based on tax collections,

(iv) poverty measures which reflect State cost-of-living, and

(v) a more accurate measure of State fiscal capacity than State per capita income.

(2) FISCAL CONDITION AND CAPACITY.—The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments.

(3) IMPACT OF PAYMENTS DEFICIT.—The impact on a State's economy of running a persistent balance of payments deficit with the Federal Government.

(4) MEASURES LEADING TO MORE EQUITABLE RETURNS ON TAX DOLLARS.—Measures, including changes to allocation formulas, which would provide that each State's return on each Federal tax dollar, including direct payments to individuals, grants to State and local government, procurement, salaries and wages, and other Federal spending, is at least $0.95.

(5) IMPACT OF OTHER FACTORS.—The impacts of the cyclical nature of the economy and other factors, such as employment, on the expenditures, needs, and fiscal capacities of Federal, State, and local governments.

(6) RESPONSIVENESS OF DISTRIBUTION OF FEDERAL ASSISTANCE.—The responsiveness of the distribution of Federal assistance to—

(A) the cyclical nature of the economy and other factors identified under paragraph (5),

(B) the fiscal capacities of State and local governments,

(C) the need for services of State and local governments, and

(D) cost-of-living and cost-of-government differentials.

(7) ADMINISTRATION OF ALLOCATION FORMULAS.—The mathematical models, underlying data, and administration of Federal grant formulas, including the formulas examined under paragraph (1).

(b) STUDY PLAN.—The Secretary of the Treasury, in consultation with the Secretary of Commerce, the Comptroller General of the United States, and recognized organizations of elected officials of State and local governments, including regional organizations of such officials and officials of States that may receive substantially reduced funding under alternative methods of allocating Federal assistance, shall develop a plan for the completion of the study required by subsection (a). Such plan may provide for the participation of such individuals and organizations in the conduct of the study.

(c) REPORT OF STUDY.—Upon completion of the study required by subsection (a), the Secretary of the Treasury shall solicit the views of the persons and organizations with whom the Secretary was required to consult by subsection (b) and shall append such views to a final report to the President and Congress. Such report shall be submitted not later than June 30, 1999.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT NO. 1893

On page 5, line 12 strike all that follows through page 30, line 17, and substitute the following:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,788,000,000 for fiscal year 1998,

$12,625,000,000 for fiscal year 1999,

$12,644,000,000 for fiscal year 2000,

$12,742,000,000 for fiscal year 2001,

$13,045,000,000 for fiscal year 2002, and

$13,595,000,000 for fiscal year 2003, of which—

''(A) $4,919,000,000 for fiscal year 1998,

$4,934,000,000 for fiscal year 1999,

$4,967,000,000 for fiscal year 2000,

$5,004,000,000 for fiscal year 2001,

$5,092,000,000 for fiscal year 2002, and

$5,239,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

''(B) $1,497,000,000 for fiscal year 1998,
$1,502,000,000 for fiscal year 1999,
$1,511,000,000 for fiscal year 2000,
$1,524,000,000 for fiscal year 2001,
$1,550,000,000 for fiscal year 2002, and
$1,595,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

''(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,474,000,000 for fiscal year 1998,
$7,500,000,000 for fiscal year 1999,
$7,549,000,000 for fiscal year 2000,
$7,606,000,000 for fiscal year 2001,
$7,740,000,000 for fiscal year 2002, and
$7,974,000,000 for fiscal year 2003.

''(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title
$1,227,000,000 for fiscal year 1998,
$1,231,000,000 for fiscal year 1999,
$1,240,000,000 for fiscal year 2000,
$1,250,000,000 for fiscal year 2001,
$1,271,000,000 for fiscal year 2002, and $1,309,000,000 for fiscal year 2003.''

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 50 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States; and

''(ii) 50 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under

clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

''§ 105. Minimum guarantee

''(a) ADJUSTMENT.—

''(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or

as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (3) amounts sufficient to ensure that the State's percentage of total apportionments for the fiscal year is—

''(A) not less than the percentage specified for the State in paragraph (3), but

''(B) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Transportation Act of 1997 for the fiscal year.

''(2) TOTAL APPORTIONMENTS.—For the purposes of this paragraph each State's total apportionments for the fiscal year is defined as those made—

''(A) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and congestion mitigation and air quality improvement program; and

''(B) under section 1102(c) of the Intermodel Transportation Act of 1997 for ISTEA transition;

''(3) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(A) for a specified State shall be determined in accordance with the following table:

''State	*Percentage*
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

CHAFEE (AND GRAHAM) AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means—

(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authority under State of Federal law is responsible.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for

the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;

''(C) $90,000,000 for fiscal year 2000;

''(D) $90,000,000 for fiscal year 2001;

''(E) $115,000,000 for fiscal year 2002; and

''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

''Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

''§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

CHAFEE AMENDMENTS NOS. 1895–1897

(Ordered to lie on the table)

Mr. CHAFEE submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1895

On page 8, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

On page 20, strike lines 11 through 21 and insert the following:

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

On page 33, line 20, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 34, line 15, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 35, line 11, strike ''104(b)(1)(A)'' and insert ''104(b)(1)''.

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike ''2003'' and insert ''2007''.

On page 41, lines 20 and 21, strike ''authorized to be appropriated'' and insert ''made available''.

On page 47, line 4, strike ''authorized to be appropriated'' and insert ''made available''.

On page 51, line 22, insert ", by rule," after "develop".

On page 74, strike lines 14 through 23 and insert the following:

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—

"(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(i) $8,000,000 for development of the system; and

"(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

"(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.".

On page 79, line 15, insert "(a) IN GENERAL.—" before "Section".

On page 82, between lines 9 and 10, insert the following:

(b) TECHNICAL AMENDMENTS.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking "section 120(j) of this title" and inserting "section 120".

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(B) in the second sentence, by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

On page 116, strike lines 21 through 23 and insert the following:

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:

under section 412;

"(C) require that—

"(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

"(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

"(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike "$3,587,000,000" and insert "$3,603,000,000".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert "at least 50 percent" before "greater".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: "(as determined on the basis of the 1990 Federal census)".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike "45" and insert "40".

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

On page 150, between lines 16 and 17, insert the following:

SEC. 12___. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: "unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable".

On page 190, line 14, insert "related to surface transportation" after "project".

On page 220, lines 4 and 5, strike "authorized to be appropriated" and insert "made available".

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

"(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

"(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: "State wildlife agency, wetland conservation group, land trust, or".

On page 369, line 2, before the period, insert the following: ", of which not less than $500,000 shall be made available to carry out the study under section 511".

On page 375, line 6, strike "2 years" and insert "5 years".

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

"§ 310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 378, strike the item between lines 15 and 16 and insert the following:

"310. Advanced vehicle technologies program.".

On page 381, strike lines 4 through 6 and insert the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 385, line 1, add "deployment of" at the end.

On page 399, line 19, strike "or" and insert "and".

On page 402, line 16, strike "and".

On page 402, line 18, strike the period and insert "; and".

On page 402, between lines 18 and 19, insert the following:

"(v) developing and implementing unobtrusive eyetracking technology.

AMENDMENT NO. 1896

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003, of which—

(A) $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 50 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States; and

''(ii) 50 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

''§ 105. Minimum guarantee

''(a) ADJUSTMENT.—

''(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

''(A) the ratio that—

''(i) each State's percentage of the total apportionments for the fiscal year—

''(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

''(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

''(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than ___; and

''(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

''(i) not less than the percentage specified for the State in paragraph (2); but

''(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

''(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.67
Rhode Island	0.61
South Dakota	0.67
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

''(b) TREATMENT OF ALLOCATIONS.—

''(1) OBLIGATION.—Amounts allocated under subsection (a)—

''(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

''(B) shall be available for any purpose eligible for funding under this title.

''(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

''(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

''(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

''105. Minimum guarantee.''.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.''.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting ''NOTIFICATION TO STATES.—'' after ''(e)'';

(B) in the first sentence—

(i) by striking ''(other than under subsection (b)(5) of this section)''; and

(ii) by striking ''and research'';

(C) by striking the second sentence; and

(D) in the last sentence, by striking '', except that'' and all that follows through ''such funds''; and

(2) in subsection (f)—

(A) by striking ''(f)(1) On'' and inserting the following:

''(f) METROPOLITAN PLANNING.—

''(1) SET-ASIDE.—On'';

(B) by striking ''(2) These'' and inserting the following:

''(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These'';

(C) by striking ''(3) The'' and inserting the following:

''(3) USE OF FUNDS.—The''; and

(D) by striking ''(4) The'' and inserting the following:

''(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The''.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking '', 104(b)(2), and 104(b)(6)'' and inserting ''and 104(b)(3)''.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking ''AFTER THE FIRST YEAR'' and inserting ''IN GENERAL''; and

(II) by striking '', 104(b)(2), 104(b)(5), and 104(b)(6)'' and inserting ''and 104(b)(3)''; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraph (1)''; and

(B) by striking subsection (b) and inserting the following:

''(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.''.

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking ''or 104(b)(5), as the case may be,''.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(1)''.

(C) Section 141(c) of title 23, United States Code, is amended by striking ''section 104(b)(5) of this title'' each place it appears and inserting ''section 104(b)(1)(A)''.

(D) Section 142(c) of title 23, United States Code, is amended by striking ''(other than section 104(b)(5)(A))''.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking ''(5) of'' each place it appears and inserting ''(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of''; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking ''section 104(b)(5)(A)'' each place it appears and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(II) in paragraph (1)(A)(ii), by striking ''section 104(b)(5)(B)'' and inserting ''section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(III) in paragraph (3)(B), by striking ''(5)(B)'' and inserting ''(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''; and

(IV) in paragraphs (3) and (4), by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''.

(F) Section 161(a) of title 23, United States Code, is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1) and (3) of section 104(b)''.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking ''sections 130, 144, and 152 of this title'' and inserting ''subsection (b)(1)(B) and sections 130 and 152'';

(ii) in the first and second sentences—

(I) by striking ''section'' and inserting ''provision''; and

(II) by striking ''such sections'' and inserting ''those provisions''; and

(iii) in the third sentence—

(I) by striking ''section 144'' and inserting ''subsection (b)(1)(B)''; and

(II) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(C)''.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking ''104(b)(2), 104(b)(3), 104(f), 144,'' and inserting ''104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),''; and

(ii) in subsection (c), by striking ''144,,''.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking ''and in section 144 of this title''.

(D) Section 151(d) of title 23, United States Code, is amended by striking ''section 104(a), section 307(a), and section 144 of this title'' and inserting ''subsections (a) and (b)(1)(B) of section 104 and section 307(a)''.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking ''or section 144 of this title''.

(F) Section 303(g) of title 23, United States Code, is amended by striking ''section 144 of this title'' and inserting ''section 104(b)(1)(B)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

AMENDMENT NO. 1897

At the appropriate place in subtitle G of title III, insert the following:

SEC. 37___. ELIMINATION OF ESSENTIAL AIR SERVICE PROGRAM.

(a) AVAILABILITY OF SLOTS.—Section 41714 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) **[**[Reserved]**]**''.

(b) NONHUB AIRPORT.—Section 41715(d) of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) NONHUB AIRPORT.—In this section, the term 'nonhub airport' means an airport that each year has fewer than .05 percent of total annual boardings in the United States.''.

(c) ELIMINATION OF PROGRAM.—

(1) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by striking subchapter II.

(2) CONFORMING AMENDMENTS.—

(A) Section 329(b)(1) of title 49, United States Code, is amended by striking ''and are not used for providing essential air transportation under subchapter II of chapter 417 of this title''.

(B) Section 40117(e)(2) of title 49, United States Code, is amended—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(C) Chapter 417 of title 49, United States Code, is amended by striking the heading for subchapter I.

(D) Section 41709(b)(1)(A) of title 49, United States Code, is amended by striking ''under subchapter II of this chapter or''.

(E) The chapter analysis for chapter 417 of title 49, United States Code, is amended by striking the items relating to subchapter II.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;
''(C) $90,000,000 for fiscal year 2000;
''(D) $90,000,000 for fiscal year 2001;
''(E) $115,000,000 for fiscal year 2002; and
''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

CHAFEE AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

''(7) ADJUSTMENT TO OTHER MINIMUM GUARANTEE AMOUNT.—Notwithstanding section 105 of title 23, for each fiscal year, the amount to be allocated to a State under section 105(a)(1)(B) of that title shall be reduced by any amount made available to the State under this subsection.''.

(b) DISTRIBUTION OF EXCESS FUNDS.—For each fiscal year, the amount of budgetary savings resulting from adoption of the amendment proposed by _____ (No. ___) shall be apportioned among the States so that the amount apportioned to each State is equal to the product obtained by multiplying—

(1) the amount of the budgetary savings for the fiscal year; by

(2) the State's percentage of the amounts made available under this Act and title 23, United States Code, for the fiscal year.

CHAFEE (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway

System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $454,000,000 for fiscal year 1998, $3,351,000,000 for fiscal year 1999, $3,640,000,000 for fiscal year 2000, $3,895,000,000 for fiscal year 2001, $3,867,000,000 for fiscal year 2002, and $3,640,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the ''program'') to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike ''and''.

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike ''(D)'' and insert ''(E)''.

On page 99, line 1, strike ''(E)'' and insert ''(F)''.

On page 98, line 10, strike ''(F)'' and insert ''(G)''.

On page 98, line 13, strike ''(G)'' and insert ''(H)''.

On page 98, line 15, strike ''(H)'' and insert ''(I)''.

On page 98, line 19, strike ''(I)'' and insert ''(J)''.

On page 98, line 23, strike ''(J)'' and insert ''(K)''.

On page 99, line 24, insert '', trade corridor development,'' before ''and''.

CHAFEE AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1901

On page 337, in the table of contents after line 6, after the item relating to section 512, insert the following:

''513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions.

On page 381, strike line 7 and insert the following:

SEC. 2018. PROGRAM TO IDENTIFY OPPORTUNITIES FOR COST-EFFECTIVE GREENHOUSE GAS EMISSIONS REDUCTIONS.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions

''(a) PROGRAM.—The Secretary shall carry out a program to identify—

''(1) opportunities for cost-effective reductions in greenhouse gas emissions from the transportation sector, through the use of measures involving technology and measures not involving technology; and

''(2) opportunities to attract new funding to transportation for investments designed to yield cost-effective greenhouse gas emissions reductions.

''(b) REPORT.—Not earlier than 1 year after the date of enactment of this section, and periodically thereafter, the Secretary shall report to Congress and the President on the results of the program.

''(c) RESEARCH AND ANALYSIS.—In carrying out this chapter and chapter 52 of title 49, the Secretary shall ensure that the research and analysis necessary to fulfill the requirements of this subsection are carried out.

''(d) FUNDING.—For each of fiscal years 1998 through 2003, the Secretary shall make available to carry out this subsection not less than $2,000,000 of the funds made available under section 541(a).''.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, line 11, strike ''and 511'' and insert ''511, and 513''.

