

104TH CONGRESS  
2D SESSION

# H. R. 3775

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1996

Mr. DELAY (for himself, Mr. CONDIT, Mr. HOSTETTLER, Mr. MICA, Mr. MYERS of Indiana, Mr. MCINTOSH, Mr. STOCKMAN, Mr. BUYER, Mr. BURTON of Indiana, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. JOHNSTON of Florida, Mr. SMITH of Texas, Mr. LEWIS of Kentucky, Mr. BEREUTER, Mr. WARD, Mr. HAMILTON, Mr. LAUGHLIN, Mr. TAYLOR of North Carolina, Mr. STENHOLM, Mr. ROEMER, Mr. JACOBS, Ms. BROWN of Florida, Mrs. FOWLER, Mr. GOODLATTE, Mr. BONILLA, Mr. PETE GEREN of Texas, Mr. THORNBERRY, Mrs. LINCOLN, Mr. FROST, Mr. BATEMAN, Mr. SISISKY, Mr. PICKETT, Mr. BALLENGER, Mr. PAYNE of Virginia, Mr. MORAN, Mr. BARTON of Texas, Mr. BENTSEN, and Mr. STUMP) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

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

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

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

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

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 23, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Declaration of policy.
- Sec. 5. Authorization of appropriations.
- Sec. 6. National Highway System.
- Sec. 7. Interstate maintenance activities.
- Sec. 8. Streamlined surface transportation program.
- Sec. 9. Population determinations.
- Sec. 10. Highway bridge replacement and rehabilitation activities.
- Sec. 11. Congestion mitigation and air quality improvement activities.
- Sec. 12. Apportionment adjustment program.

1 **SEC. 2. AMENDMENTS TO TITLE 23, UNITED STATES CODE.**

2       Except as otherwise specifically provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion of law, the reference shall be considered to be made  
 6 to a section or other provision of title 23, United States  
 7 Code.

8 **SEC. 3. APPLICABILITY.**

9       (a) IN GENERAL.—Except as otherwise specifically  
 10 provided, this Act and the amendments made by this Act  
 11 shall apply only to fiscal years beginning after September  
 12 30, 1997.

13       (b) LIMITATION ON STATUTORY CONSTRUCTION.—  
 14 Nothing in this Act or any amendment made by this Act  
 15 shall be construed as affecting funds made available for  
 16 a fiscal year ending before October 1, 1997.

17 **SEC. 4. DECLARATION OF POLICY.**

18       Congress finds and declares the following:

19               (1) The National Highway System is the foun-  
 20       dation for the Nation’s unified, connected transpor-

1 tation system. National policy for the National  
2 Highway System should be broadly focused, consid-  
3 ering all vital economic and mobility resources.

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

10 (3) While the National Highway System links  
11 the Nation for enhanced economic and social mobil-  
12 ity, the surface transportation needs of each State  
13 and region differ greatly. The surface transportation  
14 program should focus on the fundamental needs of  
15 the Nation's transportation network, while refrain-  
16 ing from prescribing the form of that network for all  
17 parts of the country.

18 (4) The national surface transportation policy  
19 must provide sufficient flexibility for States and lo-  
20 calities to respond to diverse local needs.

21 (5) National funding for surface transportation  
22 should be based on current, reasonable, and appro-  
23 priate revenue distribution formulas. Appropriate  
24 and adequate funding will enhance the ability of all

1 States to meet common goals in safety, mobility, and  
2 economic development.

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4 For the purpose of carrying out title 23, United  
5 States Code, the following sums are authorized to be ap-  
6 propriated out of the Highway Trust Fund (other than  
7 the Mass Transit Account):

8 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-  
9 tional Highway System \$8,626,000,000 for fiscal  
10 year 1998, \$8,740,000,000 for fiscal year 1999,  
11 \$8,906,000,000 for fiscal year 2000,  
12 \$9,077,000,000 for fiscal year 2001, and  
13 \$9,249,000,000 for fiscal year 2002.

