

104TH CONGRESS
2D SESSION

S. 2143

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 1996

Mr. WARNER (for himself, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. LUGAR, Mr. GRAMM, Mrs. HUTCHISON, Mr. ROBB, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. MCCONNELL, Mr. FORD, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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.
- Sec. 13. Repeal of Set-Asides for Discretionary Programs.
- Sec. 14. Technical Correction to Program Administration Set-Aside.

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. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOBLIGATED BALANCES.**

9
 10 (a) **GENERAL RULE.**—This Act, including the
 11 amendments made by this Act, shall take effect on the
 12 date of the enactment of this Act.

13 (b) **APPLICABILITY.**—Except as otherwise specifically
 14 provided, this Act and the amendments made by this Act
 15 shall apply only to funds authorized to be appropriated
 16 or made available after September 30, 1997, and, except
 17 as otherwise provided in subsection (c), shall not apply to
 18 funds appropriated or made available on or before Septem-
 19 ber 30, 1997.

20 (c) **UNOBLIGATED BALANCES.**—

21 (1) **IN GENERAL.**—Unobligated balances of
 22 funds apportioned to a State under sections

1 104(b)(2), 104(b)(4), 104(b)(5), and 144(e) of title
2 23, sections 1013(c), 1069, 1103, 1104, 1105, 1106,
3 1107, 1108 of Public Law 102–240 before October
4 1, 1997, shall be available for obligation in that
5 state under the law, regulations, policies and proce-
6 dures relating to the obligation and expenditure of
7 those funds in effect on September 30, 1997.

8 (2) TRANSFERABILITY.—

9 (A) CONGESTION MITIGATION AND AIR
10 QUALITY IMPROVEMENT PROGRAM.—A State
11 may transfer unobligated balances of funds ap-
12 portioned to the State before October 1, 1997,
13 for the Congestion Mitigation and Air Quality
14 Improvement Program to the apportionment to
15 such State under section 104(b)(3).

16 (B) INTERSTATE CONSTRUCTION AND
17 INTERSTATE MAINTENANCE PROGRAMS.—A
18 State may transfer unobligated balances of
19 funds apportioned to the State before October
20 1, 1997, for the Interstate Construction Pro-
21 gram or the Interstate Maintenance Program to
22 the apportionment to such State under section
23 104(b)(1).

24 (C) BRIDGE REPLACEMENT AND REHA-
25 BILITATION PROGRAM.—A State may transfer

1 unobligated balances of funds apportioned to
2 the State before October 1, 1997, for the
3 Bridge Replacement and Rehabilitation Pro-
4 gram to the apportionment to such State under
5 section 104(b)(1) or 104(b)(3), or both.

6 (D) SURFACE TRANSPORTATION PRO-
7 GRAM.—A State may transfer unobligated bal-
8 ances of funds apportioned to the State before
9 October 1, 1997, for the Surface Transpor-
10 tation Program to the apportionment to such
11 State under section 104(b)(3).

12 (E) APPLICABILITY OF CERTAIN LAWS,
13 REGULATIONS, POLICIES, AND PROCEDURES.—
14 Funds transferred under this paragraph shall
15 be subject to the laws, regulations, policies, and
16 procedures relating to the apportionment to
17 which they are transferred.

18 **SEC. 4. DECLARATION OF POLICY.**

19 Congress finds and declares the following:

20 (1) ISTEA set in motion a positive effort to-
21 ward implementation of a responsive transportation
22 program designed to meet a variety of national
23 transportation needs by increasing State and local
24 flexibility, streamlining the program structure, and

1 rethinking the relationship among the States and
2 the metropolitan areas within them.

3 (2) It is the policy of the United States to build
4 upon the successes of ISTEA and to develop a Na-
5 tional Intermodal Transportation System that is eco-
6 nomically efficient and environmentally sound, pro-
7 vides the foundation for the Nation to compete in
8 the global economy, and will move people and goods
9 in an energy efficient manner.

10 (3) The National Intermodal Transportation
11 System shall consist of all forms of transportation in
12 a unified, interconnected manner, including the
13 transportation systems of the future, to reduce en-
14 ergy consumption and air pollution while promoting
15 economic development and supporting the Nation's
16 preeminent position in international commerce.