AMENDMENT NO. 1902

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, strike the table after line 20 and insert the following:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$11,280	$12,724	$12,749	$12,677	$12,205	$12,249
Arizona	$8,773	$9,896	$9,915	$9,859	$9,492	$9,526
California	$39,172	$45,397	$46,817	$45,546	$34,248	$29,744
Florida	$26,009	$29,339	$29,397	$29,231	$28,142	$28,242
Georgia	$19,803	$22,338	$22,382	$22,255	$21,426	$21,503
Illinois	$18,790	$21,196	$21,238	$21,118	$20,331	$20,404
Indiana	$13,739	$15,498	$15,529	$15,441	$14,866	$14,919
Kentucky	$9,799	$11,053	$11,075	$11,012	$10,602	$10,640
Maryland	$8,512	$9,601	$9,620	$9,566	$9,210	$9,242
Michigan	$17,819	$20,100	$20,140	$20,026	$19,281	$19,349
North Carolina	$15,964	$18,008	$18,044	$17,942	$17,274	$17,335
Ohio	$19,448	$21,938	$21,981	$21,857	$21,043	$21,118
Pennsylvania	$17,273	$17,586	$13,394	$9,647	$6,299	$6,770
South Carolina	$8,975	$10,124	$10,144	$10,087	$9,711	$9,746
Tennessee	$12,784	$14,420	$14,449	$14,367	$13,832	$13,881
Texas	$38,886	$43,864	$43,951	$43,702	$42,074	$42,225
Virginia	$14,457	$16,307	$16,340	$16,247	$15,642	$15,698
Wisconsin	$10,261	$11,574	$11,597	$11,532	$11,102	$11,142

MACK AMENDMENTS NOS. 1903–1910

(Ordered to lie on the table.)

Mr. MACK submitted eight amendments intended to be proposed by him to amendment No. 1676 by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1903

On page 136, after line 22, strike the section added by Chafee Amendment No. 1684 and insert the following:

SEC. 1128. ADDITIONAL FUNDING.

(a) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion the funds made available by subsection (c) among the States in the ratio that—

(1) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

(2) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

(b) ELIGIBLE PURPOSES.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this

section $770,000,000 for fiscal year 1998, $4,705,000,000 for fiscal year 1999, $4,992,000,000 for fiscal year 2000, $5,240,000,000 for fiscal year 2001, $5,173,000,000 for fiscal year 2002, and $4,953,000,000 for fiscal year 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1904

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. STATE ELECTION TO REDUCE THE FEDERAL FUEL TAX RATE BY 4.3 CENTS WITH A CORRESPONDING REDUCTION IN AMOUNTS TRANSFERRED TO THE STATE FROM THE HIGHWAY TRUST FUND.

(a) STATE ELECTION.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) STATE ELECTION TO REDUCE BY 4.3-CENTS THE TRANSPORTATION MOTOR FUELS EXCISE TAX.—

''(1) IN GENERAL.—With respect to any taxpayer in a State described in paragraph (6) during the State's election period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use by any taxpayer in a State described in paragraph (6) during the State's election period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

''(6) ELECTING STATE.—

''(A) IN GENERAL.—A State is described in this paragraph if the State makes an election described in subparagraph (B) to have this subsection apply to each fiscal year during the State's election period and to have the Secretary of Transportation make a corresponding reduction in the amounts transferred to the State from the Highway Trust Fund for such year.

''(B) REQUIREMENTS FOR ELECTION.—An election is described in this subparagraph if—

''(i) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies; and

''(ii) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

''(C) ELECTION PERIOD.—The term 'election period' means the period beginning with the fiscal year determined under subparagraph (B)(i) and ending on the last day of the fiscal year in which a termination of such election is made by the State.''.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the tax reduction date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(B) the term ''tax reduction date'' means the first day of the State's election period under section 4081(f)(6)(C) of such Code.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—In the case of fuel on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before the tax-increase date described in paragraph (3)(A)(i) and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on a tax-increase date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) with respect to any tax-increase date shall be paid on or before the first day of the 7th month beginning after such tax-increase date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX-INCREASE DATE.—The term ''tax-increase date'' means the day following the end of a State's election period under section 4081(f)(6)(C) of such Code.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(4) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 or 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081 or 4091.

(d) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal

year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1905

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

''(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.''.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2000.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2000, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2001, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2001, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1906

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

''(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.''.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the

amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1907

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 6, strike lines 10 through 24.

AMENDMENT NO. 1908

Beginning on page 105, strike line 1 and all that follows through page 106, line 3.

AMENDMENT NO. 1909

On page 106, strike line 3 and insert the following:

(a).''.

(e) USE OF FUNDS.—Notwithstanding the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) or any other provision of law, funds made available to construct the Appalachian development highway system under the amendment made by subsection (d), under section 1128(b), or under any other provision of law shall be apportioned in accordance with section 104(b)(1)(C) of title 23, United States Code, and shall be available for any project on the National Highway System that is eligible for funding under that title.

AMENDMENT NO. 1910

At the end of title entitled ''Revenue'', add the following:

SEC. ___. CORE PROGRAM STATES.

(a) DEFINITIONS.—In this section:

(1) CORE HIGHWAY PROGRAMS.—The term ''core highway programs'' means the following programs:

(A) The Interstate maintenance program under section 119 of title 23, United States Code, as in effect on the day before the date of enactment of this Act.

(B) Highway bridge replacement and rehabilitation (excluding off-System bridges) under section 144 of that title, as in effect on the day before the date of enactment of this Act.

(C)(i) Indian reservation roads under section 204 of that title.

(ii) Public lands highways under section 204 of that title.

(iii) Parkways and park roads under section 204 of that title.

(D) Highway safety programs under section 402 of that title.

(E) Highway safety research and development under section 403 of that title.

(F) Motor carrier safety grants under section 31104 of title 49, United States Code.

(G) Metropolitan planning under section 104(f) of title 23, United States Code.

(H) National defense highways under section 311 of that title.

(I) Emergency relief under section 125 of that title.

(2) CORE PROGRAM STATE.—The term ''core program State'' means a State which makes an election under this section.

(3) ELECTION PERIOD.—The term ''election period'' means the period beginning with the fiscal year determined under subsection (c)(1) and ending not later than with fiscal year 2003.

(4) HIGHWAY ACCOUNT.—The term ''Highway Account'' means the portion of the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986 which is not the Mass Transit Account.

(5) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the Mass Transit Account established under section 9503(e) of the Internal Revenue Code of 1986.

(6) SURFACE TRANSPORTATION.—The term ''surface transportation'' includes mass transit and rail.

(b) ELECTION TO BECOME A CORE PROGRAM STATE.—Each State which makes an election described in subsection (c) shall be eligible with respect to each fiscal year during the State's election period for—

(1) a core highway programs payment; and

(2) a non-core highway programs block grant,

in lieu of any other payment from the Highway Account authorized under any provision of, or amendment made by, this Act.

(c) REQUIREMENTS FOR ELECTION.—An election is described in this subsection if—

(1) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies;

(2) such election is made by a State that certifies that such State has a metropolitan planning organization established under section 134 of title 23, United States Code, and that such organization will maintain a system for processing funds received by the State under this section throughout the election period; and

(3) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

(d) DETERMINATION AND USE OF CORE HIGHWAY PROGRAMS PAYMENT.—

(1) DETERMINATION OF AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine for each fiscal year the payment necessary to meet the commitments of core highway programs for each core program State.

(B) LIMITATIONS.—

(i) GENERAL RULE.—Any payment under subparagraph (A) for any fiscal year for any particular core highway program for a core program State shall be subject to—

(I) except with respect to core highway programs described in subparagraphs (G), (H), and (I) of subsection (a)(1), the funding level for such program for such year under clause (ii) in lieu of the funding level for such program for such year under this Act and the amendments made by this Act, and

(II) the annual obligation limitation for such program for such year imposed under any provision of law.

(ii) SPECIAL FUNDING LEVELS.—For purposes of clause (i), the funding levels for core highway programs are as follows:

(A) For the Interstate maintenance program, $5,000,000,000 for fiscal year 1998, $5,100,000,000 for fiscal year 1999, $5,300,000,000 for fiscal year 2000, $5,400,000,000 for fiscal year 2001, $5,600,000,000 for fiscal year 2002, and $5,800,000,000 for fiscal year 2003.

(B) For highway bridge replacement and rehabilitation, $1,183,000,000 for fiscal year

1998, $1,217,000,000 for fiscal year 1999, $1,251,000,000 for fiscal year 2000, $1,286,000,000 for fiscal year 2001, $1,321,000,000 for fiscal year 2002, and $1,358,000,000 for fiscal year 2003.

(C)(i) For Indian reservation roads, $197,000,000 for fiscal year 1998, $202,000,000 for fiscal year 1999, $208,000,000 for fiscal year 2000, $214,000,000 for fiscal year 2001, $220,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003.

(ii) For public lands highways, $177,000,000 for fiscal year 1998, $182,000,000 for fiscal year 1999, $187,000,000 for fiscal year 2000, $192,000,000 for fiscal year 2001, $197,000,000 for fiscal year 2002, and $202,000,000 for fiscal year 2002.

(iii) For parkways and park roads, $86,000,000 for fiscal year 1998, $89,000,000 for fiscal year 1999, $91,000,000 for fiscal year 2000, $94,000,000 for fiscal year 2001, $97,000,000 for fiscal year 2002, and $101,000,000 for fiscal year 2003.

(D) For highway safety programs, $171,000,000 for each of fiscal years 1998 through 2003.

(E) For highway safety research and development, $44,000,000 for each of fiscal years 1998 through 2003.

(F) For motor carrier safety grants, not more than $90,000,000 for each of fiscal years 1998 through 2003.

(2) USE OF PAYMENT.—

(A) IN GENERAL.—The core highway programs payment for any core program State shall be available, as provided by appropriation Acts, to the State for any core highway program purpose in such State.

(B) TRANSFERABILITY OF FUNDS.—To the extent that a core program State determines that funds made available under this subsection to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation purpose in the State.

(f) DETERMINATION AND USE OF NON-CORE HIGHWAY PROGRAMS BLOCK GRANT.—

(1) DETERMINATION OF AMOUNT OF BLOCK GRANT.—Subject to subsection (g), the amount of the non-core highway programs block grant for any core program State for any fiscal year is equal to the excess of—

(A) the amount of taxes transferred to the Highway Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury (taking into account proper reductions for uses of such taxes for purposes other than the Federal-aid highway program); over

(B) the core highway programs payment to such State for such fiscal year, as determined under subsection (d).

(2) USE OF BLOCK GRANT.—The non-core highway programs block grant for any core program State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(g) ELECTION TO REDUCE FEDERAL FUEL TAX RATE WITH CORRESPONDING REDUCTION IN BLOCK GRANT.—

(1) IN GENERAL.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a core program State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to have imposed on highway users in the State the State's core highway programs financing rate with respect to the taxes transferred to the Highway Account which are attributable to such highway users in lieu of the tax rates otherwise established in the Internal Revenue Code of 1986 for such fiscal years.

(2) DETERMINATION OF CORE HIGHWAY PROGRAMS FINANCING RATE.—

(A) IN GENERAL.—Upon notification by the Secretary of an election by a core program State under paragraph (1), the Secretary of the Treasury shall determine for each subsequent fiscal year such State's core highway programs financing rate, taking into account—

(A) the amount of taxes necessary to fund that State's core highway programs payment for such fiscal year;

(B) the uses of the taxes described in paragraph (1) for purposes other than the Federal-aid highway program for such fiscal year;

(C) any adjustments necessary as a result of a determination under this paragraph for a preceding fiscal year; and

(D) the rates with respect to such taxes otherwise imposed under the Internal Revenue Code of 1986 for such fiscal year.

(B) REPORT.—Not later than August 1, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the determination required under subparagraph (A).

(C) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary of the Treasury shall not implement the determination required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), approving such determination before the following October 1.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C), the term ''joint resolution'' means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress approves the determination of the Secretary of the Treasury regarding the imposition of the core highway programs rate for the State of ___ submitted on ___'', the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: ''Joint resolution approving the determination of the Secretary of the Treasury regarding the imposition of a core highway programs rate.''.

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 30-day period beginning on the date on which the Secretary of the Treasury submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—Within 30 days after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(3) SATISFACTION YEAR.—For purposes of paragraph (1), the term ''satisfaction year'' means the fiscal year during which all Federal non-core highway program obligations of a core program State payable from the Highway Account existing on the date of the election by such State described in subsection (b) are paid.

(h) ELECTION TO BECOME A NON-MASS TRANSIT ACCOUNT STATE.—

(1) IN GENERAL.—A core program State or any other State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to receive with respect to each fiscal year during the State's election period a non-Mass Transit Account block grant, in lieu of any other payment from the Mass Transit Account authorized under any provision of, or amendment made by, this Act. An election under this subsection shall not affect a State's continued eligibility for revenues provided through the general fund of the Treasury for transit programs.

(2) DETERMINATION AND USE OF NON-MASS TRANSIT ACCOUNT BLOCK GRANT.—

(A) DETERMINATION OF AMOUNT OF BLOCK GRANT.—Subject to paragraph (3), the amount of the non-Mass Transit Account block grant for any State for any fiscal year is equal to the amount of taxes transferred to the Mass Transit Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury.

(B) USE OF BLOCK GRANT.—The non-Mass Transit Account block grant for any State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(3) ELECTION TO ELIMINATE MASS TRANSIT FUEL TAX RATE WITH CORRESPONDING ELIMINATION OF BLOCK GRANT.—

(A) IN GENERAL.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a State which has made an election under paragraph (1) may notify the Secretary (in the same manner as such an election) of an election to eliminate the financing rate with respect to the taxes transferred to the Mass Transit Account which are attributable to the highway users of the State in lieu of the non-Mass Transit Account block grant for such fiscal years.

(B) ELIMINATION OF MASS TRANSIT FUEL TAX RATE.—

(i) IN GENERAL.—Upon notification by the Secretary of an election by a State under subparagraph (A), the Secretary of the Treasury shall, not later than August 1, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that notifies the committees of such an election.

(ii) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary of the Treasury shall not implement the election included in the report submitted under clause subparagraph (A) unless a joint resolution is enacted, in accordance with subparagraph (C), approving such election before the following October 1.

(C) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (B), the term ''joint resolution'' means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress approves the elimination of the mass transit fuel tax rate for the State of ___ submitted on ___'', the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: ''Joint resolution approving the elimination of the mass transit fuel tax rate.''.

(ii) CONSIDERATION.—A resolution described in clause (i) shall be considered in the same manner as a resolution is considered under clauses (ii), (iii), and (iv) of subsection (g)(2)(D).

(3) SATISFACTION YEAR.—For purposes of paragraph (1), the term ''satisfaction year'' means the fiscal year during which all Federal transit program obligations of a State payable from the Mass Transit Account existing on the date of the election by such State described in paragraph (1) are paid.

(i) ENFORCEMENT.—If the Secretary determines that a core program State (or any other State under subsection (h)(2)(B)) has used funds under this section for a purpose that is not a surface transportation purpose, the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Account for the fiscal year that begins after the date of the determination.

