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105TH CONGRESS
1ST SESSION

H. R. 2400

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 1997

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Building Efficient Surface Transportation and Equity Act of 1997".

(b) TABLE OF CONTENTS.—

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SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) INTERSTATE SYSTEM.—The term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. SAVINGS CLAUSE.

Except as otherwise provided in this Act, an amendment made by this Act shall not affect any funds apportioned or allocated before the date of the enactment of this Act.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provi-

sion of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,019,500,000 for fiscal year 1998, $4,462,600,000 for fiscal year 1999, and $5,006,200,000 for fiscal year 2000.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,978,500,000 for fiscal year 1998, $5,520,500,000 for fiscal year 1999, and $6,186,500,000 for fiscal year 2000.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $3,777,600,000 for fiscal year 1998, $4,194,000,000 for fiscal year 1999, and $4,704,800,000 for fiscal year 2000.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $5,601,400,000 for fiscal year

1998, $6,218,900,000 for fiscal year 1999, and $6,976,300,000 for fiscal year 2000.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,406,800,000 for fiscal year 1998, $1,561,900,000 for fiscal year 1999, and $1,752,200,000 for fiscal year 2000.

(6) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program under section 154 of such title $750,000,000 for fiscal year 1998, $1,000,000,000 for fiscal year 1999, and $1,000,000,000 for fiscal year 2000.

(7) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—For the high cost Interstate System reconstruction and improvement program under section 160 of such title $250,000,000 for fiscal year 1998, $625,000,000 for fiscal year 1999, and $1,000,000,000 for fiscal year 2000.

(8) DISCRETIONARY PROGRAMS.—For executive and legislative branch discretionary programs authorized by this Act $1,842,200,000 for fiscal year

1998, $2,236,200,000 for fiscal year 1999, and $2,476,200,000 for fiscal year 2000.

(9) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App) $250,000,000 for fiscal year 1998, $400,000,000 for fiscal year 1999, and $400,000,000 for fiscal year 2000.

(10) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and $50,000,000 for fiscal year 2000.

(11) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $194,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $212,000,000 for fiscal year 2000.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $58,000,000 for fiscal year 1998, $60,000,000 for fiscal year 1999, and $60,000,000 for fiscal year 2000.

(C) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways under section 204 of such title $85,300,000 for fiscal year 1998, $86,200,000 for fiscal year 1999, and $99,000,000 for fiscal year 2000.

(D) FOREST HIGHWAYS.—For forest highways under section 204 of such title $113,500,000 for fiscal year 1998, $130,000,000 for fiscal year 1999, and $130,000,000 for fiscal year 2000.

(12) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) $5,000,000 for fiscal year 1998 and $10,000,000 for each of fiscal years 1999 and 2000.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I, II, III, IV, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

SEC. 103. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (e) of this section), the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $22,300,000,000 for fiscal year 1998;

(2) $25,500,000,000 for fiscal year 1999; and

(3) $28,600,000,000 for fiscal year 2000.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(7) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(8) under section 127(b) of this Act, relating to high priority projects.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998, 1999, and 2000, the Secretary shall—

(1) not distribute amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) determine the ratio that—

(A) the obligation limitation imposed by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraph (1), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway programs (other than sums authorized to be appropriated for sections referred to in subsection (b)) for such fiscal year less the aggregate of amounts not distributed under paragraph (1);

(3)(A) multiply the ratio determined under paragraph (2) by the sums authorized to be appropriated for such fiscal year for each of the programs

that are allocated by the Secretary under this Act and title 23, United States Code (other than the recreational trails program and programs to which paragraph (1) applies);

(B) not distribute such amount for each such program (other than the recreational trails program and programs to which paragraph (1) applies); and

(C) in administering such program, allocate such amount for such program;

(4) distribute the obligation limitation imposed by subsection (a) less the aggregate of amounts not distributed under paragraphs (1) and (3) and less amounts distributed under paragraph (5) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated to each State for such fiscal year and that are subject to the limitation imposed by subsection (a) bear to the total of the sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated for such fiscal year and that are subject to the limitation imposed by subsection (a); and

(5) distribute any amount determined under paragraph (3) for the recreational trails program in accordance with the formula set forth in section

104(h) of title 23, United States Code, for such program.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highway programs that have been apportioned to a State; and

(2) after August 1 of each of fiscal years 1998, 1999, and 2000 revise a distribution of the obligation authority made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(e) ADDITIONAL OBLIGATION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a State which after August 1 and on or before September 30 of fiscal year 1998, 1999, or 2000 obligates the amount distributed to such State in such fiscal year under subsections (c) and (d) may obligate for Federal-aid highway programs on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945), and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1998, 1999, and 2000, the aggregate amount which may be obli-

gated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945), and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) APPLICABILITY.—Paragraph (1) shall not apply to any State which on or after August 1 of each of fiscal years 1998, 1999, and 2000 has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (d)(2).

(f) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways programs established by subsection (a) shall apply to transportation research

programs carried out under chapter 3 of title 23, United States Code, and under title VI of this Act.

(g) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation authority under subsection (a) for each of fiscal years 1998, 1999, and 2000, the Secretary shall distribute to the States any funds (A) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (B) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(5). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998, 1999, and 2000, the Secretary shall distribute to the States any funds that are authorized to be appropriated for such fiscal year to carry out the high cost interstate system reconstruction and improvement program under section 160 of title 23, United States Code, and that will not be available for obligation in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as funds are apportioned under section 104(b)(5) of such title. The funds so distributed to a State shall be credited to the State's apportionment under such section 104(b)(5).

SEC. 104. APPORTIONMENTS.

(a) ADMINISTRATIVE TAKEDOWN.—Section 104(a) is amended to read as follows:

''(a) ADMINISTRATIVE TAKEDOWN.—Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation

and air quality improvement program, the high risk road safety program, the high cost interstate system reconstruction and improvement program, the national corridor planning and development program, the border infrastructure and safety program, and the Federal lands highways program, the Secretary shall deduct a sum, in such amount not to exceed 1½ percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid highway program. In making such determination, the Secretary shall take into account the unobligated balance of any sums deducted for such purposes in prior years. The sums so deducted shall remain available until expended. The Secretary may not transfer any of such sums to a Federal entity other than the Federal Highway Administration.''.

(b) APPORTIONMENTS.—Section 104(b) is amended to read as follows:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the surface transportation program, the congestion mitigation and air

quality improvement program, and the high risk road safety program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(A) In the case of a State with an average population density of 20 persons or fewer per square mile, and in the case of a State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(i) a percentage share of the remaining apportionments equal to the percentage specified for the State in section 104(h)(1) of the Building Efficient Surface Transportation and Equity Act of 1997; or

"(ii) a share determined under subparagraph (B).

"(B) Subject to subparagraph (A), in the case of any State for which the apportionment is not determined under subparagraph (A)(i), a

share of the remaining apportionments determined in accordance with the following formula:

"(i) 1/9 of the remaining apportionments in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(ii) 1/9 of the remaining apportionments in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iii) 2/9 of the remaining apportionments in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iv) 2/9 of the remaining apportionments in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all

States for which the apportionment is not determined under subparagraph (A)(i).

"(v) 3/9 of the remaining apportionments in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States for which the apportionment is not determined under subparagraph (A)(i).

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) FORMULA.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment and maintenance area populations of each State bear to the total weighted nonattainment and maintenance area population of all States.

"(B) CALCULATION OF WEIGHTED POPULATION.—Such weighted population shall be calculated by multiplying the population of each area within any State that was a nonattainment or maintenance area as described in subsection 149(b) for ozone, carbon monoxide, or particulate matter by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area has been redesignated as an attainment (maintenance) area under section 107(d) of the Clean Air Act;

"(ii) 1.1 if, at the time of 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;

"(iii) 1.2 if, at the time of apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

"(iv) 1.3 if, at the time of apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

"(v) 1.4 if, at the time of apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

"(vi) 1.5 if, at the time of apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.2. if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in subsection 149(b) of this title for ozone, but is a nonattainment area for carbon monoxide or particulate matter.

"(C) ADDITIONAL FACTORS.—If the area was also classified under subpart 3 or 4 of part D of title I of the Clean Air Act as a nonattainment area described in section 149(b) for carbon monoxide or particulate matter or both, the weighted nonattainment 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. For an area that is a nonattainment area for both carbon monoxide and for particulate matter and the area's weighted population was determined under clause (vii) of subparagraph (B), the area's weighted population shall be further multiplied by a factor of 1.2. For such areas, the population to which this factor is applied shall be the larger of the carbon monoxide and the particulate matter nonattainment area populations.

"(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. The Secretary shall use annual estimates prepared by the Secretary of Commerce when determining population figures.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, 2 percent to the State of Alaska for any purpose described in section 133(b) and the remaining 98 percent apportioned as follows:

"(i) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

"(ii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States; and

"(iii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual contributions by all States.

"(B) ADJUSTMENT.—The amount of funds which, but for this subparagraph, would be apportioned to each State for each fiscal year under subparagraph (A) shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned or allocated to such State for such fiscal year for Interstate maintenance, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, high risk road safety program, recreational trails program, Appalachian Development Highway System program, and metropolitan planning will ensure that the aggregate of such apportionments to any State that does not contribute to the Highway Trust Fund does not exceed the aggregate of such apportionments to any State that does contribute to the Highway Trust Fund.