17 (4) The National Intermodal Transportation
18 System shall provide improved access to ports and
19 airports, the Nation's link to world commerce.

20 (5) The National Intermodal Transportation
21 System must be the centerpiece of a national invest-
22 ment commitment to create the new wealth of the
23 Nation for the 21st century.

24 (6) The National Highway System is the foun-
25 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 (7) 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 (8) 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 (9) The national surface transportation policy
19 must provide sufficient flexibility for States and lo-
20 calities to respond to diverse local needs.

21 (10) National funding for surface transpor-
22 tation should be based on current, reasonable, and
23 appropriate revenue distribution formulas. Appro-
24 priate and adequate funding will enhance the ability

1 of all states to meet common goals in safety, mobil-
2 ity, and 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 the
7 mass transit account):

8 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-
9 tional Highway System \$10,174,424,000 for each
10 fiscal year 1998–2002.

11 (2) SURFACE TRANSPORTATION PROGRAM.—
12 For the surface transportation program
13 \$15,261,636,000 for each fiscal year 1998–2002.

14 (3) FEDERAL LANDS HIGHWAY PROGRAM.—

15 (A) INDIAN RESERVATION ROADS.—For
16 Indian reservation roads \$245,700,000 for each
17 fiscal year 1998–2002.

18 (B) PUBLIC LANDS HIGHWAYS.—For pub-
19 lic lands highways \$213,700,000 for each fiscal
20 year 1998–2002.

21 (C) Parkways and park highways.—For
22 parkways and park highways \$104,520,000 for
23 each Fiscal Year 1998–2002.

24 **SEC. 6. NATIONAL HIGHWAY SYSTEM.**

25 (a) DEFINITIONS.—

1 (1) FEDERAL-AID SYSTEM DEFINED.—Section
2 101(a) is amended by striking the undesignated
3 paragraph relating to the term “Federal-aid system”
4 and inserting the following: “The term ‘Federal-aid
5 system’ means the National Highway System.”

6 (2) NATIONAL HIGHWAY SYSTEM DEFINED.—
7 Section 101(a) is amended by striking the undesig-
8 nated paragraph relating to the term “National
9 Highway System” and inserting the following: “The
10 term ‘National Highway System’ means the Federal-
11 aid highway system established pursuant to section
12 103(b) of this title.”

13 (3) HIGHWAY FUNDS DEFINED.—Section
14 101(a) is amended by adding at the end the follow-
15 ing: “Beginning on October 1, 1997, the term ‘high-
16 way funds’ means, with respect to any fiscal year,
17 the funds apportioned and allocations authorized by
18 this Act to a State for such fiscal year, and the
19 funds administratively allocated to a State for the
20 preceding fiscal year (if any), for Federal-aid high-
21 way and highway safety construction (other than
22 funds made available for the Federal lands highway
23 program and for emergency relief).”

24 (b) PROGRAM SPECIFICATIONS.—Section 103 is
25 amended—

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

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

4 (2) by striking subsections (a), (f), (g), and (h);
5 and

6 (3) by redesignating subsection (i) as subsection
7 (f).

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

10 “(1) NATIONAL HIGHWAY SYSTEM.—For the
11 National Highway System, one-third percent to the
12 Virgin Islands, Guam, American Samoa, and the
13 Commonwealth of the Northern Mariana Islands
14 and the remaining $99\frac{2}{3}$ percent apportioned as fol-
15 lows:

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

1 “(B) for all other States, a share of the
2 apportionments remaining determined according
3 to the following formula:

4 “(i) One-ninth in the ratio which total
5 rural lane miles in each State, as certified
6 by the Secretary, bears to those of all
7 States of average population density great-
8 er than 20 persons per square mile and all
9 States with populations of more than
10 1,500,000 and land area of more than
11 10,000 square miles, as certified by the
12 Secretary.

13 “(ii) One-ninth in the ratio which
14 total rural vehicle miles traveled in each
15 State, as certified by the Secretary, bears
16 to those of all States described in clause
17 (i).

18 “(iii) Two-ninths in the ratio which
19 total urban lane miles in each State, as
20 certified by the Secretary, bears to those of
21 all States described in clause (i).