(j) REPORTS.—

(1) ANNUAL STATE ASSESSMENT.—A core program State shall—

(A) assess the operation of the State surface transportation program funded under this section in each fiscal year, including the status of the core highway programs in the State; and

(B) report to the Secretary, by January 1 following the end of the fiscal year, on the result of the assessment.

(2) REPORT OF THE SECRETARY.—The Secretary shall submit to the appropriate committees of Congress an annual report and evaluation of the State surface transportation programs funded under this section based on the State assessments and reports submitted under paragraph (1). Such report shall include any conclusions and recommendations that the Secretary considers appropriate.

(k) INTERSTATE SURFACE TRANSPORTATION COMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) INFRASTRUCTURE BANK.—The term ''infrastructure bank'' means a surface transportation infrastructure bank established under an interstate compact under paragraph (2)(E) and described in paragraph (4).

(B) PARTICIPATING STATES.—The term ''participating States'' means the States that are parties to an interstate compact entered into under paragraph (2).

(C) SURFACE TRANSPORTATION PROJECT.—The term ''surface transportation project'' means a surface transportation project, program, or activity described in paragraph (2).

(2) CONSENT OF CONGRESS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to States to enter into interstate compacts to—

(A) promote the continuity, quality, and safety of the Interstate System (as defined in section 101 of title 23, United States Code);

(B) develop programs to promote and fund surface transportation safety initiatives and establish surface transportation safety standards for the participating States;

(C) conduct long-term planning for surface transportation infrastructure in the participating States;

(D) develop design and construction standards for infrastructure described in subparagraph (C) to be used by the participating States; and

(E) establish surface transportation infrastructure banks to promote regional or other multistate investment in infrastructure described in subparagraph (C).

(3) FINANCING.—An interstate compact established by participating States under paragraph (2) to carry out a surface transportation project may provide that, in order to carry out the compact, the participating States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for that type of surface transportation project;

(C) on such terms and conditions as the participating States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law, including surface transportation infrastructure banks under paragraph (4).

(4) INFRASTRUCTURE BANKS.—

(A) IN GENERAL.—An infrastructure bank may—

(i) make loans;

(ii) under the joint or separate authority of the participating States with respect to the infrastructure bank, issue such debt as the infrastructure bank and the participating States determine appropriate; and

(iii) provide other assistance to public or private entities constructing, or proposing to construct or initiate, surface transportation projects.

(B) FORMS OF ASSISTANCE.—

(i) IN GENERAL.—An infrastructure bank may make a loan or provide other assistance described in clause (iii) to a public or private entity in an amount equal to all or part of the construction cost, capital cost, or initiation cost of a surface transportation project.

(ii) SUBORDINATION OF ASSISTANCE.—The amount of any loan or other assistance described in clause (iii) that is received for a surface transportation project under this subsection may be subordinated to any other debt financing for the surface transportation project.

(iii) OTHER ASSISTANCE.—Other assistance referred to in clauses (i) and (ii) includes any use of funds for the purpose of—

(I) credit enhancement;

(II) a capital reserve for bond or debt instrument financing;

(III) bond or debt instrument financing issuance costs;

(IV) bond or debt issuance financing insurance;

(V) subsidization of interest rates;

(VI) letters of credit;

(VII) any credit instrument;

(VIII) bond or debt financing instrument security; and

(IX) any other form of debt financing that relates to the qualifying surface transportation project.

(C) NO OBLIGATION OF UNITED STATES.—

(i) IN GENERAL.—The establishment under this subsection of an infrastructure bank does not constitute a commitment, guarantee, or obligation on the part of the United States to any third party with respect to any security or debt financing instrument issued by the bank. No third party shall have any right against the United States for payment solely by reason of the establishment.

(ii) STATEMENT ON INSTRUMENT.—Any security or debt financing instrument issued by an infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(5) EFFECTIVE DATE.—This subsection takes effect on October 1, 1997.

(l) FEDERAL-AID FACILITY PRIVATIZATION.—

(1) DEFINITIONS.—In this subsection:

(A) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning provided in section 105 of title 5, United States Code.

(B) PRIVATIZATION.—The term ''privatization'' means the disposition or transfer of a transportation infrastructure asset, whether by sale, lease, or similar arrangement, from a State or local government to a private party.

(C) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means the government of—

(i) any State;

(ii) the District of Columbia;

(iii) any commonwealth, territory, or possession of the United States;

(iv) any county, municipality, city, town, township, local public authority, school district, special district, intrastate district, regional or interstate government entity, council of governments, or agency or instrumentality of a local government; or

(v) any federally recognized Indian tribe.

(D) TRANSPORTATION INFRASTRUCTURE ASSET.—

(i) IN GENERAL.—The term ''transportation infrastructure asset'' means any surface-transportation-related asset financed in whole or in part by the Federal Government, including a road, tunnel, bridge, or mass-transit-related or rail-related asset.

(ii) EXCLUSION.—The term does not include any transportation-related asset on the Interstate System (as defined in section 101 of title 23, United States Code).

(2) PRIVATIZATION INITIATIVES BY STATE AND LOCAL GOVERNMENTS.—The head of each Executive agency shall—

(A) assist State and local governments in efforts to privatize the transportation infrastructure assets of the State and local governments; and

(B) subject to paragraph (3), approve requests from State and local governments to privatize transportation infrastructure assets and waive or modify any condition relating to the original Federal program that funded the asset.

(3) CRITERIA.—The head of an Executive agency shall approve a request described in paragraph (2)(B) if—

(A) the State or local government demonstrates that a market mechanism, legally enforceable agreement, or regulatory mechanism will ensure that the transportation infrastructure asset will continue to be used for the general objectives of the original Federal program that funded the asset (which shall not be considered to include every condition required for the recipient of Federal funds to have obtained the original Federal funds), so long as needed for those objectives; and

(B) the private party purchasing or leasing the transportation infrastructure asset agrees to comply with all applicable conditions of the original Federal program.

(4) LACK OF OBLIGATION TO REPAY FEDERAL FUNDS.—A State or local government shall have no obligation to repay to any agency of the Federal Government any Federal funds received by the State or local government in connection with a transportation infrastructure asset that is privatized under this subsection.

(5) USE OF PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), a State or local government may use proceeds from the privatization of a transportation infrastructure asset to the extent permitted under applicable conditions of the original Federal program.

(B) RECOVERY OF CERTAIN COSTS.—Notwithstanding any other provision of law, the State or local government shall be permitted to recover from the privatization of a transportation infrastructure asset—

(i) the capital investment in the transportation infrastructure asset made by the State or local government;

(ii) an amount equal to the unreimbursed operating expenses in the transportation infrastructure asset paid by the State or local government; and

(iii) a reasonable rate of return on the investment made under clause (i) and expenses paid under clause (ii).

(m) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

ABRAHAM (AND DODD) AMENDMENT NO. 1911

(ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DODD) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. CHILD SAFETY RESTRAINT RESEARCH.

(a) DEFINITIONS.—In this section:

(1) CHILD RESTRAINT EDUCATION PROGRAM.—The term ''child restraint education program'' includes a publication, audiovisual presentation, demonstration, or computerized child restraint education program.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(b) FINDINGS.—Congress finds the following:

(1) The annual losses in the United States from motor vehicle collisions are estimated to exceed 800 deaths and 80,000 injuries to children under the age of 5.

(2) It is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a motor vehicle collision—

(A) by a factor of 69 percent with respect to infants; and

(B) by a factor of 47 percent with respect to children under the age of 5.

(3) Some of the most common seating position designs that have emerged in motor vehicles during the last decade make secure installation of child restraints difficult and, in some circumstances, impossible.

(4) Results from regional child restraint clinics demonstrated that 70 to 90 percent of child restraints are improperly installed or otherwise misused and the improper installation or other misuse is largely attributable to the complication and wide variations in seat belt and child restraint designs.

(5) There is an immediate need to expand the availability of national, State, and local child restraint education programs and supporting resources and materials to assist agencies and associated organizations in carrying out effective public education concerning child restraints.

(c) CHILD PASSENGER EDUCATION.—

(1) AWARDS.—The Secretary may enter into contracts or cooperative agreements with, and may make grants to, State highway agencies and child passenger safety organizations that are recognized for their experience to obtain and distribute national, State, and local child restraint education programs and supporting educational materials.

(2) USE OF FUNDS.—Funds provided to an agency or organization under a contract, cooperative agreement, or grant under subsection (a) shall be used to implement child restraint programs that—

(A) are designed to prevent deaths and injuries to children under the age of 5; and

(B) educate the public concerning—

(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware and modification devices (if needed), including special installation techniques; and

(ii) appropriate child restraint design selection and placement and in harness threading and harness adjustment; and

(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(3) DISTRIBUTION OF FUNDS.—An agency or organization that receives funds made available to the agency or organization under a contract, cooperative agreement, or grant under paragraph (1) shall, in carrying out paragraph (2)—

(A) use not more than 25 percent of those funds to support nationwide child restraint education programs that are in operation at the time that the funds are made available;

(B) use not more than 25 percent of those funds to support State child restraint education programs that are in operation at the time that the funds are made available; and

(C) use at least 50 percent of those funds to implement national, State, and local child restraint education programs that are not in operation at the time that the funds are made available.

(d) APPLICATIONS AND REPORTS.—

(1) APPLICATIONS.—To enter into a contract, cooperative agreement, or grant agreement under subsection (c)(1), the appropriate official of an agency or organization described in that section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) REPORTS.—

(A) IN GENERAL.—The appropriate official of each agency or organization that enters into a contract, cooperative agreement, or grant agreement under subsection (c)(1) shall prepare, and submit to the Secretary, an annual report for the period covered by the contract, cooperative agreement, or grant agreement.

(B) REQUIREMENTS FOR REPORTS.—A report described in subparagraph (A) shall—

(i) contain such information as the Secretary may require; and

(ii) at a minimum, describe the program activities undertaken with the funds made available under the contract, cooperative agreement, or grant agreement, including—

(I) any child restraint education program that has been developed directly or indirectly by the agency or organization and the target population of that program;

(II) support materials for such a program that have been obtained by that agency or organization and the method by which that agency or organization distributed those materials; and

(III) any initiatives undertaken by the agency or organization to develop public-private partnerships to secure non-Federal support for the development and distribution of child restraint education programs and materials.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this section that includes a description of the programs undertaken and materials developed and distributed by the agencies and organizations that receive funds under subsection (c)(1).

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Department of Transportation $7,500,000 for each of fiscal years 1999 and 2000, of which not more than $350,000 may be spent in any fiscal year for administrative costs.

HUTCHISON (AND BOXER) AMENDMENT NO. 1912

(ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mrs. BOXER) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 101, strike line 21 and insert the following:

(5) ALLOCATION OF FUNDS.—For each fiscal year, of the funds available to carry out this subsection after any transfer under paragraph (4)—

(A) 50 percent shall be allocated to border States, of which—

(i) 45 percent shall be allocated among border States located along the border with Canada in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into all such border States;

(ii) 45 percent shall be allocated among border States located along the border with Mexico in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into all such border States; and

(iii) 10 percent shall be used to provide discretionary grants to border States with a share of the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada or Mexico into all border States that is 5 percent or less; and

(B) 50 percent shall be allocated for planning and development of trade corridors.

(6) USE OF UNITED STATES CUSTOMS SERVICE DATA.—In making allocations under paragraph (5)(A), the Secretary shall use the data concerning quantity of traffic provided by the United States Customs Service for the most recent 12-month period for which the data are available.

(7) ELIGIBILITY FOR REIMBURSEMENT FOR PREVIOUSLY CONSTRUCTED PROJECTS.—The Secretary may make a grant under this subsection to a border State as reimbursement for a project that opened for service after January 1, 1994, if the project is eligible for assistance under this subsection but for the date on which the project opened for service.

(8) AUTHORIZATION OF APPROPRIATIONS.—

HUTCHISON AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 74, strike line 23 and insert the following: nance of the system.

''(8) A state may, at its discretion, expend up to one-fourth of one percent of its annual Highway Trust Fund apportionments on initiatives to halt the evasion of payment of motor fuel taxes.''.

SNOWE (AND SMITH) AMENDMENT NO. 1914

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14___. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term ''heavier weight vehicle'' means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

SMITH AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 337, after the item relating to section 512, insert the following:

''513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Recycled materials resource center

''(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the 'Recycled Materials Resource Center' (referred to in this section as the 'Center').

''(b) ACTIVITIES.—

''(1) IN GENERAL.—The Center shall—

''(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

''(B) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

''(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

''(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

''(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

''(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

''(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

''(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

''(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

''(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike ''and 511'' and insert ''511, and 513''.

STEVENS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

SEC. 11 __. MUNICIPALITY OR FERRY AUTHORITY.

(a) Notwithstanding any other provision of law, section 5333(b) of title 49, United States Code, shall not apply to a grant to a municipality of ferry authority for a ferry operated between points which are not connected by road to the remainder of the United States, Canada, or Mexico and which is replacing service that has been or will be diminished by the applicable State or ferry authority within 24 months of the date of passage of this amendment.

(b) The Federal Transit Administration is authorized to award a grant to a municipality or ferry authority required by State law to operate its ferry without any guarantee from other municipal receipts or financing.

BOXER AMENDMENTS NOS. 1917–1919

(Ordered to lie on the table.)

Mrs. BOXER submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1917

On page ___, line ___, insert ''and provides nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)'' after ''for mass transportation''.

AMENDMENT NO. 1918

On page ___, line ___ After the word ''Michigan,'' insert ''and the western end of the San Francisco-Oakland Bay Bridge, California, and the ramps connecting the San-Francisco-Oakland Bay Bridge to Treasure Island, California,''

AMENDMENT NO. 1919

SEC. ___ HOLD HARMLESS.

Notwithstanding any other provision of law, no state, except for the State of Massachusetts and any state that receives a minimum guarantee or transition fund under this Act, shall receive a share of apportioned funds that is less than the average of apportioned funds received under P.L. 102–240.

To the extent annually necessary, discretionary funds under Interstate Maintenance/ National Highway System, the Surface Transportation Program and the Secretary's Reserve shall be reduced to provide funds necessary to meet the requirements of this provision.

ROBB AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE TRANSPORTATION.—

Any exercise of the powers granted under Section—006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

CHAFEE AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,044,111,000 for fiscal year 1999, $12,019,269,000 for fiscal year 2000, $12,048,589,000 for fiscal year 2001, $12,329,654,000 for fiscal year 2002, and $12,758,889,000 for fiscal year 2003, of which—

(A) $4,636,331,000 for fiscal year 1998, $4,645,686,000 for fiscal year 1999, $4,674,832,000 for fiscal year 2000, $4,712,561,000 for fiscal year 2001, $4,807,175,000 for fiscal year 2002, and $4,956,807,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,411,057,000 for fiscal year 1998, $1,414,167,000 for fiscal year 1999, $1,422,512,000 for fiscal year 2000, $1,434,740,000 for fiscal year 2001, $1,463,404,000 for fiscal year 2002, and $1,508,812,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,055,286,000 for fiscal year 1998, $7,069,830,000 for fiscal year 1999, $7,113,569,000 for fiscal year 2000, $7,171,685,000 for fiscal year 2001, $7,315,015,000 for fiscal year 2002, and $7,543,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,159,082,000 for fiscal year 1998, $1,161,170,000 for fiscal year 1999, $1,168,457,000 for fiscal year 2000, $1,178,644,000 for fiscal year 2001, $1,815,000,000 for fiscal year 2002, and $1,860,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

''(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

''(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(i) 50 percent in the ratio that—

''(I) the total lane miles on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such lane miles in all States; and

''(ii) 50 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(aa) section 103;

''(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

''(II) the total of all such vehicle miles traveled in all States.