"(4) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program—

"(A) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

"(B) ⅓ in the ratio that each State's total public road mileage bears to the total public road mileage of all States; and

"(C) ⅓ in the ratio that the total vehicle miles traveled on public roads in each State bear to the total vehicle miles traveled on public roads in all States.

"(5) INTERSTATE MAINTENANCE.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(A) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States;

"(B) ⅓ in the ratio that the total vehicle miles traveled on Interstate routes open to traf-

fic on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997 in each State bear to the total vehicle miles traveled on such routes in all States; and

"(C) ⅓ in the ratio that the total lane miles on such routes in each State bear to the total lane miles on such routes in all States.".

(c) CONFORMING AMENDMENTS.—Section 104(d) is amended—

(1) in the subsection heading by striking "AND HIGH SPEED RAIL CORRIDORS";

(2) by striking "(1) OPERATION LIFESAVER.—" and moving the text of paragraph (1) so that it follows the subsection heading; and

(3) by striking paragraphs (2) and (3).

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) is amended—

(1) by inserting "CERTIFICATION OF APPORTIONMENTS.—" after "(e)";

(2) by inserting "(1) IN GENERAL.—" before "On October 1";

(3) by striking the first parenthetical phrase;

(4) by striking "and research" the first place it appears;

(5) by striking the second sentence;

(6) by adding at the end the following:

''(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 of title 23, United States Code, on or before the 21st of a fiscal year, then the Secretary shall transmit, on or before such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner.''; and

(7) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2) of such section, as added by paragraph (6) of this subsection.

(e) METROPOLITAN PLANNING SETASIDE.—Section 104(f) is amended—

(1) in paragraph (1) by striking '', except'' and all that follows through ''substitute programs''; and

(2) in paragraph (3) by striking ''120(j) of this title'' and inserting ''120(b)''.

(f) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is revised to read as follows:

''(h) RECREATIONAL TRAILS PROGRAM.—

"(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

"(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

"(A) 50 percent of that amount shall be apportioned equally among eligible States.

"(B) 50 percent of that amount shall be apportioned among eligible States in amounts

proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.''.

(g) CROSS REFERENCE CORRECTIONS.—

(1) INTERSTATE MAINTENANCE PROGRAM.—Sections 119(a) and 119(f) are each amended by striking ''104(b)(5)(B)'' each place it appears and inserting ''104(b)(5)''.

(2) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(f)(1) is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(5)''.

(3) ADDITIONS TO INTERSTATE SYSTEM.—Section 139 is amended by striking ''section 104(b)(5)(B) of this title'' each place it appears and inserting ''section 104(b)(5)''.

(4) ACCOMMODATION OF OTHER MODES.—Section 142(c) is amended by striking ''section 104(b)(5)(A)'' and inserting ''section 104(b)(5)''.

(5) MINIMUM DRINKING AGES.—Section 158 is amended—

(A) by striking ''104(b)(2), 104(b)(5), and 104(b)(6)'' each place it appears in subsection (a) and inserting ''104(b)(3), and 104(b)(5)'';

(B) in the heading to subsection (b) is amended by striking ''PERIOD OF AVAILABILITY;''; and

(C) in subsection (b)—

(i) by striking ''(1)'' the first place it appears and all that follows through ''No funds'' and inserting ''No funds''; and

(iii) by striking paragraphs (2), (3), and (4).

(6) SUSPENSION OF LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.—Section 159(b) is amended—

(A) by striking ''PERIOD OF AVAILABILITY;'' in the subsection heading; and

(B) by striking ''(1)'' the first place it appears and all that follows through ''(B) No'' and inserting ''No''; and

(C) by striking paragraphs (2), (3), and (4).

(7) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—Section 161(a) is amended by striking ''(B)'' each place it appears.

(h) STATE PERCENTAGES FOR NATIONAL HIGHWAY SYSTEM APPORTIONMENTS.—

1 (1) IN GENERAL.—The percentage referred to
2 in section 104(b)(1) of title 23, United States Code,
3 for each State shall be determined in accordance
4 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	1.64
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.70
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	0.76
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

States:	Adjustment percentage
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

(2) ADDITIONAL RULE.—Any State with lane miles on the National Highway System totaling between 3,500 and 4,000 miles shall be treated as a State meeting the requirements of section 104(b)(1)(A) of title 23, United States Code, for purposes of such section.

(i) USE OF MOST UP-TO-DATE DATA.—The Secretary shall use the most up-to-date data available for the latest fiscal year for the purposes of making apportionments under this section and section 157 of title 23, United States Code.

SEC. 105. INTERSTATE MAINTENANCE PROGRAM.

Section 119 is further amended—

(1) in subsection (a)—

(A) by striking ''and rehabilitating'' and inserting '', rehabilitating, and reconstructing'';

(B) by striking ''of this title and'' and inserting a comma;

(C) by striking ''this sentence'' and inserting ''the Building Efficient Surface Transportation and Equity Act of 1997'';

(D) by striking ''of this title;'' and inserting '', and any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991;''; and

(E) by striking ''subsection (e)'' and inserting ''section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159)'';

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

SEC. 106. NATIONAL HIGHWAY SYSTEM.

(a) COMPONENTS.—Section 103(b) is amended—

(1) by striking the last 4 sentences of paragraph (2)(B);

(2) in paragraph (2)(C) by striking ''and be subject to approval by Congress in accordance with paragraph (3)''; and

(3) in paragraph (2)(D) by striking ''and subject to approval by Congress in accordance with paragraph (3)''.

(b) MAXIMUM MILEAGE.—Section 103(b) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent."; and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) DESIGNATION.—Section 103(b)(4), as so redesignated by subsection (b)(2) of this section, is amended—

(1) by inserting "(A) BASIC SYSTEM.—" before "The National";

(2) by inserting after subparagraph (A), as so designated by paragraph (1) of this subsection, the following:

"(B) INTERMODAL CONNECTORS.—The modifications to the National Highway System that consist of highway connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities, as submit-

ted to Congress by the Secretary on the map dated May 24, 1996, are designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.''; and

(3) by indenting such subparagraph (A) and aligning it with subparagraph (B), as inserted by paragraph (2) of this subsection.

(d) MODIFICATIONS.—Section 103(b)(5)(A), as redesignated by subsection (b)(2) of this section, is amended by inserting ''or, in the case of the strategic highway network, that are proposed by the Secretary in consultation with appropriate Federal agencies and the States'' before ''if the Secretary''.

(e) CONFORMING AMENDMENTS.—Section 103(b) is amended—

(1) in paragraph (5), as redesignated by subsection (b)(2) of this section, by striking ''Subject to paragraph (7), the'' and inserting ''The'';

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (6); and

(4) in paragraph (6), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (4)''.

(f) TECHNICAL AMENDMENT.—Section 103 is amended—

(1) by redesignating paragraphs (1) through (13) of subsection (i) as subparagraphs (A) through (M), respectively;

(2) by redesignating subsection (i) as paragraph (7);

(3) by moving such paragraph (7) (including such subparagraphs) to the end of subsection (b); and

(4) by moving such paragraph (7) (including such subparagraphs) 2 ems to the right.

(g) EFFECT ON EXISTING APPORTIONMENTS.—The amendments made by this section shall not affect funds apportioned or allocated under title 23, United States Code, before the date of the enactment of this Act.

(h) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall review the condition of and improvements made to connectors on the National Highway System approved by this Act that serve seaports, airports, and other intermodal freight transportation facilities since the designation of the National Highway Sys-

tem and shall report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors designated by this Act as part of the National Highway System and identify projects carried out on those connectors which were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments, including any funding for such connectors, and make any appropriate recommendations as part of the Secretary's report to Congress.

(i) HIGHWAY SIGNS ON THE NATIONAL HIGHWAY SYSTEM.—

(1) COMPETITION.—The Secretary shall conduct in accordance with this subsection a national children's competition to design a national logo sign for the routes comprising the National Highway Sys-

tem. Children 14 years of age and under shall be eligible for such competition.

(2) PANEL OF JUDGES.—The Secretary shall appoint a panel of not less than 6 persons to evaluate all designs submitted under the competition and select a winning design. The panel shall be composed of—

(A) a representative of the Department of Transportation;

(B) a representative designated by the American Association of State Highway and Transportation Officials;

(C) a representative of the motor carrier industry;

(D) a representative of private organizations dedicated to advancement of the arts; and

(E) a representative of the motoring public.

(3) REPORT AND PLAN.—Not later than 24 months after the date of the enactment of this section, the Secretary shall initiate and complete the competition and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results

of the competition, a plan for the placement of logo signs on the National Highway System, and an estimate of the cost of implementing such plan.

SEC. 107. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) is amended by inserting before the period at the end of the fourth sentence the following: ", and, if a State transfers funds apportioned to it under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds".

(b) DISCRETIONARY BRIDGE SET ASIDE.—Section 144(g)(1) is amended—

(1) by inserting "(A) FISCAL YEARS 1992 THROUGH 1997.—" before "Of the amounts";

(2) by adding at the end the following:

"(B) FISCAL YEARS 1998 THROUGH 2000.—The amounts authorized for each of fiscal years 1998, 1999, and 2000 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1997 shall be at the discretion of the Secretary."; and

(3) by indenting subparagraph (A), as so designated by paragraph (2) of this subsection, and aligning such subparagraph (A) with subparagraph (B), as inserted by paragraph (2) of this subsection.