22 “(iv) Two-Ninths in ratio which total
23 urban vehicle miles traveled in each State,
24 as certified by the Secretary, bears to
25 those of all States described in clause (i).

1 “(v) three-ninths in the ratio which
 2 total diesel fuel used on highways in each
 3 State, as certified by the Secretary, bears
 4 to that used on highways in all States de-
 5 scribed in clause (i).”.

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

“103. National Highway System.”

9 **SEC. 7. INTERSTATE MAINTENANCE ACTIVITIES.**

10 (a) ELIMINATION OF APPORTIONMENTS.—Section
 11 104(b)(5)(B) is repealed.

12 (b) FUNDING OF ACTIVITIES.—Section 119 is
 13 amended—

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

16 (2) in subsection (a)—

17 (A) by striking “sections 103 and 139(c)
 18 of this title and routes on the Interstate System
 19 designated before the date of enactment of this
 20 sentence under section 139 (a) and (b) of”;

21 (B) by striking the second sentence and in-
 22 serting the following: “Sums used for these ac-
 23 tivities shall be out of the funds apportioned in
 24 accordance with sections 104(b)(1) and
 25 104(b)(3) of this title”;

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

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

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

7 (c) CONFORMING AMENDMENT.—The table of sec-
8 tions for chapter 1 is amended by striking the item relat-
9 ing to section 119 and inserting the following:

“119. Interstate maintenance activities.”

10 **SEC. 8. STREAMLINED SURFACE TRANSPORTATION PRO-**
11 **GRAM.**

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

13 (1) in subsection (b) by adding at the end the
14 following:

15 “(12) CONGESTION MITIGATION AND AIR QUAL-
16 ITY IMPROVEMENT ACTIVITIES.—In areas of a State
17 which are nonattainment for ozone or carbon mon-
18 oxide, or for PM–10 resulting from transportation
19 activities, or for any combination of these sub-
20 stances, the State may obligate such funds for any
21 congestion mitigation and air quality improvement
22 project or program without regard to any limitation
23 of the Department of Transportation relating to the
24 type of ambient air quality standard such project or
25 program addresses”;

1 (2) in subsection (c)—

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

5 (B) by striking “unless such roads are on
6 a Federal-aid highway system on January 1,
7 1991, and”;

8 (3) in subsection (d)—

9 (A) by striking paragraphs (1) and (2) and
10 inserting:

11 “(1) FOR TRANSPORTATION ENHANCEMENT AC-
12 TIVITIES.—Each year a State shall allocate for
13 transportation enhancement activities an amount of
14 the funds available for obligation under section
15 104(b)(3) determined by multiplying—

16 “(i) an amount of the funds required to be
17 allocated in such areas under Public Law 102–
18 240 for fiscal year 1995; by

19 “(ii) the amount determined by dividing—

20 “(I) the highway funds of the State
21 for such fiscal year; by

22 “(II) the highway funds of the State
23 for fiscal year 1995.”

24 (B) by redesignating paragraphs (3) and
25 (4) as paragraphs (2) and (3) respectively;

1 (C) in paragraph (3) (as so designated)—

2 (i) by striking subparagraph (A) and
3 inserting the following:

4 “(A) GENERAL RULE.—Except as provided
5 by subparagraph (C), a State shall allocate in
6 each area of the State with an urbanized popu-
7 lation of over 200,000 an amount of the funds
8 available for obligation under section 104(b)(3)
9 for each fiscal year determined by multiply-
10 ing—

11 “(i) the amount of funds required to
12 be allocated in such areas under Public
13 Law 102–240 for fiscal year 1997; by

14 “(ii) the amount determined by divid-
15 ing—

16 “(I) the highway funds of the
17 State for such fiscal year; by

18 “(II) the highway funds of the
19 State for fiscal year 1997”;

20 (ii) in subparagraph (B) by striking
21 “subparagraph (A)(ii)” and inserting “this
22 section”;

23 (iii) by striking subparagraph (C) and
24 inserting the following:

1 “(C) SPECIAL RULE FOR CERTAIN
2 STATES.—Subparagraph (A) shall not apply in
3 the case of a State—

4 “(i) in which greater than 80 percent
5 of the population of the State is located in
6 one or more metropolitan statistical areas
7 and greater than 80 percent of the land
8 area is owned by the United States; or