14 (2) SURFACE TRANSPORTATION PROGRAM.—  
15 For the surface transportation program  
16 \$12,938,000,000 for fiscal year 1998,  
17 \$13,109,000,000 for fiscal year 1999,  
18 \$13,358,000,000 for fiscal year 2000,  
19 \$13,615,000,000 for fiscal year 2001, and  
20 \$13,873,000,000 for fiscal year 2002.

21 (3) FEDERAL LANDS HIGHWAY PROGRAM.—

22 (A) INDIAN RESERVATION ROADS.—For  
23 Indian reservation roads \$197,000,000 for fis-  
24 cal year 1998, \$202,000,000 for fiscal year  
25 1999, \$208,000,000 for fiscal year 2000,

1           \$214,000,000 for fiscal year 2001, and  
2           \$220,000,000 for fiscal year 2002.

3           (B) PUBLIC LANDS HIGHWAYS.—For pub-  
4           lic lands highways \$177,000,000 for fiscal year  
5           1998, \$182,000,000 for fiscal year 1999,  
6           \$187,000,000 for fiscal year 2000,  
7           \$192,000,000 for fiscal year 2001, and  
8           \$198,000,000 for fiscal year 2002.

9           (C) PARKWAYS AND PARK HIGHWAYS.—  
10          For parkways and park highways \$86,000,000  
11          for fiscal year 1998, \$89,000,000 for fiscal year  
12          1999, \$91,000,000 for fiscal year 2000,  
13          \$94,000,000 for fiscal year 2001, and  
14          \$97,000,000 for fiscal year 2002.

15 **SEC. 6. NATIONAL HIGHWAY SYSTEM.**

16          (a) DEFINITIONS.—

17               (1) FEDERAL-AID SYSTEM DEFINED.—Section  
18               101(a) is amended by striking the undesignated  
19               paragraph relating to the term “Federal-aid system”  
20               and inserting the following:

21               “The term ‘Federal-aid system’ means the National  
22               Highway System.”.

23               (2) NATIONAL HIGHWAY SYSTEM DEFINED.—  
24               Section 101(a) is amended by striking the undesig-

1 nated paragraph relating to the term “National  
2 Highway System” and inserting the following:

3 “The term ‘National Highway System’ means the  
4 Federal-aid highway system established pursuant to sec-  
5 tion 103(b) of this title.”.

6 (3) HIGHEST PRIORITY CORRIDOR DEFINED.—

7 Section 101(a) is amended by adding at the end the  
8 following:

9 “The term ‘highest priority corridor’ means any cor-  
10 ridor on the National Highway System which the Sec-  
11 retary determines—

12 “(A) has national and international signifi-  
13 cance;

14 “(B) directly accounts for at least 35 percent of  
15 the truck-borne traffic for Canadian and Mexican  
16 imports and exports;

17 “(C) has at least 20 percent truck traffic;

18 “(D) directly benefits impoverished areas;

19 “(E) provides multiple intermodal connections;

20 and

21 “(F) connects to military bases.

22 Such term may include a corridor which does not meet  
23 one or more of the criteria described in subparagraphs (A)  
24 through (F) if determined appropriate by the Secretary.”.

1           (4) HIGHWAY FUNDS DEFINED.—Section  
2           101(a) is amended by adding at the end the follow-  
3           ing:

4           “‘The term ‘highway funds’ means, with respect to  
5 any fiscal year, the funds apportioned to a State for such  
6 fiscal year, and the funds allocated to a State for the pre-  
7 ceding fiscal year, for Federal-aid highway and highway  
8 safety construction (other than funds made available for  
9 the Federal lands highway program and for emergency re-  
10 lief).”.

11          (b) PROGRAM SPECIFICATIONS.—Section 103 is  
12 amended—

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

15          “**§ 103. National Highway System**”;

16           (2) by striking subsections (a), (f), (g), and (h);  
17           and

18           (3) by redesignating subsection (i) as subsection  
19           (f).