(c) OFF SYSTEM BRIDGE SET ASIDE.—Section 144(g)(3) is amended—

(1) by striking ", 1988" and all that follows through "1997," and inserting "through 2000,"; and

(2) by striking "system" each place it appears and inserting "highway".

(d) ELIGIBILITY.—Section 144 is amended—

(1) in subsection (d) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures";

(2) in subsection (d) by inserting after "such acetate" each place it appears the following: "or such anti-icing or de-icing composition or installation of such countermeasures"; and

(3) in subsection (g)(3) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally

corrosive anti-icing and de-icing compositions or install scour countermeasures''.

(e) CONFORMING AMENDMENT.—Section 144(n) is amended by striking ''system'' and inserting ''highway''.

SEC. 108. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 133(a) is amended by inserting after ''establish'' the following: ''and implement.''.

(b) APPLICATION OF ANTI-ICING AND DE-ICING COMPOSITIONS TO BRIDGES.—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''.

(c) TRANSPORTATION CONTROL MEASURES.—Section 133(b)(9) is amended by striking ''clauses (xii) and'' and inserting ''clause''.

(d) ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT PROJECTS.—Section 133(b) is amended by adding at the end the following:

''(12) Environmental restoration and pollution abatement projects, including the retrofit or construction of storm water treatment systems, to address water pollution or environmental degradation caused or contributed to by existing transportation facilities at the time such transportation facilities

are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.''.

(e) DIVISION OF FUNDS.—Section 133(d)(3)(B) is amended by adding at the end the following: ''Notwithstanding subsection (c), up to 15 percent of the amounts required to be obligated under this subparagraph may be obligated on roads functionally classified as minor collectors''.

(f) PROGRAM APPROVAL.—Section 133(e)(2) is amended to read as follows:

''(2) PROGRAM APPROVAL.—Each State shall submit a project agreement for each fiscal year, certifying that the State will meet all the requirements of this section and notifying the Secretary of the amount of obligations needed to administer the surface transportation program. Each State shall request adjustments to the amount of obligations as needed. The Secretary's approval of the project agreement shall be deemed a contractual obligation of the United States for the payment of surface

transportation program funds provided under this title.''.

(g) CONFORMING AMENDMENT.—Section 134(f) is amended by striking ''6-fiscal year period 1992 through 1997'' and inserting ''fiscal years for which funds are made available by the Building Efficient Surface Transportation and Equity Act of 1997''.

SEC. 109. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) is amended by inserting after ''establish'' the following: ''and implement''.

(b) CURRENTLY ELIGIBLE PROJECTS.—Section 149(b) is amended—

(1) in paragraph (1)(A) by striking ''clauses (xii) and''; and inserting ''clause'';

(2) by striking ''or'' at the end of paragraph (3);

(3) by striking ''standard.'' at the end of paragraph (4) and inserting ''standard; or'';

(4) by inserting after paragraph (4) the following:

''(5) if the program or project would have been eligible for funding on or before September 30,

1997, under guidance issued by the Secretary to implement this section.''; and

(5) by striking the second sentence and inserting the following: ''Funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles and available to high occupancy vehicles if the project is otherwise eligible for assistance under this section.''.

(c) STUDY OF EFFECTIVENESS OF CMAQ PROGRAM.—

(1) STUDY.—The Secretary shall request the National Academy of Sciences to study the impact of the congestion mitigation and air quality improvement program on the air quality of nonattainment areas. The study shall, at a minimum—

(A) determine the amount of funds obligated under such program in each nonattainment area and to make a comprehensive analysis of the types of projects funded under such program;

(B) identify any improvements to or degradations of the air quality in each nonattainment area; and

(C) measure the impact of the projects funded under such program on the air quality of each nonattainment area.

(2) REPORT.—Not later than January 1, 2000, the National Academy of Sciences shall transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study with recommendations for modifications to the congestion mitigation and air quality improvement program in light of the results of the study.

(3) FUNDING.—Before making the apportionment of funds under section 104(b)(2) for each of fiscal years 1998 and 1999, the Secretary shall deduct from the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 110. HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 153 the following:

"§ 154. High risk road safety improvement program

''(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk road safety improvement program in accordance with this section.

''(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(4) only for construction and operational improvement projects on high risk roads and only if the primary purpose of the project is to improve highway safety on a high risk road.

''(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under section 104(b)(4) among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 or a survey established pursuant to section 152(a).

''(d) TRANSFERABILITY.—A State may transfer not to exceed 50 percent of the amount of funds apportioned to it under section 104(b)(4) for any fiscal year to the apportionment of such State under section 104(b)(1) or 104(b)(3) or both.

''(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) HIGH RISK ROAD.—The term 'high risk road' means any Federal-aid highway or segment of a Federal-aid highway—

"(A) on which a significant number of severe motor vehicle crashes occur; or

"(B) which has current, or will likely have, increases in traffic volume that are likely to create a potential for severe crash consequences in a significant number of motor vehicle crashes.

"(2) SEVERE CRASH.—The term 'severe crash' means a motor vehicle crash in which a fatality or incapacitating injury occurs.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 153 the following:

"154. High risk road safety improvement program.".

SEC. 111. MINIMUM ALLOCATION.

(a) GENERAL RULES.—Section 157(a) is amended—

(1) in paragraph (4)—

(A) by striking "THEREAFTER" and inserting "FISCAL YEARS 1992–1997; and

(B) by striking "fiscal years 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(2) by adding at the end the following new paragraph:

"(5) THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year for Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high risk road safety improvement program, the recreational trails program, the Appalachian Development Highway System program, and metropolitan planning shall not be less than 95 percent of the 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.".

(b) AVAILABILITY OF FUNDS.—Section 157(b) is amended—

(1) by inserting before "Amounts allocated" the following: "AVAILABILITY OF FUNDS";

(2) by striking ''Interstate highway substitute,'' and all that follows through ''crossing projects'' and inserting ''any purpose described in section 133(b)''; and

(3) by inserting before the period at the end ''and section 103(c) of the Building Efficient Surface Transportation and Equity Act of 1997''.

(c) CONFORMING AMENDMENTS.—Section 157 is further amended—

(1) in subsection (d) by striking ''154(f) or''; and

(2) in subsection (e) by inserting before ''In order'' the following: ''AUTHORIZATION OF APPROPRIATIONS.—''.

(d) MINIMUM ALLOCATION ADJUSTMENT.—If the Secretary—

(1) determines that—

(A) the ratio of—

(i) the aggregate of funds made available by this Act, including any amendments made by this Act, that are apportioned to a State for Federal-aid highway programs (including funds allocated to the State under section 157 of title 23, United

States Code) for fiscal year 1998, 1999, or 2000, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal year, is less than

(B) the ratio of—

(i) 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, to

(ii) the estimated tax payments attributable to highway users in all States paid into such Trust Fund in such latest fiscal year; and

(2) determines that—

(A) the ratio determined under paragraph (1)(A)(i), is less than

(B) the ratio of—

(i) the aggregate of funds made available by the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995 that are ap-

portioned to the State for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1108 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal years 1992 through 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal years;

the Secretary shall allocate under such section 157 to the State amounts sufficient to ensure that the State's percentage of total apportionments for Federal-aid highway programs (including allocations under such section 157) for such fiscal year 1998, 1999, or 2000 under this Act, including any amendments made by this Act, is equal to the State's percentage of total apportionments for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1008 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal year 1997 under the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995. The allocation shall be made on October 1 of such fiscal year

1998, 1999, or 2000 or as soon as possible thereafter and shall be in addition to any other allocation to the State under such section 157 for such fiscal year.

SEC. 112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 102 for fiscal years 1998, 1999, and 2000 among the States based on the latest available cost to complete estimate for the Appalachian Development Highway System prepared by the Appalachian Regional Commission, unless the Appalachian Regional Commission adopts a alternative method for distribution. In general, no State containing Appalachian Development Highway System routes shall receive an apportionment of less than $1,000,000. For fiscal years 1999 and 2000, any alternative method for distribution adopted by the Appalachian Regional Commission must be communicated to the Secretary at least 30 days prior to the beginning of the fiscal year in which the apportionment is to be made. Such funds shall be available to construct highways on such system.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 102 of this Act for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 shall be available for obligation in the same manner as if such funds were

apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''70'' and inserting ''80''.

(d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—Section 201 of such Act is amended by adding at the end the following new subsection:

''(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year, or as soon as is practicable thereafter, there shall be deducted, for the expenses of the Appalachian Regional Commission in administering the funds authorized under this section for such year, not to exceed 3.75 percent of the funds made available for such year under subsection (g) of this section.''.

SEC. 113. HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 160 is amended to read as follows:

"§ 160. High cost interstate system reconstruction and improvement program

''(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost interstate system reconstruction and improvement program in accordance with this section.

''(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

''(1) the total cost of the project is greater than the lesser of $200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

''(2) the project is a ready-to-commence project;

''(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

"(4) the applicant agrees to obligate the funds within 1 year of the date the funds are made available.