9 “(ii) which is noncontiguous with the
10 continental United States”;

11 (iv) by striking subparagraph (D) and
12 redesignating subparagraph (E) as sub-
13 paragraph (D);

14 (v) in subparagraph (D), as so redес-
15 igned, by striking “(A)(i)” each place it
16 appears and inserting “(A)”;

17 (D) in paragraph (4)(A) (as redesignated
18 by subparagraph (B)), by striking “paragraph
19 (2)” and inserting “paragraph (1)”;
20 (4) in subsection (e)—

21 (A) by striking paragraph (1);

22 (B) by redesignating paragraphs (2)
23 through (5) as paragraphs (1) through (4), re-
24 spectively;

1 (C) by striking “(d)(2)” each place it ap-
2 pears and inserting “(d)(1)”; and

3 (D) by striking paragraph (1) (as so redesi-
4 gnated) and inserting the following:

5 “(1) CERTIFICATION.—The Governor of each
6 State shall certify to the Secretary before the begin-
7 ning of each fiscal year that the State will meet all
8 the requirements of this section and shall notify the
9 Secretary that the amount of obligations expected to
10 be incurred for surface transportation program
11 projects during such fiscal year are in accordance
12 with the surveys, plans, specifications, and estimates
13 for each proposed project included in the surface
14 transportation program category in the statewide
15 transportation improvement program for such fiscal
16 year. A State may request adjustment to the obliga-
17 tion amounts later in such fiscal year. Acceptance of
18 the notification and certification shall be deemed a
19 contractual obligation of the United States for the
20 payment of its Federal share of costs incurred by
21 the State for projects not subject to review by the
22 Secretary under this chapter”;

23 (5) in subsection (f)—

24 (A) by striking “1992 through 1997” and
25 inserting “1998 through 2002”; and

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

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

5 “(3) SURFACE TRANSPORTATION PROGRAM.—
6 For the surface transportation program:

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

16 “(B) For all other States, a percentage
17 share of the apportionments remaining equal to
18 the percentage of estimated tax payments at-
19 tributable to highway users in the State paid
20 into the highway trust fund (other than the
21 mass transit account) in the latest fiscal year
22 for which data are available.”.

23 **SEC. 9. POPULATION DETERMINATIONS.**

24 Section 104 is amended by adding at the end the fol-
25 lowing:

1 “(k) POPULATION DETERMINATIONS.—For purposes
2 of subsections (b)(3) and (b)(4), population shall be deter-
3 mined on the basis of the most recent estimates prepared
4 by the Secretary of Commerce.”.

5 **SEC. 10. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**
6 **TATION ACTIVITIES.**

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

8 (b) CONFORMING AMENDMENT.—The table of sec-
9 tions for chapter 1 is amended by striking the item relat-
10 ing to section 144.

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

13 (a) ELIMINATION OF APPORTIONMENTS.—Section
14 104(b)(2) is repealed.

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

16 (c) CONFORMING AMENDMENT.—The table of sec-
17 tions for chapter 1 is amended by striking the item relat-
18 ing to section 149 .

19 **SEC. 12. APPORTIONMENT ADJUSTMENT PROGRAM.**

20 (a) IN GENERAL.—Section 157 is amended to read
21 as follows:

22 **“§ 157. Apportionment Adjustment Program**

23 “(a) GENERAL RULE.—On October 1 (or as soon as
24 possible thereafter) of each fiscal year beginning after
25 September 30, 1997, the Secretary shall apportion among

1 the States, as defined in section 101 of this title, addi-
2 tional amounts sufficient to insure that the ratio of the
3 highway funds of the State to the highway funds of all
4 States for the fiscal year is not less than in the percentage
5 listed for such State in subsection (d).

6 “(b) ADDITIONAL APPORTIONMENTS.—In addition to
7 any amount required to be apportioned by subsection (a)
8 for a fiscal year, a State shall receive additional apportion-
9 ments so that no State’s percentage of highway funds for
10 the fiscal year is less than 95 percent of the percentage
11 of estimated tax payments attributable to highway users
12 in the State paid into the highway trust fund (other than
13 the mass transit account) in the latest fiscal year for
14 which data are available.