''(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

''(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

''(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

''(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

''(I) 20 percent of the apportionments in the ratio that—

''(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(II) 29 percent of the apportionments in the ratio that—

''(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(III) 18 percent of the apportionments in the ratio that—

''(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

''(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

''(IV) 24 percent of the apportionments in the ratio that—

''(aa) the total diesel fuel used on highways in each State; bears to

''(bb) the total diesel fuel used on highways in all States.

''(V) 9 percent of the apportionments in the ratio that—

''(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

''(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

''(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

''(ii) the total of all weighted nonattainment and maintenance area populations in all States.

''(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

''(i) 0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

''(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

''(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

''(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

''(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

''(3) SURFACE TRANSPORTATION PROGRAM.—

''(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

''(i) 20 percent of the apportionments in the ratio that—

''(I) the total lane miles of Federal-aid highways in each State; bears to

''(II) the total lane miles of Federal-aid highways in all States.

''(ii) 30 percent of the apportionments in the ratio that—

''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

''(iii) 25 percent of the apportionments in the ratio that—

''(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

''(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

''(iv) 25 percent of the apportionments in the ratio that—

''(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

''(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

''(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

''(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.''.

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.''.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments

is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), in fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(3) EXCLUSION.—A State shall not be eligible to receive an allocation under paragraph (1)(A) if, during the period beginning on the effective date of the establishment of the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1954 and ending on October 1 of the applicable fiscal year—

"(A) the total of the apportionments and allocations to the State from the Highway Trust Fund (other than the Mass Transit Account); exceeds

"(B) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account).

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(3)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraph (1)''; and

(B) by striking subsection (b) and inserting the following:

''(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.''.

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking ''or 104(b)(5), as the case may be,''.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(1)''.

(C) Section 141(c) of title 23, United States Code, is amended by striking ''section 104(b)(5) of this title'' each place it appears and inserting ''section 104(b)(1)(A)''.

(D) Section 142(c) of title 23, United States Code, is amended by striking ''(other than section 104(b)(5)(A))''.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking ''(5) of'' each place it appears and inserting ''(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of''; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking ''section 104(b)(5)(A)'' each place it appears and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(II) in paragraph (1)(A)(ii), by striking ''section 104(b)(5)(B)'' and inserting ''section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)'';

(III) in paragraph (3)(B), by striking ''(5)(B)'' and inserting ''(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''; and

(IV) in paragraphs (3) and (4), by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)''.

(F) Section 161(a) of title 23, United States Code, is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1) and (3) of section 104(b)''.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking ''sections 130, 144, and 152 of this title'' and inserting ''subsection (b)(1)(B) and sections 130 and 152'';

(ii) in the first and second sentences—

(I) by striking ''section'' and inserting ''provision''; and

(II) by striking ''such sections'' and inserting ''those provisions''; and

(iii) in the third sentence—

(I) by striking ''section 144'' and inserting ''subsection (b)(1)(B)''; and

(II) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(C)''.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking ''104(b)(2), 104(b)(3), 104(f), 144,'' and inserting ''104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),''; and

(ii) in subsection (c), by striking ''144,,''.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking ''and in section 144 of this title''.

(D) Section 151(d) of title 23, United States Code, is amended by striking ''section 104(a), section 307(a), and section 144 of this title'' and inserting ''subsections (a) and (b)(1)(B) of section 104 and section 307(a)''.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking ''or section 144 of this title''.

(F) Section 303(g) of title 23, United States Code, is amended by striking ''section 144 of this title'' and inserting ''section 104(b)(1)(B)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1922

Mr. CHAFEE (for himself and Mr. GRAHAM) proposed an amendment to amendment No. 1922 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means—

''(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authorized under State or Federal law is responsible.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in

part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(H) The extent to which assistance under this chapter would reduce the contribution of Federal Grant assistance to the project.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;

''(C) $90,000,000 for fiscal year 2000;

''(D) $90,000,000 for fiscal year 2001;

''(E) $115,000,000 for fiscal year 2002; and

''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

''Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

''§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

GRAHAM (AND MURRAY) AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. NEW START RATING AND EVALUATION.

(a) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

''(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

''(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

''(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

''(A) consider the direct and indirect costs of relevant alternatives;

''(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

''(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

''(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

''(E) consider population density, and current transit ridership in the corridor, and avoided cost per new rider;

''(F) consider the technical capability of the grant recipient to construct the project;

''(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(H) consider other factors the Secretary considers appropriate to carry out this chapter.

''(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

''(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

''(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

''(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

''(i) existing grant commitments;

''(ii) the degree to which financing sources are dedicated to the purposes proposed;

''(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

''(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

''(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

''(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

''(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

''(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

''(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

''(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

''(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

''(i) located in a nonattainment area;

''(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(iii) required to carry out the State Implementation Plan.

''(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

''(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.''.

(b) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking ''FINANCING'' and inserting ''FUNDING'';

(2) by striking ''full financing'' each place it appears and inserting ''full funding''; and

(3) in paragraph (1)(B)—

(A) by striking ''30 days'' and inserting ''60 days'';

(B) by inserting ''or entering into a full funding grant agreement'' after ''this paragraph''; and

(C) by striking ''issuance of the letter'' and inserting ''letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project''.

(c) REPORTS.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

''(p) REPORTS.—

''(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

''(B) RECOMMENDATIONS ON FUNDING.—Each report submitted under this paragraph shall include—

''(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

''(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

''(2) SUPPLEMENTAL REPORT ON NEW STARTS.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

''(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating and rating projects and recommending projects; and

''(ii) the Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review not later than April 30 of each year.''.

BRYAN AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 1737 submitted by Mr. HOLLINGS to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, exemptions, and exclusions'';

(2) by striking ''2 years'' in subsection (a)(2) and inserting ''4 years'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

''(A) a source of supply to a farm;

''(B) a farm to another farm;

''(C) a field to another field on a farm; or

''(D) a farm back to the source of supply.

''(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

''(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

''(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

''(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.''.

''(b) Section 5119(c) is amended by adding at the end the following:

''(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).''.

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits, pilot programs, exemptions, and exclusions.''.

CHAFEE AMENDMENTS NOS. 1925–1926

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendments submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1925

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small businesses;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

AMENDMENT NO. 1926

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small businesses;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

BAUCUS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1771 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after ''by'' through the period at the end of line 7, and insert the following: ''reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).''.

BAUCUS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after ''by'' through the period at the end of line 7, and insert the following: ''reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).''.

MOSELEY-BRAUN AMENDMENTS NOS. 1929–1930

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted two amendments intended to be proposed by her to amendments submitted to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1929

On page 9 of the amendment, strike line 22 and insert the following: ''ized area.

''(7) LIMITATION ON MINIMUM ALLOCATION.—A State shall not be eligible for a minimum allocation of funding in any fiscal year in accordance with this subsection if, with respect to the State, the ratio that—

''(A) the State's percentage of the total apportionments for the fiscal year under—

''(i) section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

''(ii) section 105 of that title; and

''(iii) section 1102(c); bears to

''(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is greater than 1.''.

AMENDMENT NO. 1930

On page 9 of the amendment, strike line 22 and insert the following: ''ized area.

''(7) LIMITATION ON MINIMUM ALLOCATION.—

''(A) IN GENERAL.—No State may receive a minimum allocation of funding in any fiscal year in accordance with this subsection if the balance of Federal payments for that State in the preceding fiscal year is less than the average balance of Federal payments for the 10 States receiving the most Federal funding under this chapter in the preceding fiscal year.

''(B) BALANCE OF FEDERAL PAYMENTS DEFINED.—In this paragraph, the term 'balance of Federal payments' means total Federal spending in the State at issue, divided by the total Federal taxes attributable to taxpayers in that State.''.

D'AMATO AMENDMENT NO. 1931

Mr. D'AMATO proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill S. 1173, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—MASS TRANSIT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Federal Transit Act of 1997''.

SEC. ___02. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

''§ 5338. Authorizations

''(a) SECTIONS 5303–5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, AND 5334 (a) AND (c).—

''(1) MASS TRANSIT ACCOUNT AMOUNTS.—Not more than the following amounts are available to the Secretary from the Account to carry out sections 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

''(A) $2,698,790,000 for fiscal year 1998.
''(B) $2,773,934,000 for fiscal year 1999.
''(C) $2,849,079,000 for fiscal year 2000.
''(D) $2,925,965,000 for fiscal year 2001.
''(E) $3,004,667,000 for fiscal year 2002.
''(F) $3,085,725,000 for fiscal year 2003.

''(2) OTHER AMOUNTS.—In addition to amounts made available under paragraph (1), not more than the following amounts may be appropriated to the Secretary to carry out section 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

''(A) $738,000,000 for fiscal year 1998.
''(B) $756,000,000 for fiscal year 1999.
''(C) $774,000,000 for fiscal year 2000.
''(D) $793,000,000 for fiscal year 2001.
''(E) $812,000,000 for fiscal year 2002.
''(F) $832,000,000 for fiscal year 2003.

''(b) SECTION 5309.—Not more than the following amounts are available to the Secretary from the Account to carry out section 5309:

''(1) $2,221,210,000 for fiscal year 1998.
''(2) $2,278,770,000 for fiscal year 1999.
''(3) $2,340,501,000 for fiscal year 2000.
''(4) $2,403,661,000 for fiscal year 2001.
''(5) $2,468,315,000 for fiscal year 2002.
''(6) $2,534,904,000 for fiscal year 2003.

''(c) SECTION 5315.—

''(1) IN GENERAL.—The Secretary shall make available in equal amounts from amounts provided under paragraphs (3) and (4) of subsection (g) of this section, not more than $4,000,000 for each of fiscal years 1998 through 2003, to carry out section 5315.

''(2) WORKPLACE SAFETY.—Not more than $1,000,000 shall be appropriated to the Secretary for each of fiscal years 1998 through 2003, to carry out section 5315(a)(15).

''(d) SECTION 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003:

''(1) $250,000 to carry out section 5316(a).
''(2) $3,000,000 to carry out section 5316(b).
''(3) $1,000,000 to carry out section 5316(c).
''(4) $1,000,000 to carry out section 5316(d).
''(5) $1,000,000 to carry out section 5316(e).

''(e) SECTION 5317.—Not more than $6,000,000 is available to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003, to carry out section 5317.

''(f) SECTION 5307.—Amounts remaining available for each fiscal year under subsection (a) of this section, after allocation under subsections (g), (h), and (i)(2) of this section, are available to carry out section 5307.

''(g) PLANNING, PROGRAMMING, AND RESEARCH.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section is available as follows:

''(1) 45 percent for metropolitan planning activities under section 5303(g).

''(2) 5 percent to carry out section 5311(b)(2).

''(3) 20 percent to carry out State programs under section 5313.

''(4) 30 percent to carry out the national program under section 5314.

''(h) OTHER SET-ASIDES.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section—

''(1) not more than 0.96 percent is available for administrative expenses to carry out subsections (a) and (c) through (f) of section 5334;

''(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a); and

''(3) $6,000,000 is available to carry out section 5317 for each of fiscal years 1998 through 2003.

''(i) LIMITATIONS.—Of amounts made available—

''(1) under subsection (a)(2), less the amounts authorized for purposes of section 5320a, of this section—

''(A) 3.5 percent may be used to finance programs and activities, including administrative costs, under section 5310;

''(B) to finance research, development, and demonstration projects under section 5312(a), 1.5 percent may be used to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities; and

''(C) not more than 12.5 percent may be used for grants to any 1 State under section 5312(c)(2);

''(2) under subsection (a) of this section, less the amounts authorized for purposes of section 5320a, 5.5 percent of the amount remaining available each year, after allocation under subsections (g) and (h) of this section, is available under the formula under section 5311; and

''(3) under section 5309(m)(1)(C), the lesser of $3,000,000 or an amount that the Secretary determines is necessary for each fiscal year is available to carry out section 5318 for each of fiscal years 1998 through 2003.

''(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) FEDERAL OBLIGATIONS.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(1), (b), (c), (d), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

''(2) APPROPRIATIONS LIMITATION.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(2) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project, only to the extent that amounts are provided in advance in an appropriations Act.

''(k) EARLY APPROPRIATIONS AND AVAILABILITY OF AMOUNTS.—

''(1) EARLY APPROPRIATION.—Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available or appropriated under subsections (a), (b), and (g), paragraphs (1) and (2) of subsection (h), and subsection (i)(2) of this section shall remain available until expended.

''(*l*) SECTION 5308.—In each fiscal year, before apportioning or allocating amounts made available or appropriated under subsections (a) and (b), of amounts made available or appropriated under subsections (a) or (b) of this section, not more than $200,000,000 is available to carry out section 5308, with $100,000,000 made available from amounts made available from amounts provided under subsection (a)(2) of this section and $100,000,000 made available from amounts provided under subsection (b) of this section.

''(m) SECTION 5320a.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a), of amounts appropriated under subsection (a)(2) of this section, not more than $100,000,000 is available to carry out section 5320a.

''(n) TRANSIT EQUITY PROGRAM.—

''(1) IN GENERAL.—The purpose of this subsection is to further the national interest by providing proportional increases in funding for national mass transit programs, commensurate with increases in national highway programs, in order to ensure balanced improvement in the national intermodal transportation system.

''(2) FUNDING.—There are authorized to be appropriated to carry out this subsection, from the General Fund of the Treasury of the United States, the following amounts:

''(A) $1,000,000,000 for fiscal year 1999.
''(B) $1,000,000,000 for fiscal year 2000.
''(C) $1,000,000,000 for fiscal year 2001.
''(D) $1,000,000,000 for fiscal year 2002.
''(E) $1,000,000,000 for fiscal year 2003.

''(3) ELIGIBLE USES.—Amounts made available to carry out this subsection shall be available for capital projects eligible under sections 5307, 5309, 5310, and 5311, including meeting obligations of the United States associated with multiyear funding commitments, full funding grant agreements under section 5309, and innovative financing activities.

''(4) CONTINGENT COMMITMENT AUTHORITY.—Notwithstanding subsection (g)(4) of section 5309, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full financing grant agreements may be greater than the amounts authorized under subsection (b) of this section by an amount equal to not more than the amount authorized to be appropriated under paragraph (6) of this subsection as of the end of fiscal year 2003.

''(5) FIXED GUIDEWAY MODERNIZATION.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(A) for fixed guideway modernization:

''(A) $100,000,000 for fiscal year 1999.
''(B) $100,000,000 for fiscal year 2000.
''(C) $100,000,000 for fiscal year 2001.
''(D) $100,000,000 for fiscal year 2002.
''(E) $100,000,000 for fiscal year 2003.