"(c) ALLOCATION OF FUNDS.—Of the funds made available to carry out the program under this section, the Secretary shall allocate—

"(1) not less than $165,000,000 for fiscal year 1998, $412,500,000 for fiscal year 1999, and $660,000,000 for fiscal year 2000 among States in the ratio that the estimated cost of carrying out projects determined by the Secretary to be eligible for funding under subsection (b) in each State bears to the estimated cost of carrying out such projects in all of the States; and

"(2) at the discretion of the Secretary, not more than the amounts set forth in section 127(a)(2) for each of fiscal years 1998, 1999, and 2000 for projects eligible for assistance under this section to—

"(A) meet an extraordinary need for funding; or

"(B) help expedite completion of a project of national significance.

"(d) UNALLOCATED FUNDS.—

"(1) APPORTIONMENT.—If, on August 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary determines that funds authorized to be allocated in such fiscal year for the program under this section will not be allocated in such fiscal year as a result of not enough projects being eligible for assistance under this section, the Secretary shall apportion under section 104(b)(5) such funds among the States for the Interstate maintenance program.

"(2) REDISTRIBUTION OF OBLIGATION AUTHORITY.—The Secretary shall also redistribute on such August 1 any obligation authority that is allocated for the fiscal year under section 103(c)(4) of the Building Efficient Surface Transportation and Equity Act of 1997 attributable to the program under this section and that the Secretary determines will not be used before September 30 of such fiscal year among the States (other than a State from which obligation authority for such fiscal year is redistributed under section 103(d) of such Act) in the same ratio as set forth in section 103(c)(5) of such Act.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for

projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) FUTURE ALLOCATIONS.—

"(1) DETERMINATIONS.—The Secretary shall, in cooperation with States and affected metropolitan planning organizations, determine—

"(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System; and

"(B) a method to allocate funds made available under this section that would—

"(i) address the needs identified in subparagraph (A);

"(ii) provide a fair and equitable distribution of such funds; and

"(iii) allow for States to address any extraordinary needs.

"(2) REPORT.—The determination made under paragraph (1) shall be submitted to Congress in a report not later than January 1, 2000.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 160 and inserting the following:

"160. High cost interstate system reconstruction and improvement program.".

SEC. 114. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"SEC. 206. RECREATIONAL TRAILS PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall administer a national program for the purposes of providing and maintaining recreational trails.

"(b) STATEMENT OF INTENT.—Funds made available to carry out the recreational trails program under this section are to be derived from revenues collected through motor fuel taxes from nonhighway users and are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(c) STATE ELIGIBILITY.—A State shall be eligible to obligate funds apportioned to it under section 104(h) only if—

"(1) the Governor of the State has designated the State agency or agencies that will be responsible

for administering funds received under this section; and

"(2) a recreational trail advisory committee on which both motorized and nonmotorized recreational trail users are fairly represented exists within the State.

"(d) FEDERAL SHARE PAYABLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a project under this section shall not exceed 50 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute additional Federal funds toward a project's cost if the share attributable to the Secretary does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

"(3) ALLOWABLE MATCH FROM FEDERAL PROGRAMS.—The following Federal programs may be used to contribute additional Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

"(A) State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(B) HUD Community Development Block Grants (Public Law 93–383).

"(C) Public Works Employment Act of 1976 (Public Law 94–369).

"(D) Acts establishing national heritage corridors and areas.

"(E) Job Training Partnership Act of 1982 (Public Law 97–300).

"(F) National and Community Service Trust Act of 1993 (Public Law 103–82).

"(G) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–93).

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects in a fiscal year if the total Federal share payable for all projects within the State carried out under this section with funds apportioned to the State under section 104(h) for such fiscal year does not exceed 50 percent. For purposes of this paragraph, a project funded under paragraph (2) or (3) of this subsection may not be

included in the calculation of the programmatic non-Federal share.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State under subsection (e)(1)(A) shall be determined in accordance with section 120(b).

"(e) USE OF FUNDS.—

"(1) PERMISSIBLE USES.—A State may use funds apportioned to it under section 104(h)—

"(A) in an amount not exceeding 7 percent of such funds, for administrative costs of the State;

"(B) in an amount not exceeding 5 percent of such funds, for operation of environmental protection education and safety education programs relating to the use of recreational trails;

"(C) for development and rehabilitation of urban trail linkages to provide connections to and among neighborhoods and community centers and between trails;

"(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

"(E) for restoration of areas damaged by usage of recreational trails, including back country terrain;

"(F) for development and rehabilitation of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

"(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

"(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

"(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

"(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

"(K) only as otherwise permissible and where necessary and required by a statewide comprehensive outdoor recreation plan, for con-

struction of new trails crossing Federal lands if such construction is approved by the administering agency of the State and the Federal agency or agencies charged with management of all impacted lands and if such approval is contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

"(2) USE NOT PERMITTED.—A State may not use funds apportioned to it under section 104(h)—

"(A) for condemnation of any kind of interest in property;

"(B)(i) for construction of any recreational trail on National Forest System lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

"(ii) for construction of any recreational trail on Bureau of Land Management lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved management plans; or

"(C) for upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

"(3) GRANTS.—

"(A) IN GENERAL.—A State may provide funds apportioned to it under section 104(h) to

make grants to private individuals, organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the recreational trail advisory committee satisfying the requirements of subsection (c)(2), for uses consistent with this section.

"(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

"(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraph (7), not less than 30 percent of the funds apportioned to a State in a fiscal year under section 104(h) shall be reserved for uses relating to motorized recreation, and not less than 30 percent of such funds shall be reserved for uses relating to non-motorized recreation.

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project

proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) GUIDANCE.—A recreational trail advisory committee satisfying the requirements of subsection (c)(2) shall issue guidance to a State for the purposes of implementing subparagraph (A).

"(6) DIVERSIFIED TRAIL USE.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend funds apportioned to it under section 104(h) in a manner that gives preference to project proposals which—

"(i) provide for the greatest number of compatible recreational purposes, including those described in subsection (g)(3); or

"(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective with respect to a State until such time as the State

has allocated not less than 40 percent of funds apportioned to it under section 104(h) in such manner.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory committee satisfying the requirements of subsection (c)(2).

"(7) EXEMPTIONS.—

"(A) SMALL STATE.—Any State with a total land area of less than 3,500,000 acres and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States shall be exempted from the requirements of paragraph (4) upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

"(B) STATE RECREATIONAL TRAIL ADVISORY COMMITTEE.—If approved by the State recreational trail advisory committee satisfying the requirements of subsection (c)(2), the State may be exempted from the requirements of paragraph (4).

"(8) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to it under section 104(h) may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

"(9) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Nothing in this title or any other law shall prevent a project sponsor from offering to donate funds, materials, services, or new right-of-way for the purposes of a project eligible for assistance. Any funds, or the fair market value of any materials, services, or new right-of-way may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (d). Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited as part of that Federal agency's share under subsection (d)(2).

"(10) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of section 303 of title 49 or section 138 of this title.

"(f) COORDINATION OF ACTIVITIES.—

"(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this section is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this section diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

"(2) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition to making available funds for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of funds apportioned to a State under section 104(h) on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those funds.

"(g) APPLICABILITY OF CHAPTER 1.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1; except that the Federal share payable for a project using such funds shall be determined in accordance with this section and such funds shall remain available until expended.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' has the meaning such term has under section 9503(c)(6) of the Internal Revenue Code of 1986.

"(3) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities (including carriage driving), jogging or similar fitness activities, skating or skateboarding, trail biking, overnight or long-distance backpacking, snowmobiling, aquatic or water activity, or vehicular travel by motorcycle, four-wheel

drive or all-terrain off-road vehicles, without regard to whether it is a 'National Recreation Trail' designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

"(4) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for motorized wheelchairs.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 is amended by inserting after the item relating to section 205 the following:

"206. Recreational trails program.".

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

"(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.".

SEC. 115. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for coordinated planning and design of corridors of national

significance, economic growth, and international or interregional trade. A State may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section only with respect to the following corridors:

(1) High priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) The creation or upgrade of any other significant regional or multistate highway corridor not identified in whole or in part in paragraph (1) that the Secretary determines would—

(A) facilitate international or interregional trade; or

(B) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

(4) Environmental review.

(5) Multistate and intrastate coordination for corridors described in subsection (b).

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State receiving an allocation under this section shall develop, in consultation with the Secretary, a development and management plan for the corridor with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

(1) A complete and comprehensive analysis of corridor costs and benefits.

(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

(4) The results of any environmental reviews and mitigation plans.

(5) The identification of any impediments to the development and construction of the corridor, in-

cluding any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall ensure that all States having jurisdiction over any portion of such corridor will participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 127(a)(3)(B) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) STATE DEFINED.—In this section the term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 116. COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure and safety program under which the Secretary may make allocations to any border State for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations under this section may only be used in a border region for—

(1) improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

(3) operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite cross border vehicle and cargo movements; and

(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements.