20          (c) APPORTIONMENTS.—Section 104(b) is amended  
21 by striking paragraph (1) and inserting the following:

22           “(1) NATIONAL HIGHWAY SYSTEM.—For the  
23           National Highway System, 1 percent to the Virgin  
24           Islands, Guam, American Samoa, and the Common-

1 wealth of the Northern Mariana Islands and the re-  
2 maining 99 percent apportioned as follows:

3 “(A) For States with an average popu-  
4 lation density of 20 persons per square mile or  
5 fewer, and for States with a population of  
6 1,500,000 or fewer and with a land area of  
7 10,000 square miles or less, either a percentage  
8 share of apportionments equal to the percent-  
9 age listed for such State in section 157(d) of  
10 this title or a share determined under subpara-  
11 graph (B), whichever is greater.

12 “(B) For all other States, a share of the  
13 apportionments remaining determined according  
14 to the following formula:

15 “(i) One-ninth in the ratio which total  
16 rural lane miles in each State bears to  
17 those of all States of average population  
18 density greater than 20 persons per square  
19 mile and all States with populations of  
20 more than 1,500,000 and land area of  
21 more than 10,000 square miles.

22 “(ii) One-ninth in the ratio which  
23 total rural vehicle miles traveled in each  
24 State bears to those of all States described  
25 in clause (i).

1                   “(iii) Two-ninths in the ratio which  
2                   total urban lane miles in each State bears  
3                   to those of all States described in clause  
4                   (i).

5                   “(iv) Two-ninths in the ratio which  
6                   total urban vehicle miles traveled in each  
7                   State bears to those of all States described  
8                   in clause (i).

9                   “(v) Three-ninths in the ratio which  
10                  total diesel fuel purchased in each State  
11                  bears to that consumed in all States de-  
12                  scribed in clause (i).”.

13           (d) CONFORMING AMENDMENT.—The table of sec-  
14           tions for chapter 1 is amended by striking the item relat-  
15           ing to section 103 and inserting the following:

          “103. National Highway System.”.

16   **SEC. 7. INTERSTATE MAINTENANCE ACTIVITIES.**

17           (a) ELIMINATION OF APPORTIONMENTS.—Section  
18           104(b)(5)(B) is repealed.

19           (b) FUNDING OF ACTIVITIES.—Section 119 is  
20           amended—

21                   (1) in the section heading by striking “**pro-**  
22                   **gram**” and inserting “**activities**”;

23                   (2) in subsection (a)—

24                           (A) by striking “sections 103 and 139(c)  
25                           of this title and routes on the Interstate System

1 designated before the date of enactment of this  
2 sentence under section 139 (a) and (b) of”;

3 (B) by striking the second sentence and in-  
4 serting the following: “Sums used for these ac-  
5 tivities shall be out of the funds apportioned in  
6 accordance with sections 104(b)(1) and  
7 104(b)(3) of this title.”;

8 (3) in subsection (b) by striking “If a State  
9 fails to certify” and all that follows through the pe-  
10 riod at the end of the subsection;

11 (4) by striking subsection (d) and redesignating  
12 subsection (e) as subsection (d); and

13 (5) by striking subsections (f) and (g).

14 (d) CONFORMING AMENDMENT.—The table of sec-  
15 tions for chapter 1 is amended by striking the item relat-  
16 ing to section 119 and inserting the following:

“119. Interstate maintenance activities.”.

17 **SEC. 8. STREAMLINED SURFACE TRANSPORTATION PRO-**  
18 **GRAM.**

19 (a) IN GENERAL.—Section 133 is amended—

20 (1) in subsection (b) by adding at the end the  
21 following:

22 “(12) CONGESTION MITIGATION AND AIR QUAL-  
23 ITY IMPROVEMENT ACTIVITIES.—In areas of a State  
24 which are nonattainment for ozone or carbon mon-  
25 oxide, or for PM-10 resulting from transportation

1 activities, or for any combination of these sub-  
2 stances, the State may obligate such funds for any  
3 congestion mitigation and air quality improvement  
4 project or program without regard to any limitation  
5 of the Department of Transportation relating to the  
6 type of ambient air quality standard such project or  
7 program addresses.”;