''(6) CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) IN GENERAL.—In addition to amounts authorized in under subsection (b) of this section, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(B) for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems:

''(i) $500,000,000 for fiscal year 1999.
''(ii) $500,000,000 for fiscal year 2000.
''(iii) $500,000,000 for fiscal year 2001.
''(iv) $500,000,000 for fiscal year 2002.
''(v) $500,000,000 for fiscal year 2003.

''(B) FERRY BOAT SYSTEMS.—Not less than 2.8 percent of the amount made available under subparagraph (A) in any fiscal year shall be available for capital projects for existing and new fixed guideway systems that are ferry boats, ferry terminal facilities, that are approaches to ferry terminal facilities in the noncontiguous States, except that the requirements of section 5333(b) do not apply to such projects or to ferry boat projects for which funds have previously been provided under this chapter in such States.

''(7) BUSES AND RELATED EQUIPMENT.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(C) to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities:

''(A) $100,000,000 for fiscal year 1999.

''(B) $100,000,000 for fiscal year 2000.

''(C) $100,000,000 for fiscal year 2001.

''(D) $100,000,000 for fiscal year 2002.

''(E) $100,000,000 for fiscal year 2003.

''(8) URBANIZED AREAS; ELDERLY INDIVIDUALS AND DISABLED INDIVIDUALS.—

''(A) IN GENERAL.—In addition to amounts authorized in section 5338(a) for activities under sections 5307 and 5310, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for activities under section 5307 for urbanized areas and for activities under section 5310 for elderly individuals and individuals with disabilities:

''(i) $250,000,000 for fiscal year 1999.

''(ii) $250,000,000 for fiscal year 2000.

''(iii) $250,000,000 for fiscal year 2001.

''(iv) $250,000,000 for fiscal year 2002.

''(v) $250,000,000 for fiscal year 2003.

''(B) ALLOCATION.—Of the amount appropriated under this paragraph for each fiscal year—

''(i) 97 percent is available for activities under section 5307; and

''(ii) 3 percent is available for activities under section 5310.

''(9) OTHER THAN URBANIZED AREAS.—In addition to amounts authorized in section 5338(a) for areas other than urbanized areas, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for assistance for areas other than urbanized areas under section 5311:

''(A) $50,000,000 for fiscal year 1999.

''(B) $50,000,000 for fiscal year 2000.

''(C) $50,000,000 for fiscal year 2001.

''(D) $50,000,000 for fiscal year 2002.

''(E) $50,000,000 for fiscal year 2003.

''(o) DEFINITIONS.—In this section—

''(1) the term 'Account' means the Mass Transit Account of the Highway Trust Fund;

''(2) the term 'Fund' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986; and

''(3) the term 'Secretary' means the Secretary of Transportation.''.

(b) WORK AGREEMENTS AS OBLIGATIONS.—

Section 5309(g)(3)(B) of title 49, United States Code, is amended by adding at the end the following: ''The work agreement shall state that the work agreement is not an obligation of the Government.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5318(d), by striking ''5338(j)(5)'' and inserting ''5338(i)(3)''; and

(2) in section 5333(b)(1), by striking ''5338(j)(5)'' each place that term appears and inserting ''5338(i)(3)''.

SEC. ___03. CAPITAL PROJECTS AND SMALL AREA FLEXIBILITY.

(a) IN GENERAL.—Section 5302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting ''intelligent transportation systems,'' after ''rights agreements,'';

(B) in subparagraph (C), by striking ''or'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(E) preventive maintenance;

''(F) the leasing of equipment and facilities for use in mass transportation;

''(G) the introduction of new technology, through innovative and improved products, into mass transportation; or

''(H) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement—

''(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

''(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation;''; and

(2) by adding at the end the following:

''(c) ELIGIBLE COSTS OF PROJECTS THAT ENHANCE URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—Eligible costs for a capital project described in subsection (a)(1)(H)—

''(1) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety elements (such as lighting, surveillance, and community police and security services) that protect a transit project eligible under this chapter, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

''(2) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation, except that, if such facilities incorporate community services such as daycare, health care, and public safety, the portion of the facilities related to such community services are eligible costs under this chapter.''.

(b) SMALL AREA FLEXIBILITY.—Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.''.

(c) DISCRETIONARY GRANTS AND LOANS.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (D) and (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (D) and (E), respectively; and

(2) in subsection (f)—

(A) by striking ''(f)'' and all that follows through ''(1) Each'' and inserting the following:

''(f) REQUIRED PAYMENTS.—Each''; and

(B) by striking paragraph (2).

SEC. ___04. METROPOLITAN PLANNING.

(a) IN GENERAL.—

(1) SECTION 5303.—Section 5303 of title 49, United States Code, is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) DEVELOPMENT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c) of this section, in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

''(2) PLAN CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

''(3) DEVELOPMENT PROCESS.—The development process for the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section and sections 5304 through 5306 shall provide for consideration of—

''(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increasing the accessibility and mobility options available to people and for freight;

''(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

''(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promoting efficient system management and operation; and

''(G) emphasizing the preservation of the existing transportation system.

''(2) GOALS.—In cooperation with the State and mass transportation operators, and with opportunity for public review and comment, the metropolitan planning organization shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.'';

(B) in subsection (c)—

(i) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) by agreement between the chief executive officer of the State and units of general purpose local government that together represent not less than 60 percent of the affected population (including the central city, as defined by the Bureau of the Census) and 60 percent of such units of government; or'';

(ii) in paragraph (2)—

(I) by striking ''In a metropolitan area'' and all that follows through ''shall include'' and inserting ''Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of''; and

(II) by striking ''officials of authorities'' and inserting ''officials of public agencies'';

(iii) in paragraph (3), by striking ''in an urbanized area'' and all that follows through ''officer decides'' and inserting ''within an existing metropolitan planning area only if

the chief executive officer of the State and the existing metropolitan organization determine''; and

(iv) in paragraph (5)—

(I) in subparagraph (A)—

(aa) by striking ''75'' and inserting ''60''; and

(bb) by striking ''as defined by the Secretary of Commerce)'' and inserting ''or cities, as defined by the Bureau of the Census) and 60 percent of such units of government''; and

(II) by adding at the end the following:

''(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.'';

(C) in subsection (d)—

(i) by inserting ''(1)'' before ''To carry out this section'';

(ii) by striking ''Secretary of Commerce'' and inserting ''Bureau of the Census'';

(iii) by inserting ''in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997'' after ''at least the boundaries of the nonattainment area'';

(iv) by inserting '', in the manner described in subsection (c)(5)'' before the period at the end; and

(v) by adding at the end the following:

''(2) In the case of an urbanized area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997—

''(A) the boundaries of the metropolitan planning area shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the chief executive officer of the State; and

''(B) the area shall include at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period, and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as determined by the Bureau of the Census, and any area identified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).'';

(D) in subsection (e)—

(i) in paragraph (2)—

(I) by inserting ''or compact'' after ''agreement'' the first place that term appears''; and

(II) by striking ''making the agreement effective'' and inserting ''making the agreements and compacts effective''; and

(ii) by adding at the end the following:

''(4) To the maximum extent practicable, each metropolitan planning organization shall coordinate with governmental agencies and nonprofit organizations operating within an existing metropolitan planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services. Such governmental agencies and nonprofit organizations shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services. The purpose of such coordination is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.''; and

(E) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''United States and regional functions'' and inserting ''national, regional, and metropolitan transportation functions'';

(II) in subparagraph (B), by striking clause (iii) and inserting the following:

''(iii) recommends any additional financing strategies for needed projects and programs;''; and

(III) by striking subparagraph (C) and inserting the following:

''(C) identify transportation strategies necessary—

''(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

''(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and'';

(ii) in paragraph (2), by striking ''as they are related to a 20-year forecast period'' and inserting ''and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process. In developing long-range plans, the metropolitan planning organization shall take into account the impact of all transportation projects and development plans that will affect the transportation system in the metropolitan area, without regard to whether such projects are financed with Federal funds'';

(iii) in paragraph (4), by inserting ''freight shippers,'' after ''employees,''; and

(iv) in paragraph (5)(A), by inserting ''published or otherwise'' before ''made readily available''.

(b) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking ''the organization'' and inserting ''the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,'';

(2) in subsection (b)(2), by striking subparagraph (C) and inserting the following:

''(C) identifies innovative financing techniques to finance projects, programs, and strategies.''; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''and the designated recipient under this chapter'' after ''metropolitan planning organization''; and

(B) by adding at the end the following:

''(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

''(4) A transportation improvement program and the annual selection of projects involving Government participation shall be published or otherwise made readily available for public review, identifying federally funded projects, and the estimated costs and locations of those projects.

''(5) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.''.

(c) TRANSPORTATION MANAGEMENT AREAS.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.'';

(2) in subsection (b), by inserting ''affected'' before ''mass transportation operators'';

(3) in subsection (c), by striking ''The Secretary'' and all that follows through the final period;

(4) in subsection (d)(1)(A)—

(A) by inserting ''and any affected mass transportation operator'' after ''the State''; and

(B) by striking ''or under the Bridge and Interstate Maintenance programs'';

(5) in subsection (d)(1)(B), by striking ''or under the Bridge and Interstate Maintenance programs''; and

(6) in subsection (e), by striking paragraph (2) and inserting the following:

''(2)(A) If a metropolitan planning process is not certified or is certified conditionally, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23, or may establish such other conditions as the Secretary determines to be appropriate.

''(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.''.

(d) STATEWIDE PLANNING.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5305 the following:

''§ 5305a. Statewide planning

''(a) DEVELOPMENT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out sections 5303 through 5305 of this chapter and section 134 of title 23, each State shall develop transportation plans and programs for all areas of the State, which shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

''(2) SPECIFIC REQUIREMENTS.—The development of the plans and programs under paragraph (1) shall—

''(A) provide for consideration of all modes of transportation; and

''(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—Each State shall carry out a transportation planning process under this section, which shall provide for consideration of—

''(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increasing the accessibility and mobility options available to people and for freight;

''(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

''(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promoting efficient system management and operation; and

''(G) emphasizing the preservation of the existing transportation system.

''(2) GOALS.—In cooperation with the metropolitan planning organization and mass

transportation operators, and with opportunity for public review and comment, the State shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.

''(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—In carrying out the planning under this section, a State shall—

''(A) coordinate the planning with the transportation planning activities carried out under sections 5303 through 5305 of this chapter and section 134 of title 23, for metropolitan areas of the State;

''(B) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan, to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.); and

''(C) to the maximum extent practicable, coordinate with all other governmental agencies and nonprofit organizations operating within the State planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services.

''(2) PARTICIPATION.—The governmental agencies and nonprofit organizations described in paragraph (1)(C) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services.

''(3) PURPOSE OF COORDINATION.—The purpose of coordination under this subsection is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.

''(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

''(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

''(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

''(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

''(e) LONG-RANGE TRANSPORTATION PLAN.—

''(1) IN GENERAL.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

''(2) COOPERATION.—With respect to each metropolitan area in the State, the long-range transportation plan referred to in paragraph (1) shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) OPPORTUNITY FOR COMMENT.—In developing the long-range transportation plan under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

''(4) TRANSPORTATION STRATEGIES.—The long-range transportation plan developed under this subsection shall identify transportation strategies necessary to efficiently serve the mobility needs of individuals.

''(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

''(2) COOPERATION.—With respect to each metropolitan area in the State, the transportation improvement program under this subsection shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the program shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) OPPORTUNITY FOR COMMENT.—In developing the transportation improvement program under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

''(4) REQUIRED INFORMATION.—A transportation improvement program developed for a State under this subsection shall include federally supported surface transportation expenditures within the boundaries of the State. Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.

''(5) SPECIFIC REQUIREMENTS.—Each project shall—

''(A) be consistent with the long-range transportation plan developed under this section for the State;

''(B) be identical to the project described in an approved metropolitan transportation improvement program; and

''(C) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

''(6) PROJECTS.—The transportation improvement program developed under this subsection shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

''(7) PRIORITIES.—The transportation improvement program developed under this subsection shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this chapter.

''(8) SMALL AREAS.—Projects carried out in areas with populations of less than 50,000—

''(A) excluding projects carried out on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State in cooperation with the affected local officials; and

''(B) on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State, in consultation with the affected local officials.

''(9) REVIEW.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 5303, approved not less frequently than biennially by the Secretary. Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

''(g) AVAILABLE FUNDS.—Amounts set aside under section 5313(b) of this chapter and section 505 of title 23 shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5305 the following:

''5305a. Statewide planning.''.

SEC. ___05. METROPOLITAN PLANNING ORGANIZATIONS.

Section 5303(c)(2) of title 49, United States Code, is amended by striking ''and appropriate State officials'' and inserting ''appropriate State officials, and a representative of the users of public transit''.

SEC. ___06. FARE BOX REVENUES.

(a) BLOCK GRANTS.—Section 5307(e) of title 49, United States Code, is amended—

(1) in the first sentence, by striking ''A grant of'' and inserting the following:

''(1) IN GENERAL.—A grant of'';

(2) in the fourth sentence, by striking ''or revenues from'' and all that follows through ''1985)'';

(3) in the last sentence, by inserting ''proceeds from a local issuance of debt,'' after ''cash fund or reserve,''; and

(4) by adding at the end the following:

''(2) MAINTENANCE OF EFFORT.—The credit given for the use of proceeds from a local issuance of debt in meeting the non-federal share under paragraph (1) shall not reduce or replace State monies required to match Federal funds for any program pursuant to this chapter. In receiving a credit for non-federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.''.

(b) DISCRETIONARY GRANTS AND LOANS.—Section 5309(h) of title 49, United States Code, is amended in the fourth sentence, by inserting ''proceeds from a local issuance of debt,'' after ''cash fund or reserve.''.

SEC. ___07. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 of title 49, United States Code, is amended to read as follows:

''§ 5308. Clean fuels formula grant program

''(a) DEFINITIONS.—In this section—

''(1) the term 'designated recipient' has the same meaning as in section 5307(a);

''(2) the term 'eligible project'—

''(A) means a project for the—

''(i) purchase or lease of clean fuel vehicles or hybrid transit vehicles, including clean fuel vehicles that employ a lightweight composite primary structure;

''(ii) construction or leasing of clean fuel vehicle fueling or electrical recharging facilities and related equipment;

''(iii) improvement of existing transit facilities to accommodate clean fuel vehicles; or

''(iv) incremental costs of biodiesel fuel; and

''(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies; and

''(3) the term 'Secretary' means the Secretary of Transportation.

''(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

''(c) APPLICATION.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) APPORTIONMENT OF FUNDS.—

''(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available under this section to designated recipients submitting applications under subsection (c) in accordance with the following:

''(A) Two-thirds of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of not less than 1,000,000 as follows:

''(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

''(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of bus passenger miles of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

''(B) One-third of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000 as follows:

''(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

''(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

''(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

''(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

''(ii) 1.1 if, at the time of the apportionment, the area is classified as—

''(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(iii) 1.2 if, at the time of the apportionment, the area is classified as—

''(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(iv) 1.3 if, at the time of the apportionment, the area is classified as—

''(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(v) 1.4 if, at the time of the apportionment, the area is classified as—

''(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.); or

''(vi) 1.5 if, at the time of the apportionment, the area is classified as—

''(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

''(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

''(3) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

''(i) for an eligible project in an area—

''(I) with a population of less than 1,000,000, $15,000,000; and

''(II) with a population of not less than 1,000,000, $25,000,000; or

''(ii) 80 percent of the total cost of the eligible project.