15 “(c) REQUIREMENT.—

16 “(1) IN GENERAL.—Any increase in apportion-
17 ments necessary to comply with subsection (a) or (b)
18 of this section shall be accomplished so that the
19 ratio of—

20 “(A) the highway funds of each State with
21 an average population density of 20 persons per
22 square mile or fewer and each State with a pop-
23 ulation of \$1,500,000 or less and a land area
24 of 10,000 square miles or less; to

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

4 “(2) POPULATION DETERMINATIONS.—For pur-
 5 poses of this subsection, population shall be deter-
 6 mined on the basis of the most recent estimates pre-
 7 pared by the Secretary of Commerce.

8 “(d) STATE PERCENTAGES.—The percentage of total
 9 funding referred to in subsection (a) for each State shall
 10 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

“States:	Adjustment percentage
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 appor-
 2 tioned pursuant to subsections (a) and (b) shall be avail-
 3 able for obligation when allocated for the year authorized
 4 plus the 3 succeeding fiscal years, shall be subject to the
 5 provisions of this title, and may be obligated for National
 6 Highway System projects, surface transportation program
 7 projects, or any other purpose authorized under this title.

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

1 “(g) APPORTIONMENTS.—To carry out this section
 2 there is authorized to be appropriated out of the highway
 3 trust fund, other than the mass transit account, such
 4 sums as may be necessary for each fiscal year beginning
 5 after September 30, 1997.”

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

“157. Apportionment adjustment program.”

9 (c) REPEAL OF EXISTING APPORTIONMENT ADJUST-
 10 MENT PROGRAMS.—

11 (1) REPEAL OF REIMBURSEMENT FOR SEG-
 12 MENTS OF THE INTERSTATE SYSTEM CONSTRUCTED
 13 WITHOUT FEDERAL ASSISTANCE.—

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

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

18 (2) REPEAL OF DONOR STATE BONUS.—Section
 19 1013(c) of the Intermodal Surface Transportation
 20 Efficiency Act of 1991 (23 U.S.C. 157 note; 105
 21 Stat. 1940–1941) is repealed.

22 (3) REPEAL OF HOLD HARMLESS APPORTION-
 23 MENT ADJUSTMENT.—Section 1015(a) of the Inter-
 24 modal Surface Transportation Efficiency Act of

1 1991 (23 U.S.C. 104 note; 105 Stat. 1943–1944) is
2 repealed.

3 (4) REPEAL OF 90 PERCENT OF PAYMENTS
4 ADJUSTMENT.—Section 1015(b) of the Intermodal
5 Surface Transportation Efficiency Act of 1991 (23
6 U.S.C. 104 note; 105 Stat. 1944–1945) is repealed.

7 **SEC. 13. REPEAL OF SET-ASIDES FOR DISCRETIONARY PRO-**
8 **GRAMS**

9 (a) REPEAL OF SET-ASIDE FOR RAILWAY-HIGHWAY
10 CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL
11 CORRIDORS.—Section 104 is amended by striking sub-
12 section (d) and inserting the following:

13 “(d) OPERATION LIFESAVER.—The Secretary shall
14 expend, from administrative funds deducted under sub-
15 section (a), \$300,000 for each fiscal year for carrying out
16 a public information and education program to help pre-
17 vent and reduce motor vehicle accidents, injuries, and fa-
18 talities and to improve driver performance at railway-high-
19 way crossings”;

20 (b) REPEAL OF SET-ASIDES FOR THE INTERSTATE
21 AND NATIONAL HIGHWAY SYSTEM DISCRETIONARY PRO-
22 GRAMS.—Section 118 is amended by striking subsection
23 (c) and redesignating subsections (d), (e) and (f) as sub-
24 sections (c), (d) and (e), respectively.

1 **SEC. 14. TECHNICAL CORRECTION TO PROGRAM ADMINIS-**
2 **TRATION SET-ASIDE.**

3 Subsection (a) of section 104 is amended—

4 (1) by striking “the surface transportation pro-
5 gram, the congestion mitigation and air quality im-
6 provement program, the National Highway System,
7 and the Interstate System” and inserting “the sur-
8 face transportation program and the National High-
9 way System”;

10 (2) by striking “not to exceed $3\frac{3}{4}$ per centum”
11 and inserting “not to exceed 2 per centum.”

○