8 (2) in subsection (c)—

9 (A) by striking “subsections (b) (3) and  
10 (4)” and inserting “subsections (b)(3), (b)(4),  
11 (b)(8), and (b)(12)”;

12 (B) by striking “unless such roads are on  
13 a Federal-aid highway system on January 1,  
14 1991, and”;

15 (3) in subsection (d)—

16 (A) by striking paragraphs (1) and (2) and  
17 redesignating paragraphs (3) and (4) as para-  
18 graphs (1) and (2), respectively;

19 (B) in paragraph (1), as so redesignated—

20 (i) by striking subparagraph (A) and  
21 inserting the following:

22 “(A) GENERAL RULE.—Except as provided  
23 by subparagraph (C), a State shall obligate in  
24 a fiscal year in areas of the State with an ur-  
25 banized area population of over 200,000 an

1 amount of the funds apportioned to the State  
2 under section 104(b)(3) for such fiscal year de-  
3 termined by multiplying—

4 “(i) the aggregate amount of funds  
5 required to be obligated in such areas  
6 under paragraph (3) of this subsection (as  
7 in effect on October 1, 1995) for fiscal  
8 year 1996; by

9 “(ii) the amount determined by divid-  
10 ing—

11 “(I) the highway funds of the  
12 State for such fiscal year; by

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

15 (ii) in subparagraph (B) by striking  
16 “subparagraph (A)(ii)” and inserting “this  
17 section”;

18 (iii) by striking subparagraph (C) and  
19 inserting the following:

20 “(C) SPECIAL RULE FOR CERTAIN  
21 STATES.—Subparagraph (A) shall not apply in  
22 the case of a State—

23 “(i) in which greater than 80 percent  
24 of the population of the State is located in  
25 1 or more metropolitan statistical areas

1 and greater than 80 percent of the land  
2 area is owned by the United States; or

3 “(ii) which is noncontiguous with the  
4 continental United States.”;

5 (iii) by striking subparagraph (D) and  
6 redesignating subparagraph (E) as sub-  
7 paragraph (D);

8 (iv) in subparagraph (D), as so redesi-  
9 gnated, by striking “(A)(i)” each place it  
10 appears and inserting “(A)”;

11 (4) in subsection (e)—

12 (A) by striking paragraph (1) and redesi-  
13 gnating paragraphs (2), (3), and (4) as para-  
14 graphs (1), (2), and (3), respectively; and

15 (B) by striking paragraph (1), as so redesi-  
16 gnated, and inserting the following:

17 “(1) CERTIFICATION.—The Governor of each  
18 State shall certify to the Secretary before the begin-  
19 ning of each fiscal year that the State will meet all  
20 the requirements of this section and shall notify the  
21 Secretary of the amount of obligations expected to  
22 be incurred for surface transportation program  
23 projects during such fiscal year are as shown by the  
24 surface transportation program category in the  
25 statewide transportation improvement program for

1 such fiscal year. A State may request adjustment to  
2 the obligation amounts later in such fiscal year. Ac-  
3 ceptance of the notification and certification shall be  
4 deemed a contractual obligation of the United States  
5 for the payment of the surface transportation pro-  
6 gram funds expected to be obligated by the State in  
7 such fiscal year for projects not subject to review by  
8 the Secretary under this chapter.”;

9 (5) in subsection (f)—

10 (A) by striking “1992 through 1997” and  
11 inserting “1998 through 2002”; and

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

14 (b) APPORTIONMENTS.—Section 104(b) is amended  
15 by striking paragraph (3) and inserting the following:

16 “(3) SURFACE TRANSPORTATION PROGRAM.—

17 For the surface transportation program:

18 “(A) For States with an average popu-  
19 lation density of 20 persons per square mile or  
20 fewer and for States with a population of  
21 1,500,000 or fewer and a land area of 10,000  
22 square miles or less, either a percentage share  
23 of apportionments equal to the percentage listed  
24 for such State in section 157(d) of this title or

1 a share determined under subparagraph (B),  
2 whichever is greater.