''(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

''(e) AUTHORIZATION.—

''(1) IN GENERAL.—Subject to paragraph (2), in each fiscal year, $200,000,000 shall be made available or appropriated under subsections (a) and (b) of section 5338 to carry out this section.

''(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this section, not less than 5 percent of the amount apportioned under this section in each fiscal year shall be apportioned to fund any eligible projects, for which an application is received from a designated recipient in accordance with subsection (a), for—

''(A) the purchase or construction of hybrid electric or battery-powered buses; or

''(B) facilities specifically designed to service those buses.

''(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

''(1) shall remain available for 1 year after the fiscal year for which the amount is made available or appropriated; and

''(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.''.

(b) DEFINITION OF CLEAN FUEL VEHICLE.—Section 5302(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (2) through (12), by striking the period at the end and inserting a semicolon;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) 'clean fuel vehicle' means a vehicle powered by compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alcohol-based fuels, or hybrid electric, fuel cell, or other zero emissions technology.''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5308 and inserting the following:

''5308. Clean fuels formula grant program.''.

SEC. ___08. CAPITAL INVESTMENT GRANTS AND LOANS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended in the section heading, by striking ''**Discretionary**'' and inserting ''**Capital investment**''.

(b) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by striking ''Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997'' and inserting ''After apportioning amounts for the purposes of section 5308, of the amounts available for grants and loans under this section for each of fiscal years 1993 through 2003''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended in the item relating to section 5309, by striking ''Discretionary'' and inserting ''Capital investment''.

SEC. ___09. TRANSIT SUPPORTIVE LAND USE.

Section 5309(e)(3)(B) of title 49, United States Code, is amended by inserting '', and

recognize reductions in local infrastructure costs achieved through compact land use development'' before the semicolon.

SEC. ___10. NEW STARTS.

Section 5309(m) of title 49, United States Code, is amended by adding at the end the following:

''(5) Not more than 8 percent of the amount made available under paragraph (1)(B) in any fiscal year shall be available for activities other than final design and construction.''.

SEC. ___11. JOINT PARTNERSHIP FOR DEPLOYMENT OF INNOVATION.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

''(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

''(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

''(A) means—

''(i) 1 or more public or private organizations located in the United States, that provides mass transportation service to the public; and

''(ii) 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

''(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

''(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. This paragraph shall be carried out in consultation with the transit industry by competitively selected public/private partnerships that will share costs, risks, and rewards of early deployment of innovation with broad applicability.

''(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

''(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

''(5) USE OF REVENUES.—The Secretary shall, to the maximum extent practicable, accept a portion of the revenues resulting from sales of an innovation project funded under this section, to be credited to the Mass Transit Account of the Highway Trust Fund and used for joint partnership projects in accordance with this subsection.''.

SEC. ___12. WORKPLACE SAFETY.

Section 5315(a) of title 49, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(15) workplace safety.''.

SEC. ___13. UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Subchapter IV of chapter 52 of title 49, United States Code (as added by section 2003(a) of this Act), is repealed effective 1 day after the date of enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Section 2003(b) of this Act, and the amendments made by that section, are repealed effective 1 day after the date of enactment of this Act.

(2) APPLICABILITY.—Effective 1 day after the date of enactment of this Act, sections 5316 and 5317 of title 49, United States Code, and the items relating to sections 5316 and 5317 in the analysis for chapter 53 of title 49, United States Code, shall be applied and administered as if section 2003(b) of this Act had not been enacted.

SEC. ___14. JOB ACCESS GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold; and

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

''§ 5320a. Access to jobs

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(A) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(B) promoting the use of transit by workers with nontraditional work schedules;

''(C) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(D) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

''(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

''(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

''(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

''(b) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants under this section to assist qualified entities in financing eligible projects.

''(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(c) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

''(e) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

''(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

''(2) the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

''(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

''(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

''(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

''(6) the extent to which the applicant—

''(A) presents a regional transportation plan for addressing the transportation needs

of welfare recipients and eligible low-income individuals; and

''(B) identifies long-term financing strategies to support the services under this section; and

''(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process.

''(f) FEDERAL SHARE OF COSTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

''(2) NONGOVERNMENTAL SHARE.—The portion of the total cost of an eligible project that is not funded under this section—

''(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

''(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(g) PLANNING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of sections 5303 through 5306 apply to any grant made under this section.

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients, and the eligible projects financed must be part of a coordinated public transit-human services transportation planning process.

''(h) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

''(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

''(2) such other terms and conditions as determined by the Secretary.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this section, and every 6 months thereafter, the Comptroller General of the United States shall—

''(A) conduct a study to evaluate the grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

''(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall—

''(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

''(j) FUNDING; ALLOCATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1998 through 2003. Such amounts shall remain available until expended.

''(2) ALLOCATION.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

''(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

''(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

''(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following:

''5320a. Access to jobs.''.

SEC. ___15. GRANT REQUIREMENTS.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(m) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance from an infrastructure bank or through other financing under subtitle C of title I of the Intermodal Surface Transportation Efficiency Act of 1997.''.

SEC. ___16. HHS AND PUBLIC TRANSIT SERVICE.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(n) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services—

''(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

''(2) shall be included in the planning for those services.''.

SEC. ___17. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.

Section 5334(g) of title 49, United States Code, is amended by adding at the end the following:

''(4) Notwithstanding any other provision of law, if a recipient of assistance under this chapter determines that an asset (including real property) acquired with such assistance is no longer needed for the purpose for which it was acquired, the recipient may sell that asset with no further obligation to the Government, if the proceeds of the sale are used for the provision of mass transportation services in accordance with this chapter.''.

SEC. ___18. OPERATING ASSISTANCE FOR SMALL TRANSIT AUTHORITIES IN LARGE URBANIZED AREAS.

Section 5336(d) of title 49, United States Code, is amended by adding at the end the following:

''(3) In distributing operating assistance under this subsection to urbanized areas with a population of 1,000,000 or more under the most recent census, the Secretary shall direct each such area to give priority consideration to the impact of reductions on operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities.''.

SEC. ___19. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) of title 49, United States Code, is amended to read as follows:

''(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 as follows:

''(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

''(A) Baltimore, $8,372,000.

''(B) Boston, $38,948,000.

''(C) Chicago/Northwestern Indiana, $78,169,000.

''(D) Cleveland, $9,509,500.

''(E) New Orleans, $1,730,588.

''(F) New York, $176,034,461.

''(G) Northeastern New Jersey, $50,604,653.

''(H) Philadelphia/Southern New Jersey, $58,924,764.

''(I) Pittsburgh, $13,662,463.

''(J) San Francisco, $33,989,571.

''(K) Southwestern Connecticut, $27,755,000.

''(2) The next $70,000,000 shall be apportioned as follows:

''(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

''(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

''(A) Pittsburgh, 61.76 percent.

''(B) Cleveland, 10.73 percent.

''(C) New Orleans, 5.79 percent.

''(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(5) The next $140,000,000 shall be apportioned as follows:

''(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A), if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(6) The next $100,000,000 shall be apportioned as follows:

''(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(7) Remaining amounts shall be apportioned as follows:

''(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 of title 49, United States Code, is amended by adding at the end the following:

''(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

''(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

''(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue

miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available.''.

SEC. ___20. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

ALLARD (AND GRAMS) AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page ___, strike lines ___ through ___, and insert the following:

''(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: '', of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available''.

CONCURRENT RESOLUTION ON SADDAM HUSSEIN

SPECTER (AND DORGAN) AMENDMENT NOS. 1933–1934

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; as follows:

AMENDMENT NO. 1933

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

AMENDMENT NO. 1934

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that ''crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraqi invasion of Kuwait'';

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the

capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BAUCUS AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. MCCONNELL to amendment No. 1766 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 2, line 18, delete ''and'', insert the following, and redesignate the subsequent paragraph accordingly:

''(5) the persistence of discrimination against business enterprises owned and controlled by socially and economically disadvantaged individuals;

''(6) the extent of discrimination against construction companies owned and controlled by women and minorities in the financial, credit and bonding markets;

''(7) the impact on businesses owned and controlled by socially and economically disadvantaged individuals in instances in which States have repealed their State Disadvantaged Business Enterprise programs, or in which the operation of the federal Disadvantaged Business Enterprise program has been prevented by the order of a court;

''(8) the impact of the Disadvantaged Enterprise Program on the creation of jobs, especially the creation of jobs for women and minorities;

''(9) the participation rates of disadvantaged business enterprises as prime contractors in programs funded under this Act; and''.

CHAFEE AMENDMENTS NOS. 1936–1937

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1771 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1936

At the end, insert the following new subsection:

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small business;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

AMENDMENT NO. 1937

At the end, insert the following new subsection:

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small businesses;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

ROCKEFELLER AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place insert:

Section 102(a) of Title 23, United States Code, is amended by inserting after ''required'' the following:

''Unless, at the discretion of the State highway department, the vehicle is an alternative fuel vehicle (as defined in section 2023(c) of the Energy Policy Act of 1992 (42 U.S.C. 13433(c)))''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, March 11, 1998, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a mark-up on the Committee Budget Views & Estimates letter regarding the FY '99 budget request for Indian programs.

To be followed immediately by a hearing on Tribal Sovereign Immunity.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, March 11, 1998, 9:30 a.m., in SD–106 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1648, Preventing Addiction to Smoking among Teens (PAST) Act.

2. Presidential Nominations.

For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources, will be held on Thursday, March 12, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Assessment of New Health Care Technologies Role of AHCPR. For further information, please call the committee, 202/224–5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on the following days:

Thursday, March 12, 1998 at 9:00 a.m. in SR–328A, Tuesday, March 17, 1998 at 9:00 a.m. in SR–328A.

The purpose of these meetings will be to examine reauthorization of expiring child nutrition programs.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 19, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1488 and accompanying Senate amendment No. 1618,

legislation to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; and S. 1670, a bill to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Brian Malnak or Jo Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a hearing on Monday, March 9, 1998, at 1:00 p.m. The subject of the hearing is the Lessons Learned in the D.C. Public Schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, March 9, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''Facts and Myths on the S. 10's Juvenile Recordkeeping Requirements.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 9, 1998 at 1:00 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TONY MALMBERG

● Mr. THOMAS. Mr. President, today I rise to recognize Tony Malmberg, who manages the Three Quarter Circle Ranch near Lander, Wyoming. Mr. Malmberg was recognized recently for his superior stewardship practices that demonstrate a healthy environment, such as cleaner water and thriving fauna and flora, go hand in hand with successful ranching.

Tony Malmberg's Three Quarter Circle Ranch is the national winner of the National Cattlemen's Beef Association Environmental Stewardship Award for using innovative practices to protect and enhance natural resources, while increasing the profits of the business. With its over 900 cow/calf pairs and 1,000 yearlings, rotational grazing practices and success in showing profits while safeguarding natural resources such as land and water, Three Quarter Circle Ranch was the clear winner.

Unique in his accomplishments, Mr. Malmberg developed a partnership with schools to provide an educational site where students can learn about wildlife and habitats, streams, vegetation, geology and archaeology, birds and riparian areas. In addition, his ranch was one of the first ranches in the west to develop a ranch/recreation program where guests are able to participate in ranch activities, including livestock herding.

This award should come as no surprise to those who know him. The land is his most important resource and it gives him clear signals when his approaches work and do not work. Therefore, he makes many of his management decisions based on the rhythms of nature. For example, using more tolerant species of plants in meadows to decrease demand for water, reduce irrigation, and enhance stream flows and riparian conditions. Also he adjusts the timing of grazing in riparian areas to encourage beavers to build dams and changing grazing rotations each year to accommodate species diversity.

Mule dear, pronghorn antelope and elk live on the Three Quarter Circle Ranch during the winter. A pond on the ranch is stocked with fish, and nesting structures were added to attract geese.

Obviously Tony Malmberg feels strongly about his role as a steward of natural resources because it not only affects his bottom line, but it helps him demonstrate how ranching benefits other species and the general public.

Three Quarter Circle Ranch was selected by a committee of representatives of the Environmental Protection Agency, USDA's Soil Conservation Service, U.S. Fish and Wildlife Service, the Nature Conservancy, American Farmland Trust, American Sportfishing Association, Texas Tech University, Texas A&M Research and Extension Center, South Utah University and NCBA.

I commend Tony Malmberg for this award and for what he has accomplished on his ranch in Lander. He represents the best of the industry and the very best of working people in the West.●

30th ANNIVERSARY OF FOCUS: HOPE

● Mr. LEVIN. Mr. President, I rise today to celebrate the 30th Anniversary of Focus: HOPE. On March 8, 1968, Focus: HOPE adopted the following resolution:

Recognizing the dignity and beauty of every person we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.

In those simple, poetic words, Focus: HOPE began a journey that has remained true to its original vision thirty years later. Focus: HOPE was founded in one of the Detroit's most economically depressed areas by the late Father William T. Cunningham and Executive Director Eleanor Josaitis in the aftermath of the 1967 Detroit riots. Focus: HOPE's efforts initially centered on healing along racial lines, but in time have evolved into something much greater. As Father Cunningham has said, ''traditional societal cancers like racism are so interrelated with other socioeconomic challenges that we can't look at a problem without looking at (the) whole context.''

In the 1970's, Focus: HOPE began its Food Prescription Program which continues to provide monthly supplemental food to low-income pregnant and postpartum mothers, infants and preschool children. The 1970s also saw Focus: HOPE take a leadership role in securing low-interest mortgage and automobile loans for African-Americans, designing a race relations training program for desegregated schools, and establishing Focus: HOPE's WALK for Justice, an annual march through Detroit to show interracial harmony.

The 1980's was a time of radical evolution for Focus: HOPE. During this period, Focus: HOPE transformed itself into the nationally recognized center for education and training that it is today. It established FAST TRACK, a computer assisted course which improves the reading and math skills of high school graduates. FAST TRACK prepares students for entry into the Machinist Training Institute (MTI), which produces skilled machinists who are needed in local industry and are able to command good salaries. Focus: HOPE also established its Center for Children, a Montessori school which supports the children of Focus: HOPE's faculty, students and the surrounding neighborhood. Focus: HOPE also established the Food for Seniors program which provides monthly supplemental food to low-income senior citizens. In order to support all of Focus: HOPE's programs, several for-profit companies were established.

The 1990's have seen Focus: HOPE continue to expand. In 1993, Focus: HOPE's Center for Advanced Technologies (CAT) was established to allow interested MTI students to continue their education. This internationally recognized program awards associate's and bachelor's degrees in manufacturing engineering. Focus: HOPE is looking to the future by planning the establishment of Tech Villas, a state of the art residential learning center linked to the CAT, fulfilling the goal of becoming a national demonstration center for advanced manufacturing and training.