(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act, and combination with other sources of Federal, State, local, or private funding;

(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

(6) the extent to which the innovative and problem-solving techniques of the proposed project would be applicable to other international border crossings;

(7) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(8) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) STATE MOTOR VEHICLE SAFETY INSPECTION FACILITIES.—Due to the increase in cross-border trade as a result of the Northern American Free Trade Agreement, of the amounts made available to carry out this section for a fiscal year, not to exceed $25,000,000 for fiscal year 1998 and not to exceed $20,000,000 for each of fiscal years 1999 and 2000 shall be available for the construction of State motor vehicle safety inspection facilities for the inspection by State authorities of commercial motor vehicles crossing the border to ensure the safety of such vehicles.

(e) LOCATION OF PROJECTS.—At least 2 of the projects receiving allocations under this section shall be projects in the vicinity the border of the United States and Mexico and at least 2 of such projects shall be projects in the vicinity of the border of the United States and Canada.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by section 127(a)(3)(A) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term ''border region'' means the portion of a border State in the vicinity of an international border with Canada or Mexico.

(2) BORDER STATE.—The term ''border State'' means any State that has a boundary in common with Canada or Mexico.

SEC. 117. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended—

(1) in subsection (e)—

(A) by striking ''(c)'' and inserting ''(b)''; and

(B) by striking ''90'' and inserting ''120''; and

(2) by adding at the end the following:

''(j) FUNDS APPROPRIATED TO A FEDERAL LAND MANAGING AGENCY.—Notwithstanding any other provision of law, the funds appropriated to any Federal land managing agency may be used as the non-Federal share payable on account of any Federal-aid highway project the Federal share of which is payable with funds apportioned

under section 104 or 144 or allocated under the Federal scenic byways program.

"(k) FUNDS APPROPRIATED FOR FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding any other provision of law, funds appropriated for carrying out the Federal lands highways program under section 204 may be used as the non-Federal share payable on account of any project that is carried out with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program if the project will provide access to, or be carried out within, Federal or Indian lands.".

(b) ALLOCATIONS.—Section 202 is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ALLOCATION OF SUMS AUTHORIZED FOR PUBLIC LANDS HIGHWAYS.—

"(1) IN GENERAL.—On October 1 of each fiscal year and after making the transfer provided for in section 204(i), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways for transportation projects within the boundaries of those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as deter-

mined by the Secretary from applications for such funds by Federal land managing agencies, Indian tribal governments, and States.

"(2) PREFERENCE.—In allocating sums under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land, recreation, or resource management activities that are proposed within the boundaries of a State in which at least 3 percent of the total public lands in the United States are located."; and

(2) by adding at the end the following:

"(e) FOREST HIGHWAYS.—

"(1) NATIONAL FORESTS WITH ACQUIRED FEDERAL LANDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate 50 percent of the sums authorized to be appropriated for such fiscal year for forest highways as follows:

"(A) ⅓ based on the percentage of the national total forest highway mileage;

"(B) ⅓ based on the percentage of forest-related vehicle miles traveled on national forest highways; and

"(C) ⅓ based on the percentage of national forests with acquired Federal lands.

"(2) NATIONAL FORESTS WITH PUBLIC DOMAIN LANDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate the remaining 50 percent of the sums authorized to be appropriated for such fiscal year for forest highways as follows:

"(A) ⅓ based on the percentage of the national total forest highway mileage;

"(B) ⅓ based on the percentage of forest-related vehicle miles traveled on national forest highways; and

"(C) ⅓ based on the percentage of national forests with public domain Federal lands.

"(3) PROJECT SELECTION.—With respect to allocations under this subsection, the Secretary shall give priority to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(c) AVAILABILITY OF FUNDS.—Section 203 is amended—

(1) by striking "Funds authorized for," and inserting "(a) IN GENERAL.—Funds authorized for forest highways,";

(2) in the fourth sentence by inserting ''forest highways'' after ''any fiscal year for''; and

(3) by adding at the end the following:

''(b) TIME OF OBLIGATION.—Notwithstanding any other provision of law, the Secretary's authorization of engineering and related work for a Federal lands highways program project or the Secretary's approval of plans, specifications, and estimates for construction of a Federal lands highways program project shall be deemed to constitute a contractual obligation of the Federal Government for the payment of its contribution to such project.''.

(d) AWARD OF CONTRACTS; TRANSFERS—Section 204 is amended—

(1) in subsection (a) to read as follows:

''(a) Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to those that apply to Federal-aid highways, there is established a coordinated Federal Lands Highways Program which shall consist of forest highways, public lands highways, park roads and parkways, and Indian reservation roads and bridges. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are consistent with the metropolitan and Statewide planning processes in sections 134 and 135 of this title.

The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary. All regionally significant Federal Lands Highway Program projects shall be developed in cooperation with States and metropolitan planning organizations and be included in appropriate Federal Lands Highways Program, State, and metropolitan plans and transportation improvement programs. The approved Federal Lands Highways Program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action thereon. The Secretary and the Secretary of the appropriate Federal land managing agency shall develop appropriate safety, bridge, and pavement management systems for roads funded under the Federal Lands Highways Program.'';

(2) by striking the first three sentences of subsection (b) and inserting ''Funds available for forest highways, public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land managing agency to pay for the cost of transportation planning, research, engineering, and construction thereof. The Secretary and the Secretary of the appropriate Federal land man-

aging agency, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe to carry out this subsection.'';

(3) in the first sentence of subsection (e) by striking ''Secretary of the Interior'' and inserting ''Secretary of the appropriate Federal land managing agency''; and

(4) in subsection (i) to read as follows:

''(i) TRANSFERS TO SECRETARIES OF FEDERAL LAND MANAGING AGENCIES.—The Secretary shall transfer to the appropriate Federal land managing agency from the appropriation for public lands highways such amounts as may be needed to cover—

''(1) necessary administrative costs of such agency in connection with public lands highways; and

''(2) the cost to such agency of conducting necessary transportation planning serving Federal lands if funding for such planning is otherwise not provided in this section.''.

(e) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Cen-

ter for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study, together with an assessment of the impacts (including environmental, aesthetic, economic, and historic impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1998 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Fed-

eral share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

(f) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 1998, 1999, and 2000 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

(g) NEW RIVER PARKWAY.—Of amounts available under section 102(a)(11)(C) of this Act, the Secretary shall allocate $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000 to the Secretary of the Interior for the planning, design, and construction of a visitors center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources accessible by the New River Parkway in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the intersec-

tion of the New River Parkway and I–64. Such funds shall remain available until expended.

SEC. 118. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 162. National scenic byways program

''(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as 'National Scenic Byways' or 'All-American Roads'. The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

''(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

''(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

''(A) implement projects on highways designated as National Scenic Byways or All-

American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byways program.

"(2) PRIORITY PROJECTS.—In making allocations under this subsection, the Secretary shall give priority to—

"(A) eligible projects along highways that are designated as National Scenic Byways or All-American Roads;

"(B) eligible projects on State-designated scenic byways that are undertaken to make them eligible for designation as National Scenic Byways or All-American Roads; and

"(C) eligible projects that will assist the development of State scenic byways programs.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) activities related to planning, design, or development of State scenic byway programs;

"(2) development of corridor management plans for scenic byways;

"(3) safety improvements to a scenic byway to the extent such improvements are necessary to ac-

commodate increased traffic and changes in the types of vehicles using the highway due to such designation;

''(4) construction along a scenic byway of facilities for pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities;

''(5) improvements to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation;

''(6) protection of historical, archaeological, and cultural resources in areas adjacent to scenic byways;

''(7) development and provision of tourist information to the public, including interpretive information about scenic byways; and

''(8) development and implementation of scenic byways marketing programs.

''(d) FEDERAL SHARE.—The Federal share payable on account of any project carried out under this section shall be determined in accordance with section 120(b) of this title. For any scenic byways project along a public road that provides access to or within Federal or Indian lands, a Federal land management agency may use funds

authorized for its use as the non-Federal share of the costs of the project.

"(e) PROTECTION OF SCENIC INTEGRITY.—

"(1) SCENIC INTEGRITY.—The Secretary shall not make an allocation under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(2) SAVINGS CLAUSE.—The Secretary shall not make any grant, provide technical assistance, or impose any requirement on a State under this section that is inconsistent with the authority of the State provided in this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following new item:

"162. National scenic byways program.".

(c) CENTER.—

(1) ESTABLISHMENT.—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications system shall permit users of scenic byways to access technology which will permit such users to locate scenic byways and identify items of cultural or historic interest and services located along scenic byways.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998, 1999, and 2000.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 80 percent and such funds shall remain available until expended.

SEC. 119. VARIABLE PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a variable pricing program. In implement-

ing such program, the Secretary shall solicit the participation of State and local governments and public authorities for 1 or more variable pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 of such governments and public authorities to conduct and monitor the pilot programs.

(b) FEDERAL SHARE PAYABLE.—The Federal share payable for a pilot program under this section shall be 80 percent of the aggregate cost of the program and the Federal share payable for any portion of a project conducted under the program may not exceed 100 percent.

(c) IMPLEMENTATION COSTS.—The Secretary may fund all pre-implementation costs, including public education and project design, and all of the development and startup costs of a pilot project under this section, including salaries and expenses, until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation; except that the Secretary may not fund the pre-implementation, development, and startup costs of a pilot project for more than 3 years.

(d) USE OF REVENUES.—Revenues generated by any pilot project under this section must be applied to projects eligible for assistance under title 23, United States Code.