3 “(B) For all other States, a percentage  
4 share of the apportionments remaining equal to  
5 the percentage of estimated tax payments at-  
6 tributable to highway users in the State paid  
7 into the Highway Trust Fund (other than the  
8 Mass Transit Account) in the latest fiscal year  
9 for which data are available.”.

10 **SEC. 9. POPULATION DETERMINATIONS.**

11 Section 104 is amended by adding at the end the fol-  
12 lowing:

13 “(k) POPULATION DETERMINATIONS.—For purposes  
14 of subsections (b)(3) and (b)(4), population shall be deter-  
15 mined on the basis of the most recent decennial census  
16 for which data are available.”.

17 **SEC. 10. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**  
18 **TATION ACTIVITIES.**

19 (a) REPEAL OF PROGRAM.—Section 144 is repealed.

20 (b) CONFORMING AMENDMENT.—The table of sec-  
21 tion for chapter 1 is amended by striking the item relating  
22 to section 144.

1 **SEC. 11. CONGESTION MITIGATION AND AIR QUALITY IM-**  
2 **PROVEMENT ACTIVITIES.**

3 (a) **ELIMINATION OF APPORTIONMENTS.**—Section  
4 104(b)(2) is repealed.

5 (b) **REPEAL OF PROGRAM.**—Section 149 is repealed.

6 (c) **CONFORMING AMENDMENT.**—The table of sec-  
7 tions for chapter 1 is amended by striking the item relat-  
8 ing to section 149.

9 **SEC. 12. APPORTIONMENT ADJUSTMENT PROGRAM.**

10 (a) **IN GENERAL.**—Section 157 is amended to read  
11 as follows:

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

13 “(a) **GENERAL RULE.**—On October 1 (or as soon as  
14 possible thereafter) of each fiscal year beginning after  
15 September 30, 1997, the Secretary shall allocate among  
16 the States, as defined in section 101 of this title, amounts  
17 sufficient to ensure that the ratio of the highway funds  
18 of the State to the highway funds of all States for the  
19 fiscal year is not less than the percentage listed for the  
20 State in subsection (d).

21 “(b) **ADDITIONAL APPORTIONMENTS.**—In addition to  
22 any amounts required to be allocated by subsection (a)  
23 for a fiscal year, a State shall receive additional appor-  
24 tions so that no State’s percentage of highway funds for  
25 the fiscal year is less than 95 percent of the percentage  
26 of estimated tax payments attributable to highway users

1 in the State paid into the Highway Trust Fund (other  
 2 than the Mass Transit Account) in the latest fiscal year  
 3 for which data are available.

4 “(c) REQUIREMENT.—

5 “(1) IN GENERAL.—Any increase in apportion-  
 6 ments necessary to comply with subsection (a) or (b)  
 7 for a fiscal year shall be accomplished so that the  
 8 ratio of—

9 “(A) the highway funds of each State with  
 10 an average population density of 20 persons per  
 11 square mile or fewer and each State with a pop-  
 12 ulation of 1,500,000 or less and a land area of  
 13 10,000 square miles or less; to

14 “(B) the highway funds of all States,  
 15 for the fiscal year is not less than the percentage  
 16 share listed for such State in subsection (d).

17 “(2) POPULATION DETERMINATIONS.—For pur-  
 18 poses of this subsection, population shall be deter-  
 19 mined on the basis of the most recent decennial cen-  
 20 sus for which data are available.