Over the years, I have had the great opportunity to be with President Clinton, Gen. Colin Powell, Secretary Ron Brown and many others on tours of Focus: HOPE. While each of these dignitaries has walked away impressed by the size and scope of Focus: HOPE's mission, they have been equally inspired by the spiritual nature of Focus: HOPE. Focus: HOPE has changed the lives of thousands of people throughout metropolitan Detroit by bringing to life the proverb ''Give a person a fish and you feed him for a day; teach him to fish and you feed him for a lifetime.''

While the past thirty years have undoubtedly been a great success for Focus: HOPE, 1997 was a very trying time for all who care deeply about this community. On May 26, Father William Cunningham, founder and inspiration of Focus: HOPE, passed away after a spirited battle against cancer. On July 2, the Focus: HOPE campus and the surrounding neighborhood were struck by a tornado, causing great damage to Focus: HOPE buildings. Under the magnificent leadership of Eleanor Josaitis and the hard work of the entire staff, Focus: HOPE has rebuilt and rededicated itself to Father Cunningham's vision. This difficult year has brought the community closer together as they celebrate the 30th Anniversary of the ''Miracle on Oakman Boulevard,'' Focus: HOPE.●

TRIBUTE TO BUD McCALL

● Mr. CRAIG. Mr. President, I stand today to pay tribute to a man who quietly serves his community the only way he knows how—through hard work and dedication. Bud McCall, a county commissioner since 1977, is being named Citizen of the Year by the St. Maries Chamber of Commerce.

Bud has been an active community member in St. Maries and Benewah County longer than most people can remember. Bud serves the community in many ways: as an employer, an elected official, and a community volunteer. Today he is being recognized for his voluntary efforts during the spring floods of 1996 when Bud came to the rescue of many area residents. He tirelessly worked around the clock to help protect the community from further damage from the repeated flooding. He rounded up equipment to stabilize crumbling dikes, met with emergency crews developing a crisis management strategy, and provided shelter for those who found themselves homeless. He literally donated thousands of hours of his time and equipment for the benefit of the community when the community needed him most. However, this is nothing new for Bud. He has always been there when the community needs him.

On a more personal note, Bud is a man of few words. He is the kind of man who, when met on the street even after a long day of hard work, will always greet you with a smile.

Bud's love for his community is shown through all he does. I am proud today to recognize him as an outstanding citizen and public servant that represents the ideals of Idaho.●

LITTLE HEARTS DAY CARE: A COMMUNITY EFFORT

● Mr. JOHNSON. Mr. President, I rise today to call your attention to the Little Hearts Day Care in Estelline, South Dakota, and to the community leaders who rose to new heights to create a day care center amid a child care shortage.

Late last year, Estelline experienced a devastating child care shortage when two of the local child care providers closed their doors to pursue other endeavors. While this rural community wishes the best for these providers, Estelline was left in a state of crisis: all of the remaining day care services were filled to capacity, and working parents had no place to bring their children.

In this time of alarm, community leaders, the Estelline Area Development Corporation, and the city worked together to locate a building to operate a non-profit day care center. Soon after, Donna Thompson, Glenda Thompson, and Kim Ward incorporated the Little Hearts Day Care. If it were not for the massive volunteer effort to renovate the vacant building, the Little Hearts Day Care would be little more than a glimmering idea of hope. Thousands of dollars of materials and hundreds of hours of labor were donated to renovate the building and to make the day care center safe for children. Volunteers cleaned, painted, and some even provided professional services such as plumbing and carpentry. I applaud the community of Estelline for their hard work in filling this void in child care.

Our nation's children are its greatest asset and our most precious treasure. It is vital that we help them get the right start, nurture their development and provide for their well-being. Having held numerous child care meetings with providers, parents, and concerned officials all around our state, I am more convinced than ever that providing high quality, affordable child care is one of the most important issues South Dakota and our nation faces. In our state, we have one of the highest ratios of working moms in the country, coupled with one of the lowest per capita income levels. As a consequence, too many of our child care providers are being asked to provide professional, loving care with very marginal compensation.

While I do not believe in ''federalizing'' child care, I do think our nation needs a federal-state-local partnership designed to provide local child care providers and parents with better options. This cooperative effort should avoid the creation of new bureaucracies and inflexible mandatory rules, while providing greater financial resources for parents and the entire range of child care providers. Training, standards improvement, nutrition assistance and the promotion of employer incentives for child care strategies should also be part of our effort.

I am pleased that child care issues are receiving the attention of Congress and the Administration. I am proud to have cosponsored the Creating Improved Delivery of Child Care: Affordable, Reliable and Educational (CIDCARE) bill. This measure will help working families afford child care and will provide parents incentives to choose higher quality care. I am pleased that the President's proposal will establish a Child Care Provider Scholarship Fund. This measure will enable states to provide scholarship funds to students working toward a degree in child care.

Quality child care is the first step in ensuring that the children of working parents grow up in a healthy environment, and I am pleased that the community of Estelline answered the call for action.

Mr. President, as I yield the floor, I hope other communities throughout the nation will look to the Little Hearts Day Care and the city of Estelline, and benefit from this prime example of civic cooperation.●

TRIBUTE TO JACK BUELL

● Mr. CRAIG. Mr. President, I stand today to pay tribute to the kind of person every community wishes they had, a down-to-earth caretaker of the community with a heart of gold. Jack Buell, Chairman of the Idaho Benewah County Commissioners is being honored in his community as Citizen of the Year. Jack, like many Idahoans, lives in a resource-rich part of Idaho. He not only provides jobs for many citizens of St. Maries, but is constantly working to enrich this small town. Jack has served as a county commissioner since 1974, and has a reputation for active leadership. This year, he was named as one of the top 25 most influential citizens in the state of Idaho by a Boise newspaper.

It is not difficult to understand why Jack is a man of influence: He's a man of his word and a problem solver. Over the past few years, he faced demanding challenges when his community was hit by devastating floods in the spring of 1996. He worked around-the-clock to minimize the destructive damage caused by the spring floods. He offered heavy equipment, employees, campers, trailers and any other resource he had that someone else could use. He paid his employees for their work and never asked the government or community to reimburse him for his employees' wages. And still Jack was deeply frustrated that he could not do more to protect people from the problems and pain they faced as they faced their losses.

Jack has been inspiring in his work with the community schools. When the

school board couldn't get a bond passed to build a new gym for the high school, Jack got to work and found local solutions to the problem. He is a man who doesn't ask what his community can do for him, but instead asks what he can do for the community.

Jack's passion for service without recognition does not go unnoticed. I am proud to honor this man so many call friend, and recognize him for living his daily life in a way that has earned the title of citizen of the year.●

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, yesterday, Sunday, March 8th, was commemorated by women around the globe as International Women's Day. I rise today to recognize the importance of this day, and to discuss five issues—the use of rape as an instrument of war; the human rights of women in Afghanistan; international trafficking in women and girls; international family planning; and the Convention on the Elimination of All Forms of Discrimination Against Women—where I believe the United States can and must play a key role in leading the international community's efforts to improve the status of women around the world.

Every day, women around the globe are subject to abuse, violence and discrimination simply because they are women. Whether it is the rape of women in Bosnia and Rwanda as part of a policy of ethnic cleansing, the human rights abuses faced by the women of Afghanistan, or the more subtle forms of discrimination faced daily by women everywhere, the majority of the world's women and girls remain excluded from the prevailing vision of human rights and continue to lack basic legal and fundamental rights.

As we look around the globe, it seems safe to say that U.S. foreign policy does not lack for challenges. Yet, even as we face these other challenges—be it the threat of Saddam Hussein or the threat of an Asian financial crisis—we must also recognize that advancing the status of women is not only the right thing to do, it must be a central part of the foreign policy of the United States.

As I mentioned earlier, as we work to advance this broader agenda there are five areas in particular which I would like to address today: The use of rape as an instrument of war, the situation in Afghanistan, international trafficking in women and girls, international family planning, and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

RAPE AS AN INSTRUMENT OF WAR

The first issue I would like to address today is one which, in recent years, has been of increasing concern to me: The use of rape as an instrument of war.

In all too many places around the world—Bosnia, Rwanda, Afghanistan, to name just three—the last few years have witnessed the regular and systematic use of rape and other forms of violent gender discrimination as tactics of war and of ''ethnic cleansing.'' Indeed, in looking at many of the world's ongoing conflicts it sometimes seems as if the use of rape as an instrument of war has become almost commonplace.

While rape by soldiers has long been a brutal reality in time of war, in all too many cases in the past few years it has frequently operated as a weapon of war itself. Soldiers, paramilitaries and militiamen rape and sexually assault women as part of systematic campaigns of ethnic cleansing. In some cases, women have been interned in camps and houses and subjected to repeated rape and sexual assault.

Well, as far as I am concerned rape as a tool of war must never be accepted, and the international community must act—now—to put an end, once and for all, to the use of rape as an instrument of war.

I was pleased when the international war crimes tribunals for both Rwanda and Bosnia issued indictments which, for the first time in history, charged individuals with ''grave breaches'' of the Geneva Convention and for crimes against humanity for the use of rape as an instrument of war.

I have been sorely disappointed, however, by the repeated failure of the international community—especially in the former Yugoslavia—to see that those who were indicted for perpetrating these crimes are bought to justice.

Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. In Srebrenica, an alleged ''safe area,'' one women told of Serb soldiers, dressed as UN peacekeepers, who came in a factory where refugees were gathered and dragged away two girls aged 12 and 14 and a 23 year-old women. After several hours, the three returned. They were crying, naked, and bleeding. One said, ''We are not girls anymore.''

According to the United Nations Commission of Experts, the victims of rape in Bosnia included girls as young as six and women as old as eighty-one. Many women and girls were subjected to gang rapes while being held in detention camps. And, tragically, for many of the women of ex-Yugoslavia, rape was merely a prelude to further torture and then death.

I am deeply concerned about NATO's failure to arrest all persons indicted for rape and other war crimes in Bosnia and Herzegovina.

By issuing indictments for rape, the international community sent a strong message that there can be no impunity for violence against women in time of war. Yet few of those indicted have so far faced justice. Of the seventy-nine persons indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY), 50 remain at large, including twenty-two indicted for rape and sexual assault. Only four indicted suspects charged with rape are in custody.

Successful arrest actions in Prijedor, Vitez and Bijeljina demonstrate that the NATO-led Stabilization Force (SFOR) has both the means and the mandate to apprehend indicted war crimes suspects. While the recent voluntary surrenders by three suspects at the urging of Bosnian Serb Premier Milorad Dodik are encouraging, most indicted suspects in Bosnia reside in areas under the control of Radovan Karadzic and other hardliners, who persist in their refusal to cooperate with the ICTY. Unless NATO arrests those indicted in these areas, it is extremely unlikely that they will ever stand trial.

Ultimately, it is a hollow and cynical gesture to claim outrage over rape as a war crime, issue indictments, but then to act as if the indictments do not merit the commitment or resources to see that those who committed these crimes are, in fact, apprehended and prosecuted.

What kind of nation are we if we can not see to it that the people who practiced rape as an instrument of war are not brought to justice?

I believe the use of rape as an instrument of genocide and ethnic cleansing is a war crime of the highest order. And the failure to assure that those who have been indicted for rape as a war crime are apprehended, extradited, and made to stand trial, does a grave injustice to women around the world.

Indeed, if war criminals indicted for rape are not brought to justice, the international community will have betrayed the legacy of Nuremberg, the victims of the wars that tore Rwanda and Yugoslavia apart, and women world-wide. And we will have set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

I have repeatedly written the President and Secretary of State calling for stronger international action to see to it that those indicted of war crimes are brought to justice. And last year, along with Senator LAUTENBERG and several of my colleagues, I was proud to cosponsor the War Crimes Prosecution Facilitation Act of 1997. Today, in commemoration of international women's day, I once again call on the administration and the international community to take strong, forceful, and unmistakable action on this issue.

AFGHANISTAN

Perhaps nowhere in the world today is there a clearer test of our commitment to the cause of women's rights than Afghanistan.

For close to twenty years, Afghanistan has been torn apart by war and bloodshed. More than a million people have died, and much of the capital of Kabul lies in ruins. For women and their families, these events have been a disaster, made worse in recent years by the ascendency of the Taliban, an extremist militia group which captured Kabul in September 1996 and declared an end to many of the basic human rights of Afghan women.

What some call true Islam, others, including the United Nations General Assembly, say is an abuse of human rights. In Afghanistan today it appears that another tragic chapter in the story of the suppression of women's rights is being written.

The U.S. State Department's 1997 human rights report states:

Women were beaten for violating increasingly restrictive Taliban dress codes, which require women to be covered from head to toe. Women were strictly prohibited from working outside the home, and women and girls were denied the right to an education. Women were forbidden from appearing outside the home unless accompanied by a male family member. Beatings and death resulted from a failure to observe these restrictions.

The women of Afghanistan, who have seen their families destroyed by war, are now having their economic life and their fundamental human rights stripped away, and the violations of Afghan women's basic human rights have pushed an already war-torn and war-weary Afghanistan to the brink of disaster.

When I look at the situation in Afghanistan I am forced to ask: Where is the world's outrage? Fully half of Afghanistan's population cannot work for a living or be educated. Fully half the population of Afghanistan are being systematically denied their basic human rights.

Yet, all too often, the world has responded by issuing mild denunciations and turning away. This is unacceptable. We must act to stop these injustices and to bring peace to Afghanistan.

First, I intend to introduce legislation calling on the administration to create an Afghan Women's Initiative along the lines of the successful Bosnian and Rwandan Women's Initiatives which the administration has created in the past two years. These initiatives have assisted the victims of those wars by promoting the reintegration of women into the economy with an emphasis on capacity-building, training programs, legal assistance, and support for microenterprise projects, as well as refugee reintegration and protection.

The women of Afghanistan could greatly benefit from such an initiative, and I believe that the success of the Bosnian and Rwandan programs can serve as a model for a similar program for the women of Afghanistan, as well as the numerous Afghan women in refugee camps in Pakistan.

Second, I also believe that the international community should investigate the need for a war crimes tribunal to investigate charges of rape and abuse as instruments of the now almost decade-long civil war which has torn Afghanistan apart. Credible charges have been made about the systematic use of rape by several of the factions and parties involved in this struggle, and I believe that these charges must be investigated and, if true, must lead to indictments and trials. I intend to address this issue in forthcoming legislation as well.

Finally, I believe that the United States must be clear and unequivocal in stating that we will not recognize any government in Afghanistan unless it is broad-based, respective of all Afghans, and respects international norms of behavior in human rights, including the rights of women and girls.

The United States, with our history of commitment to women's rights and equality, must redouble its efforts to place respect for women's rights at the top of the international community's agenda in Afghanistan.

TRAFFICKING OF WOMEN

The third area I would like to address today is a growing problem for women the world over: The forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

The United Nations estimates that every year millions of women become the victims of the fast growing international business of trafficking in women and girls. By capitalizing on poverty, rising unemployment, and the disintegration of social networks, criminal organizations annually make up to $7 billion on the trafficking and prostitution of approximately 4 million women and girls.