(e) COLLECTION OF TOLLS.—Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not as part of more than 3 of such programs.

(f) FINANCIAL EFFECTS ON LOW INCOME DRIVERS.—Any pilot program conducted under this section shall include an analysis of the potential effects of the pilot program on low income drivers and may include mitigation measures to deal with any potential adverse financial effects on low income drivers.

(g) REPORTS TO CONGRESS.—The Secretary shall monitor the effect of the pilot programs conducted for a period of at least 10 years and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biennially on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, drivers of all income levels, and availability of funds for transportation programs.

(h) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102 of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high-occupancy vehicle lanes if such vehicles

are part of a pilot program being conducted under this section.

(i) PERIOD OF AVAILABILITY.—Funds allocated by the Secretary under this section shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which such funds are authorized. Any amounts allocated under this section that remain unobligated at the end of such period and any amounts authorized under subsection (i) that remain unallocated by the end of such period shall be transferred to a State's apportionment under section 104(b)(3) of title 23, United States Code, and shall be treated in the same manner as other funds apportioned under such section.

(j) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section and the availability of such funds shall be determined in accordance with this section.

(k) REPEAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any funds made available to carry out this title, other than the emergency relief program authorized in section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) AGREEMENTS.—In receiving a credit for non-Federal capital expenditures under this subsection, 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.

"(3) TREATMENT.—

"(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

"(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

"(ii) shall not subject the agency to any additional Federal design standards, laws, or regulations as a result of providing the non-Federal match other than those to which the agency is already subject.

"(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied for a non-Federal share under this subsection, such credit shall be applied equally to all charter States.".

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(3) ELIGIBILITY.—In order to be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of such facility.

(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(C) An analysis demonstrating that such facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

(D) A facility management plan that includes—

(i) a plan for implementing the imposition of tolls on the facility;

(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(iii) a description of the public transportation agency which will be responsible for implementation and administration of the pilot toll reconstruction and rehabilitation program; and

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the converted facility, while retaining legal and administrative control of the Interstate route section.

(E) Such other information as the Secretary may require.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines the following:

(A) The State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments.

(B) The facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls.

(C) The State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers.

(D) The State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable.

(E) The State has given preference to the use of an existing public toll agency with dem-

onstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for debt service, for reasonable return on investment of any private person financing the project, and for any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(5) of title 23, United States

Code, may not be used on a facility for which tolls are being collected under the program.

(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this section for a term to be determined by the Secretary but not less than 10 years.

(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term ''Interstate System'' has the same meaning such term has under section 101(a) of title 23, United States Code.

(c) BRIDGE RECONSTRUCTION OR REPLACEMENT.—Section 129(a)(1)(C) is amended by striking ''toll-free bridge or tunnel'' and inserting ''toll-free major bridge or toll-free tunnel''.

SEC. 121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended to read as follows:

''(c) OBLIGATION OF AMOUNTS.—Amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section may be obligated at the discretion of the Secretary. Such sums shall remain available until expended.''.

SEC. 122. HIGHWAY USE TAX EVASION PROJECTS.

(a) APPLICABILITY OF TITLE 23.—Section 1040(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended to read as follows:

''(f) APPLICABILITY OF TITLE 23.—Funds made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out under this section shall be 100 percent and such funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.''.

(b) AUTOMATED FUEL REPORTING SYSTEM.—Section 1040 of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

''(g) AUTOMATED FUEL REPORTING SYSTEM.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2000, not to exceed $5,000,000 per fiscal year may be used to establish and operate an automated fuel reporting system.''.

(c) TECHNICAL AMENDMENT.—Section 1040(a) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking ''by subsection (e)''.

SEC. 123. PERFORMANCE BONUS PROGRAM.

(a) STUDY.—The Secretary shall develop performance-based criteria for the distribution of not to exceed 5 percent of the funds from each of the following programs:

(1) The Interstate maintenance program under section 119 of title 23, United States Code.

(2) The bridge program under section 144 of such title.

(3) The high risk road safety improvement program under section 154 of such title.

(4) The surface transportation program under section 133 of such title.

(5) The congestion mitigation and air quality improvement program under section 149 of such title.

(b) REQUIREMENTS FOR DEVELOPMENT OF CRITERIA.—Performance-based criteria developed by the Secretary under subsection (a) shall assess on a statewide basis the following:

(1) For the Interstate maintenance program, whether pavement conditions on routes on the Inter-

state System in the State have consistently been of a high quality or have recently improved.

(2) For the bridge program, whether the percentage of deficient bridges in the State has consistently been low or has recently decreased.

(3) For the high risk road safety improvement program, whether the level of safety on highways in the State has consistently been high or has recently improved.

(4) For the surface transportation program, whether the level of financial effort in State funding for highway and transit investments has been high or has recently increased.

(5) For the congestion mitigation and air quality improvement program, whether the environmental performance of the transportation system has been consistently high or has improved.

(c) REQUIRED SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the performance-based criteria developed under subsection (a).

SEC. 124. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) is amended by inserting after ''and goods'' the following: ''and foster economic growth and development''.

(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 134(f) is amended to read as follows:

''(f) GOALS AND OBJECTIVES OF PLANNING PROCESS.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

''(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(2) increase the safety and security of the transportation system;

''(3) increase the accessibility and mobility for people and freight;

''(4) protect and enhance the environment, conserve energy, and enhance quality of life;

''(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(6) promote efficient system utilization and operation; and

"(7) preserve the existing transportation system.".

(c) LONG RANGE PLAN.—Section 134(g) is amended—

(1) in paragraph (1) by inserting "transportation" after "long range";

(2) in paragraph (2) by striking ", at a minimum" and inserting "contain, at a minimum, the following";

(3) in paragraph (2)(A)—

(A) by striking "Identify" and inserting "An identification of";

(B) by striking "factors described in";

(C) by striking "such factors" and inserting "subsection (f)"; and

(D) by striking "shall consider" and inserting "may consider";

(4) by striking paragraph (2)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for

needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.''; (5) in paragraph (4) by inserting after ''employees,'' the following: ''freight shippers and providers of freight transportation services,''; and (6) in paragraph (5) by inserting ''transportation'' before ''plan prepared''.

(d) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) is amended—

(1) in paragraph (1), by striking ''2 years'' and inserting ''3 years''; and

(2) by adding at the end of paragraph (2)(B) the following: ''The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if

reasonable additional resources beyond those identified in the financial plan were available.''.

(e) TRANSPORTATION MANAGEMENT AREAS.—Section 134(i) is amended—

(1) in paragraph (4) by inserting after ''System'' each place it appears the following: '', under the high risk road safety program,''; and

(2) in paragraph (5)—

(A) by striking ''(1)'' and inserting ''(A)''; and

(B) by striking ''(2)'' and inserting ''(B)''.

(f) ADDITIONAL REQUIREMENTS.—Section 134 is amended by striking subsection (l) and redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

SEC. 125. STATEWIDE PLANNING.

(a) SCOPE OF PLANNING PROCESS.—Section 135(c) is amended to read as follows:

''(c) SCOPE OF THE PLANNING PROCESS.—To the extent that a State determines appropriate, the State may consider goals and objectives in the transportation planning process that—

''(1) support the economic vitality of the Nation, its States and metropolitan areas, especially by

enabling global competitiveness, productivity and efficiency;

''(2) increase the safety and security of the transportation system;

''(3) increase the accessibility and mobility for people and freight;

''(4) protect and enhance the environment, conserve energy, and enhance the quality of life;

''(5) enhance the integration and connectivity of the transportation system, across and between modes throughout the State for people and freight;

''(6) promote efficient system utilization and operation; and

''(7) preserve the existing transportation system.''.

(b) ADDITIONAL CONSIDERATIONS.—Section 135(d) is amended—

(1) in the subsection heading by striking ''REQUIREMENTS'' and inserting ''CONSIDERATIONS''; and

(2) by striking ''shall, at a minimum,'' and inserting ''may''.

(c) LONG RANGE PLAN.—Section 135(e) is amended—

(1) by striking the hyphen each place it appears; and

(2) by inserting after ''representatives,'' the following: ''freight shippers and providers of freight transportation services,''.

(d) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) is amended—

(1) in paragraph (1) by inserting after ''representatives,'' the following: ''freight shippers and providers of freight transportation services,'';

(2) in paragraph (2) by inserting before the last sentence the following: ''The program may include, for illustrative purposes, additional projects that would be included in the program if reasonable additional resources were available.''; and

(3) in paragraph (3) by inserting after ''System'' each place it appears the following: '', under the high risk road safety program,''.

(e) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation be-

tween State, local rural officials, and regional planning development organizations in different States.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 126. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate and issue a guidance regarding the benefits and performance of various types of crash cushions in different road configurations, taking into consideration roadway conditions, posted speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors.

(2) USE OF GUIDANCE.—States shall use guidance issued under this subsection in evaluating the feasibility and cost-effectiveness of utilizing different crash cushion designs and determining the appropriate crash cushion or other safety appurtenances for installation at specific highway locations.

(b) TRAFFIC FLOW AND SAFETY APPLICATIONS OF ROAD BARRIERS.—

(1) RULEMAKING PROCEEDINGS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate and complete a rulemaking proceeding to determine the appropriate use by States of movable barrier technologies to enhance safety and improve the capacity and geometric design of highways.