21 “(d) STATE PERCENTAGES.—The percentage of total  
 22 funding referred to in subsection (a) for each State shall  
 23 be determined in accordance with the following table:

“States:	Adjustment percentage
Alabama .....	2.02
Alaska .....	1.24
Arizona .....	1.68
Arkansas .....	1.32

California .....	9.81
Colorado .....	1.23
Connecticut .....	1.00
Delaware .....	0.40
District of Columbia .....	0.13
Florida .....	4.77
Georgia .....	3.60
Hawaii .....	0.55
Idaho .....	0.70
Illinois .....	3.71
Indiana .....	2.63
Iowa .....	1.13
Kansas .....	1.10
Kentucky .....	1.91
Louisiana .....	1.63
Maine .....	0.50
Maryland .....	1.64
Massachusetts .....	1.68
Michigan .....	3.34
Minnesota .....	1.56
Mississippi .....	1.23
Missouri .....	2.45
Montana .....	0.95
Nebraska .....	0.73
Nevada .....	0.67
New Hampshire .....	0.48
New Jersey .....	2.28
New Mexico .....	1.05
New York .....	4.27
North Carolina .....	2.83
North Dakota .....	0.63
Ohio .....	3.77
Oklahoma .....	1.55
Oregon .....	1.23
Pennsylvania .....	4.12
Puerto Rico .....	0.50
Rhode Island .....	0.55
South Carolina .....	1.63
South Dakota .....	0.70
Tennessee .....	2.30
Texas .....	7.21
Utah .....	0.71
Vermont .....	0.43
Virginia .....	2.61
Washington .....	1.75
West Virginia .....	0.76
Wisconsin .....	1.91
Wyoming .....	0.66.

1       “(e) TERMS AND CONDITIONS.—Amounts allocated  
2 pursuant to subsections (a) and (b) shall be available for  
3 obligation when allocated for the year authorized plus the

1 3 succeeding fiscal years, shall be subject to the provisions  
 2 of this title, and may be obligated for National Highway  
 3 System projects, surface transportation program projects,  
 4 or any other purpose authorized under this title.

5 “(f) OBLIGATION LIMITATIONS.—Obligation limita-  
 6 tions for Federal-aid highways and highway safety con-  
 7 struction programs established by this title or any subse-  
 8 quent law shall not apply to obligations made under this  
 9 section, except where the provision of law establishing  
 10 such limitation specifically amends or limits the applicabil-  
 11 ity of this subsection.

12 “(g) APPORTIONMENTS.—To carry out this section  
 13 there is authorized to be appropriated out of the Highway  
 14 Trust Fund, other than the Mass Transit Account, such  
 15 sums as may be necessary for each fiscal year beginning  
 16 after September 30, 1997.”.

17 (b) CONFORMING AMENDMENT.—The table of sec-  
 18 tions for chapter 1 is amended by striking the item relat-  
 19 ing to section 157 and inserting the following:

“157. Apportionment adjustment program.”.

20 (c) REPEAL OF EXISTING APPORTIONMENT ADJUST-  
 21 MENT PROGRAMS.—

22 (1) REPEAL OF REIMBURSEMENT FOR SEG-  
 23 MENTS OF THE INTERSTATE SYSTEM CONSTRUCTED  
 24 WITHOUT FEDERAL ASSISTANCE.—

25 (A) REPEAL.—Section 160 is repealed.

1                   (B) CONFORMING AMENDMENT.—The  
2                   table of sections for chapter 1 is amended by  
3                   striking the item relating to section 160.

4                   (2) REPEAL OF DONOR STATE BONUS.—Section  
5                   1013(e) of the Intermodal Surface Transportation  
6                   Efficiency Act of 1991 (23 U.S.C. 157 note; 105  
7                   Stat. 1940–1941) is repealed.

8                   (3) REPEAL OF HOLD HARMLESS APPORTION-  
9                   MENT ADJUSTMENT.—Section 1015(a) of the Inter-  
10                  modal Surface Transportation Efficiency Act of  
11                  1991 (23 U.S.C. 104 note; 105 Stat. 1943–1944) is  
12                  repealed.

13                  (4) REPEAL OF 90 PERCENT OF PAYMENTS AD-  
14                  JUSTMENT.—Section 1015(b) of the Intermodal Sur-  
15                  face Transportation Efficiency Act of 1991 (23  
16                  U.S.C. 104 note; 105 Stat. 1944–1945) is repealed.

○