These women come primarily from Eastern Europe and East Asia, accepting offers of lucrative jobs as waitresses, models or dancers in the industrialized world to escape the vice of poverty. Once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in debt bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

Often times, these victims are given falsified documents or travel on tourist visas, so they have little legal protection. When and if these women are discovered by the police, they are usually treated as illegal aliens and simply deported. Laws against traffickers who engage in forced prostitution, rape, kidnaping, and assault and battery are often not enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

Without effective enforcement of current laws and the implementation of new laws to protect victims and to prosecute traffickers this trend will continue to grow. Senator WELLSTONE and I will be introducing legislation to provide both more information on trafficking and tougher laws dealing with the illegal trade of women.

INTERNATIONAL FAMILY PLANNING

The fourth issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world's population is now nearly 6 billion, and the United Nations projects that the figure could grow to as high as 12 billion by the year 2050. Most of this growth will occur in developing countries, where there are few resources to provide basic health or education services. If women are to be able to better themselves and their families it is crucial that they be provided the resources to control their reproductive destinies and health.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack by the anti-choice wing of the Republican party—this despite the fact that no U.S. international family planning funds are spent on international abortion.

Non-governmental organizations which currently receive U.S. government assistance for family planning and reproductive health programs, such as the International Planned Parenthood Federation, spend only a small portion of their own private funds on activities which can be construed as supporting abortion. And U.S. support for the United Nations Fund for Population Activities is likewise segregated to assure that no U.S. funds go to any activities which may support abortion.

Moreover, international family planning programs have experienced significant cuts in funding in recent years. The Senate Foreign Operations bill for Fiscal Year 1998 would reestablish a separate account for population assistance, at a level of $435 million, and continue the longstanding prohibition against the use of any funds for abortion.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning.

CEDAW

Lastly, I would like to turn my attention today to the Convention to Eliminate All Forms of Discrimination Against Women.

The United Nations' adoption of the Universal Declaration of Human Rights in 1948 dramatically focused and increased public awareness of the international human rights agenda. The rights of women—more than half the world's population—however, were not fully recognized as a legitimate problem.

To address this legacy of neglect, the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) was drafted to organize all existing international standards regarding discrimination on the basis of gender, and to establish rights for women in areas not previously subject to international standards. The United States was an active participant in the drafting of the Convention, and President Carter signed it on July 17, 1980.

After fourteen years of intense scrutiny—scrutiny, in my view, more befitting the technical aspects of an arms

control treaty than a document asserting the fundamental rights of over half the world's population—the State Department sent the treaty to the Senate for ratification in September 1994.

In 1994, by a bipartisan vote, the Foreign Relations Committee recommended with qualifications approval of CEDAW, but acted too late in the session for the treaty to be considered by the full Senate.

Unfortunately, now almost four years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. I, along with some of my Senate colleagues, sent a letter last year to Chairman HELMS emphasizing the strong support this Convention has and urging him to report it favorably out of Committee, so that it could be placed before the entire Senate for a vote and ratification. Even though CEDAW contains no provisions in conflict with American laws, no such action has been taken on CEDAW to date.

Currently, 161 countries have ratified the Convention. The United States remains the last of the world's democracies to ratify this fundamental document. Indeed, our failure to ratify CEDAW places us amongst a very small group of countries—including Iran, North Korea, Sudan, and Afghanistan—none of whom are normally put in the same category as the United States on questions of human rights.

As a leader on human rights and women's rights, U.S. ratification of CEDAW will demonstrate U.S. commitment to promoting equality and to protecting women's rights throughout the world. Ratification of CEDAW will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

These issues that I have discussed today are not just women's issues. As First Lady Hillary Clinton has said, ''Women's rights are human rights and human rights are women's rights.'' And they merit attention throughout the year, not just on one day.

It is my hope that in the remainder of this session we will prove this commitment to ourselves and the rest of the world. We must ratify CEDAW. We must put a stop to the use of rape as an instrument of war. We must not ignore the gross violations of the human rights of Afghan women. And we must take swift action to curb the trafficking of women and girls. And most importantly, we must lead the world in making it clear that oppression, rape, forced prostitution, and gender discrimination will not be tolerated anywhere.

For too long, and in too many tragic circumstances, we have remained silent, placing women's rights on a second tier of concern in our conduct of U.S. foreign policy. As we commemorate International Women's Day the U.S., and the international community, must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights that the world's governments will no longer ignore these abuses, or allow them to continue with impunity or without repercussion.

HEALTH INSURANCE STANDARDS: NEW FEDERAL LAW CREATES CHALLENGES FOR CONSUMERS, INSURERS, REGULATORS (GAO/HEHS 98–67)

• Mr. JEFFORDS. Mr. President, as Chairman of the Labor and Human Resources Committee, I have closely monitored the implementation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) over the past year to ensure its successful implementation and consistency with legislative intent.

On February 11, 1997, the Committee held its first oversight hearing on proposed HIPAA regulations relating to minimum standards for the access, portability, and renewability of health coverage for both fully insured and self-funded plans. Today, I am releasing a new GAO Report, entitled ''Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators (GAO/HEHS 98–67),'' that examines the HIPAA first year implementation issues and challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage. The findings of this report will be the focus of a second Labor Committee HIPAA oversight hearing that is scheduled for March 19, 1998.

One of HIPAA's most important features is that it provides people who lose their group insurance coverage with guaranteed access to coverage in the individual market—regardless of their health status. However, the GAO found that the complex nature of the law, as well as, insurance carrier practices, and insurance product pricing have hindered many consumers from benefiting from this provision. Some insurance carriers have charged rates that are 140 to 600 percent of the standard premium to people who lose group coverage, and, thus, effectively discouraging them from obtaining the needed individual health insurance coverage. In addition, HIPAA guarantees access to coverage only if certain eligibility criteria have been met. These criteria include having a minimum of 18 months of prior coverage, the exhaustion of all residual employer coverage, and the application for individual coverage within 63 days of the termination of group coverage. Many consumers are not aware of these requirements and are at risk of forfeiting their right to coverage in the individual market.

Another GAO finding relates to HIPAA's certificate of coverage requirement. Health coverage providers, including employers and insurance carriers, believe that certain HIPAA regulatory provisions create an administrative burden, unanticipated consequences, and the potential for consumer abuse.

Although most insurance issuers comply with the Act by providing the mandated certificate of coverage to individuals terminating their insurance, most believe that the process is costly and unnecessary. They feel it would be more efficient to issue the certificates of coverage only to those who request them. The GAO also examined the guaranteed renewal provision and its relationship to other programs such as Medicare. Once eligible for Medicare, HIPAA does not permit issuers to cancel individual coverage. As a consequence, consumers could be left with more expensive, redundant coverage. In addition, the GAO found that the special enrollment periods for group plan enrollees may create opportunities for consumer abuse. Individuals could switch from plans with large deductibles to those with ''first dollar'' low deductibles in anticipation of medical expenses. Insurance issuers fear such practices will raise overall costs.

The GAO found that implementing and enforcing HIPAA has been challenging for state insurance regulators due to certain unclear provisions. The provisions cited by the GAO that may need further clarification include those relating to risk-spreading, preexisting conditions, nondiscrimination, and the late enrollee requirements in the group market. The process of clarifying these regulations by the three federal agencies involved in implementing HIPAA (DHHS, DOL and IRS) is ongoing.

The report also confirms that federal regulators have faced an overwhelming, new role under HIPAA. In the five states that have failed to pass the legislation required by HIPAA (CA, MA, MI, RI and MO), the Department of Health and Human Services is now required to act as insurance regulator for certain provisions. The department may also have to play a regulatory role in the District of Columbia and some U.S. territories. Meeting these new state regulatory duties has put a financial burden on the agency. As a result, DHHS has requested an additional $15.5 million to fund 65 new full time equivalent staff and contractor support for HIPAA related enforcement activities in fiscal year 1999.

Mr. President, this new GAO report updates the progress in implementing the Health Insurance Portability and Accountability Act of 1996 and highlights important areas for additional oversight. Consumers leaving their group coverage are facing barriers to individual coverage. Some issuers of health coverage are concerned about the additional administrative burden of HIPAA and its possible unintended consequences. And there are areas of the law that need further clarification for state regulators. The Department

of Health and Human Services' new role implementing and enforcing HIPAA may also require additional resources.

In addition to this report, another GAO report on the extent to which large employers have access to health insurance will be completed by the end of May. These two GAO reports and their findings will help Congress in our quest to ensure a successful implementation of the Health Insurance Portability and Accountability Act of 1996.

Mr. President, I ask that the executive summary of the report be printed in the RECORD.

The executive summary follows:

RESULTS IN BRIEF

Although HIPAA provides people losing group coverage the right to guaranteed access to coverage in the individual market regardless of health status, consumers attempting to exercise their right have been hindered by carrier practices and pricing and by their own misunderstanding of this complex law. Among the 13 states where this provision first took effect, many consumers who had lost group coverage experienced difficulty obtaining individual market coverage with guaranteed access rights, or they paid significantly higher rates for such coverage. Some carriers have discouraged individuals from applying for the coverage or charged them rates 140 to 600 percent of the standard premium. Carriers charge higher rates because they believe individuals who attempt to exercise HIPAA's individual market access guarantee will, on average, be in poorer health than others in the individual market. In addition, many consumers do not realize that the access guarantee applies only to those leaving group coverage who meet other eligibility criteria. For example, individuals must have previously had at least 18 months of coverage, exhausted any residual employer coverage available, and applied for individual coverage within 63 days of group coverage termination. Consumers who misunderstand these restrictions are at risk of losing their right to coverage.

Issuers of health coverage believe certain HIPAA regulatory provisions result in (1) an excessive administrative burden, (2) unanticipated consequences, and (3) the potential for consumer abuse. Although issuers appear to be generally complying with the requirement to provide a certificate of coverage to all individuals terminating coverage, some issuers continue to suggest that the process is burdensome and costly and that many of these certificates may not be needed. These issuers, as well as many state regulators, believe that issuing the certificates only to consumers who request them would serve the purpose of the law for less cost. Also, issuers fear that HIPAA's guaranteed renewal provision may create several unanticipated consequences for those eligible for Medicare or holding policies designed for certain targeted populations. For example, HIPAA does not permit issuers to cancel coverage of individuals once they become eligible for Medicare. Consequently, some individuals could pay more for redundant coverage. Likewise, for individuals enrolled in subsidized insurance programs for low-income persons, HIPAA may require that such coverage be renewed after these individuals' income exceeds program eligibility limits. Finally, certain protections for group plan enrollees may create the opportunity for consumer abuse. HIPAA's establishment of special enrollment periods may give employees an incentive to forgo coverage until they become ill, and guarantees of credit for prior coverage in the group market could provide enrollees an incentive to switch from low-cost, high-deductible coverage to low-deductible (''first-dollar'') coverage when medical care becomes necessary. Some issuers fear that the overall cost of coverage could increase if such abuses became widespread.

State insurance regulators have encountered difficulties in their attempts to implement and enforce HIPAA provisions where they found federal guidance to lack sufficient clarity or detail. For example, regulators say unclear risk-spreading requirements contribute to the high costs faced by certain eligible individuals attempting to exercise their right to guaranteed access in the individual market. Lacking sufficient detail, for example, was guidance to implement nondiscrimination and late enrollee requirements in the group market.

Federal regulators face an unexpectedly large regulatory role under HIPAA that could strain HHS' resources and impair its oversight effectiveness. In five states that reported they had not passed legislation to implement HIPAA provisions by the end of 1997, HHS, as required, has begun performing functions similar to a state insurance regulator, such as approving insurance products and responding to consumer complaints. In addition, HHS may be required to play a regulatory role in some of the other states, the District of Columbia, and the U.S. territories that have yet to pass legislation to implement certain HIPAA provisions. Consequently, the full extent of HHS' regulatory role under HIPAA is not yet known.

Partly in response to health insurance issuers' and state regulators' concerns, federal agencies issued further regulatory guidance on December 29, 1997, intended to clarify current HIPAA regulations such as those related to nondiscrimination and late enrollment in group health plans. Agencies expect to continue supplementing and clarifying the interim regulations in other areas where problems may arise. To address its resource constraints, HHS has reprogrammed resources and requested additional resources as part of its fiscal year 1999 appropriations.●

RECOGNITION OF THE MICHIGAN ASSOCIATION OF COMPUTER-RELATED TECHNOLOGY USERS IN LEARNING (MACUL)

● Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to an important organization in my home state of Michigan which is helping to improve teaching and learning through the use of educational technology. The Michigan Association for Computer-related technology Users in Learning (MACUL), is holding its 22nd Annual Conference on March 12–13, 1998.

Over the past several months, I have met with teachers, administrators, businesspeople and foundation executives to discuss how we can help teachers gain the skills they need to use computers and computer-related technology as teaching and learning tools. In these discussions, I have been told time and again that when it comes to promoting and encouraging technology use in our schools, MACUL is one of the most critical assets in Michigan. MACUL has more than 8,000 active members who represent every facet of the education community, from K–12 teachers to school district administrators and college professors. Throughout its 22 years, MACUL has trained, inspired and informed thousands of people.

MACUL uses many strategies to promote equitable technology planning, innovative uses of technology in the classroom and support services for Michigan educators. The most prominent of these is the MACUL Annual Conference, considered by many people to be the premier event of its kind in the United States. It draws more than 4,000 educators from Michigan, neighboring states and Canada to share their experiences, learn about innovative technology-related programs and to view exhibits of hardware, software and other educational technology. This year's conference promises to be a valuable forum for all who attend.

Mr. President, educational technology is not a thing of the future, it is here today. MACUL is working to help educators put computers and computer-related technology to work in their classrooms, and by doing so is enhancing both teaching and learning. I hope my colleagues will join me in recognizing MACUL for its tremendous efforts and for making a difference in the lives of Michigan's teachers and students.●

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 78

Mr. D'AMATO. Madam President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to consideration of S. Con. Res. 78 relating to the indictment and prosecution of Saddam Hussein; that the only amendments in order be an amendment to the resolution and an amendment to the preamble to be offered by Senator SPECTER; that the total debate time on the resolution and preamble be limited to 2 hours equally divided between the chairman and ranking member, or their designees, with 10 minutes of the minority time allocated for Senator DORGAN. I further ask unanimous consent that following the expiration or yielding back of debate time and disposition of the Specter amendment, the Senate proceed to vote on the adoption of the resolution and that if the resolution is agreed to, then the amendment to the preamble be agreed to and the preamble, as amended, be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 10, 1998

Mr. D'AMATO. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 10; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of amendment No. 1931, the

pending transit amendment to S. 1173, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I also ask unanimous consent that from 12:30 p.m. to 2:15 p.m., the Senate stand in recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. D'AMATO. Madam President, the Senate will resume consideration of S. 1173, the highway bill, with debate continuing on the pending transit amendment. It is hoped that the Senate will be able to make considerable progress on numerous amendments which have been offered and filed in regard to that legislation.

Throughout Tuesday's session, as under the unanimous consent agreement, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons. Members should anticipate a busy voting day with votes into the evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. D'AMATO. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:17 p.m., adjourned until Tuesday, March 10, 1998, at 9:30 a.m.