(2) FACTORS TO CONSIDER.—In conducting the rulemaking proceeding, the Secretary shall consider, at a minimum, uses of movable barrier technologies related to—

(1) separating workers from traffic flow when work is in progress;

(2) providing additional safe work space by utilizing adjacent and available traffic lanes during off-peak hours;

(3) use of reversible lanes to mitigate congestion caused by construction and to optimize capacity of congested highways by adjusting to directional traffic flow;

(4) mitigation of congestion during construction by opening all adjacent and available lanes to traffic during peak hour traffic periods;

(5) permanent use of such technologies to increase the capacity of congested highways, bridges, and tunnels.

SEC. 127. DISCRETIONARY PROGRAM AUTHORIZATIONS.

(a) EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—

(1) BRIDGE DISCRETIONARY PROGRAM.—The amount set aside by the Secretary under section 144(g)(2) of title 23, United States Code, shall be $100,000,000 for each of fiscal years 1998, 1999, and 2000.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—The amount the Secretary shall allocate for the high cost Interstate System reconstruction and improvement program under section 160(c)(2) of title 23, United States Code, shall not be more than $85,000,000 for fiscal year 1998, $212,500,000 for fiscal year 1999, and $340,000,000 for fiscal year 2000.

(3) ADDITIONAL EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—Of amounts made available by section 102(a)(8) of this Act, the following sums shall be available:

(A) COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.—For the coordi-

nated border infrastructure and safety program under section 116 of this Act $70,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, and $100,000,000 for fiscal year 2000.

(B) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.—For the national corridor planning and development program under section 115 of this Act $50,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $250,000,000 for fiscal year 2000.

(C) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $18,000,000 for each of fiscal years 1998, 1999, and 2000.

(D) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byway program under section 162 of title 23, United States Code, $30,000,000 for each of fiscal years 1998, 1999, and 2000.

(E) VARIABLE PRICING PILOT PROGRAM.—For the variable pricing pilot program under section 119 of this Act $10,000,000 for fiscal

year 1998, and $14,000,000 for each of fiscal years 1999 and 2000.

(F) HIGHWAY RESEARCH.—For highway research under sections 307, 308, and 325 of title 23, United States Code, $150,000,000 for fiscal year 1998, $185,000,000 for fiscal year 1999, and $195,000,000 for fiscal year 2000.

(G) TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT.—For transportation education, professional training, and technology deployment under sections 321, 322, and 326 of title 23, United States Code, and section 5505 of title 49, United States Code, $50,000,000 for each of fiscal years 1998 and 1999 and $55,000,000 for fiscal year 2000.

(H) TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.—For Transportation technology innovation and demonstration program under section 632 of this Act $40,900,000 for each of fiscal years 1998, 1999, and 2000.

(I) INTELLIGENCE TRANSPORTATION SYSTEMS PROGRAMS.—For intelligence transportation systems programs under subtitle B of

title VI of this Act $175,000,000 for each of fiscal years 1998, 1999, and 2000.

(3) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—There is authorized to be appropriated to carry out section 130 of this Act, relating to transportation assistance for Olympic cities, such sums as may be necessary for fiscal years 1998, 1999, and 2000.

(b) LEGISLATIVE BRANCH DISCRETIONARY PROGRAMS.—Of amounts made available by section 102(a)(8) of this Act, $1,250,000,000 for fiscal year 1998, $1,425,000,000 for fiscal year 1999, and $1,600,000,000 fof fiscal year 2000 shall be available for high priority projects.

SEC. 128. WOODROW WILSON MEMORIAL BRIDGE.

Section 407(a) of the National Highway System Designation Act of 1995 (109 Stat. 630–631) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking ''(a)'' and all that follows through the period at the end of paragraph (1) and inserting the following:

''(a) CONVEYANCES.—

''(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

"(A) GENERAL AUTHORITY.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), upon conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

"(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

"(D) FUNDS ALLOCATED.—No funds made available for the high cost interstate system reconstruction and improvement program

under section 160 of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge under this paragraph.

''(2) CONVEYANCE TO AUTHORITY.—After execution of the agreement under subsection (c), the State of Virginia, State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (3), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this section, by striking ''conveyance under paragraph (1)'' and inserting ''conveyance under this subsection''.

SEC. 129. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) is amended by inserting after the

third sentence the following: ''In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State.''.

(b) TYPES OF TRAINING.—Section 140(b) is amended—

(1) in the first sentence—

(A) by inserting ''and technology'' after ''construction''; and

(B) by inserting after ''programs'' the following: '', and to develop and fund summer transportation institutes''; and

(2) in the last sentence by striking ''may be available'' and inserting ''may be utilized''.

SEC. 130. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) 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 by hosting international quadrennial Olympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—Notwithstanding any other provision of law, the Secretary may give priority to fund-

ing for a transportation project related to an Olympic event from funds available to carry out 1 or more of sections 144(g)(1) and 160 of title 23, United States Code, and sections 5309 and 5326 of title 49, United States Code, if the project meets the extraordinary needs associated with an international quadrennial Olympic event and if the project is otherwise eligible for assistance under such section.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in planning activities of States and metropolitan planning organizations and transportation projects related to an international quadrennial Olympic event under sections 134 and 135 of title 23, United States Code, and in developing intermodal transportation plans necessary for such projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—The Secretary may provide assistance from funds deducted under section 104(a) of title 23, United States Code, for the development of an Olympics transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to States and local governments in carrying out transportation projects related to an international quadrennial Olympic event. Such assistance may include planning, capital, and operating assistance.

(2) FEDERAL SHARE.—The Federal share of the costs of projects assisted under this subsection shall not exceed 80 percent.

(f) 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.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) 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.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) 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 events.''.

SEC. 131. NATIONAL DEFENSE HIGHWAYS.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(b) FUNDING.—The Secretary may make available, from funds appropriated for expenditure on the National Highway System, not to exceed $20,000,000 per fiscal year for each of fiscal years 1998, 1999, and 2000 to carry out this section. Such sums shall remain available until expended.

SEC. 132. MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS.

(a) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production of a documentary about infrastructure in cooperation with a not-for-profit national public television station and the National Academy of Engineering which shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the nation.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 1998, 1999, and 2000. Such funds shall remain available until expended.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(b) STUDY OF PARKING FACILITIES ADEQUACY.—

(1) STUDY.—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study shall be carried out in cooperation with research entities representing the motor carrier and travel plaza industry.

(2) REPORT.—Not later than January 1, 2001, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(3) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1998, 1999, and 2000, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 133. ELIGIBILITY.

(a) DEVILS SLIDE, CALIFORNIA.—Notwithstanding any other provision of law, the authorization of emergency

relief funds by the Federal Highway Administration on September 2, 1986, to construct a bypass of the Devils Slide, California, failure shall be considered to be for the project to bypass the slide failure that is finally selected upon completion of the environmental analysis. The Secretary shall not expend the funds for the bypass finally selected at a rate faster than the rate that the Secretary would have expended the funds for the original bypass.

(b) AMBASSADOR BRIDGE ACCESS, MICHIGAN.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under sections 104(b)(1) and 104(b)(3) of such title.

(c) 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 such title.

(d) NORTHEAST OHIO TRANSPORTATION HISTORY MUSEUM.—A museum to be established in Northeast Ohio which will be devoted to the history of transportation and

industry in Northeast Ohio and in the United States, and which will be developed in cooperation with the private sector and the State of Ohio, shall be eligible for assistance under section 133(d)(2) of title 23, United States Code.

(e) RAIL MUSEUM IN PRINCETON, WEST VIRGINIA.—A museum to be established in Princeton, West Virginia, which will be devoted to railroad history shall be eligible for assistance under section 133(d)(2) of title 23, United States Code.

(f) BUS MUSEUM IN HIBBING, MINNESOTA.—A museum to be established in Hibbing, Minnesota, which will be devoted to intercity bus history shall be eligible for assistance under section 133(d)(2) of title 23, United States Code.

SEC. 134. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

(a) ADVANCED CONSTRUCTION.—Section 115 is amended—

(1) in subsection (b)—

(A) by moving the text of paragraph (1) 2 ems to the left;

(B) by striking "(1) IN GENERAL.—"

(C) by striking paragraphs (2) and (3); and

(D) by striking ''(A) prior'' and inserting ''(1) prior''; and

(E) by striking ''(B) the project'' and inserting ''(2) the project'';

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(b) AVAILABILITY OF FUNDS.—Section 118 is amended—

(1) in the subsection heading for subsection (b) by striking ''; DISCRETIONARY PROJECTS''; and

(2) by striking subsection (e) and inserting the following:

''(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.''.

(c) FEDERAL SHARE PAYABLE.—Section 120 is amended in each of subsections (a) and (b) by striking ''shall be'' and inserting ''shall not exceed''.

(d) PAYMENTS TO STATES FOR CONSTRUCTION.—Section 121 is amended—

(1) in subsection (a)—

(A) by striking the second sentence; and

(B) by striking the last sentence and inserting the following: ''Such payments may also be made for the value of the materials (1) which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the projects, and (2) which are not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.'';

(2) by striking subsection (b) and inserting the following:

''(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to it of the unpaid balance of the Federal share payable on account of such project.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

(e) ADVANCES TO STATES.—Section 124 is amended—

(1) by striking ''(a)'' the first place it appears; and

(2) by striking subsection (b).

(f) DIVERSION.—Section 126, and the item relating to such section in the table of sections for chapter 1, are repealed.

(g) STATE HIGHWAY DEPARTMENT.—Section 302 is amended—

(1) by adding at the end of subsection (a) the following: ''Compliance with this provision shall have no effect on the eligibility of costs.'';

(2) by striking ''(a)''; and

(3) by striking subsection (b).

(h) BRIDGE COMMISSIONS.—Public Law 87–441, relating to bridge commissions created by Congress and Federal approval of membership of such commissions, is repealed.

(i) OTHER AMENDMENTS.—

(1) Section 1023(h)(1) of Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking ''the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995'' and inserting ''September 30, 2000''.

(2) Section 127(a) is amended by inserting before the next to the last sentence the following: ''With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.''.

(3) Section 127(a) 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 vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.''.

(4) Section 127 is amended by adding at the end the following new subsection:

''(h) MAINE AND NEW HAMPSHIRE.—With respect to Interstate Route 95 in the State of New Hampshire, State laws or regulations in effect on January 1, 1987, shall be applicable for purposes of this section. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, State laws or regulations in effect on October 1, 1995, shall be applicable for purposes of this section.''.

(j) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 135. ACCESS OF MOTORCYCLES.

Section 102 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

''(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.''.

SEC. 136. AMENDMENTS TO ISTEA.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(1) in paragraph (18)—

(A) by striking ''and to include'' and inserting the following:

''as follows:

"(A) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

"(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

"(ii) run in an East/South direction to United States Route 61 and cross the Mississippi River (in the vicinity of Memphis, Tennessee) to Highway 79, and then follow Highway 79 south to Wabbaseka, Arkansas, and then proceed south in the direction of Monticello, Arkansas, and link up with the route proposed in the Corridor 18 Special Issues Study Final Report which would continue to Haynesville, Louisiana.

"(B) In the Lower Rio Grande Valley, the Corridor shall—

"(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via United States Route 77 and United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

"(ii) include";

(2) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80"; and

(3) by inserting after paragraph (29) the following:

"(30) Interstate Route 5 in the States of Oregon and Washington.

"(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

"(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

"(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

"(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

"(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

"(33) The Capital Gateway Corridor following United States Route 50 from I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.".

(b) OTHER AMENDMENTS TO ISTEA.—The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended in item 1, relating to Cadiz, Ohio—

(1) by striking "Cadiz" the first place it appears and inserting "Bellaire"; and

(2) by striking "Improvements" and all that follows through "Rayland, Ohio" and inserting "Washington Street project in Bellaire, Ohio".

SEC. 137. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e) by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

''(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Transportation plans and projects shall provide due consideration for safety and contiguous routes.'';

(4) in subsection (h) by striking ''No motorized vehicles shall'' and inserting ''Motorized vehicles may not''; and

(5) in subsection (h)(3) by striking ''when State and local regulations permit,''; and

(6) by striking subsections (i) and (j) and inserting the following:

''(i) DEFINITIONS.—In this section, the following definitions apply:

''(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by

bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

''(2) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

''(3) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.''.

(b) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) is amended to read as follows:

''(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonably alternate route or such a route exits.''.

(c) HIGHWAY AND STREET DESIGN STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate, in conjunction with the American Association of State Highway and Transportation Offi-

cials, a study to consider proposals to amend the policies of such association relating to highway and street design standards to accommodate bicyclists and pedestrians.

(2) REPORT.—Not later than 2 years after such date of enactment, the Secretary shall transmit to Congress a report on the results of the study with any recommendations on amending the policies referred to in paragraph (1) the Secretary determines appropriate.

(d) NATIONAL BICYCLE SAFETY EDUCATION CURRICULA.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curricula that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a copy of the curricula.

(3) FUNDING.—From amounts made available under section 210 of this Act, the Secretary may use not to exceed $500,000 for fiscal year 1998 to carry out this subsection.

SEC. 138. HAZARD ELIMINATION PROGRAM.

Section 152 is amended—

(1) in subsection (a) by inserting ", bicyclists," after "motorists"; and

(2) in subsection (b) by striking "highway safety improvement project" and inserting "safety improvement project described in subsection (a)".

SEC. 139. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia after consultation with appropriate local government officials, the Secretary of Transportation may approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the latest Interstate Cost Estimate approved by Congress.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

(1) the costs of construction of the interstate construction project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

(2) a sum equal to the Federal share of such costs, as included in the latest interstate cost esti-

mate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for such project.

(c) LIMITATION ON ELIGIBILITY.—By September 30, 1999, any substitute project approved under subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project.

(d) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE PROJECT.—A substitute project approved under subsection (a) shall be deemed to be a substitute project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.—Unobligated apportionments for the Interstate System in the District of Columbia shall, on the date of approval of a substitute project

under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the interstate construction project for which such project is substituted bears to the Federal share of the total cost of all interstate routes in the District of Columbia as reflected in the latest cost estimate approved by Congress.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

SEC. 140. PROJECT ADMINISTRATION.

(a) LIFE CYCLE COST ANALYSIS.—Section 106(e) is amended—

(1) in paragraph (1) by striking ''with a cost of $25,000,000 or more'';

(2) by adding at the end of paragraph (1) the following: ''The program shall be based on the principles contained in section 2 of Executive Order 12893.''; and

(3) in paragraph (2) by inserting after ''maintenance,'' the following: ''user costs,''.

(b) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility

company's failure to relocate their facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel utility cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs they incur when Federal-aid highway and bridge projects under contract to them are delayed by utility company caused delays in utility

relocations and any methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study with any recommendations the Comptroller General determines appropriate as a result of the study.

SEC. 141. DEFINITIONS.

Section 101(a) is amended to read as follows:

''(a) DEFINITIONS.—The following definitions apply:

''(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

''(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. Such term includes—

"(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce);

"(B) resurfacing, restoration, and rehabilitation;

"(C) acquisition of rights-of-way;

"(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(E) elimination of hazards of railway grade crossings;

"(F) elimination of roadside obstacles;

"(G) improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

"(H) capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

"(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States which do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAYS.—The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any one of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAYS.—The term 'Federal lands highways' means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means a forest road or trail under the jurisdiction of the Forest Service.

"(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

"(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

"(11) HIGHWAY.—The term 'highway' includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or

international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

"(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

"(13) INDIAN RESERVATION ROADS.—The term 'Indian reservation roads' means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined

are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(14) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(e).

"(15) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

"(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

"(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement' means a capital improve-

ment for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

''(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

''(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

''(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a

highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

"(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State highway department and the Secretary as required by section 110(a).

"(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations

under the jurisdiction of and maintained by a public authority and open to public travel.

''(26) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

''(27) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

''(28) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

''(29) STATE.—The term 'State' means any one of the fifty States, the District of Columbia, or Puerto Rico.

''(30) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

''(31) STATE HIGHWAY DEPARTMENT.—The term 'State highway department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(32) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity has a direct link to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, including removal of graffiti and litter to the extent that such removal is in excess of fiscal year 1997 maintenance levels for removal of graffiti and litter, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, mitigation of water pollution due to highway runoff, and provision of tourist and welcome centers and the provision of information at such centers.

"(33) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

"(34) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

TITLE II—HIGHWAY SAFETY

SEC. 201. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 202. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) is amended—

(1) in the fourth sentence by striking ''(4)'' and inserting ''(4) to prevent accidents and''; and

(2) in the eighth sentence by striking ''include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and''.

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) is amended—

(1) by striking ''(b)(1)'' and all that follows through paragraph (2) and inserting the following: ''(b) ADMINISTRATION OF STATE PROGRAMS.—'';

(2) by redesignating paragraph (3), (4), and (5) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(C), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (3)''; and

(4) in paragraph (2), as so redesignated, by striking ''paragraph (3)(C)'' and inserting ''paragraph (1)(C)''.

(c) APPORTIONMENT OF FUNDS.—The 6th sentence of section 402(c) is amended by inserting ''the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and'' after ''except that''.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) is amended to read as follows:

''(i) APPLICATION IN INDIAN COUNTRY.—

''(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except

to those tribes with respect to which the Secretary of Transportation determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCEEDING.—Section 402(j) is amended to read as follows:

"(j) RULEMAKING PROCEEDING.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths.

Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.''.

SEC. 203. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403(a)(2)(A) is amended by inserting '', including training in work zone safety management'' after ''personnel''.

SEC. 204. SAFETY INCENTIVE GRANTS.

(a) IN GENERAL.—Section 405 is amended to read as follows:

''§ 405. Occupant protection incentive grants

''(a) GENERAL AUTHORITY.—

''(1) AUTHORITY TO MAKE GRANTS.—Subject to the provisions of this section, the Secretary shall make grants under subsections (b) and (c) to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (b) or (c) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the Building Efficient Surface Transportation and Equity Act of 1997.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under subsection (b) or (c) in more than 3 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State; and

"(B) in the third fiscal year in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(b) GRANT A.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

"(1) SAFETY BELT USE LAW FOR ALL FRONT SEAT PASSENGERS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the individual's body.

"(2) PRIMARY SAFETY BELT USE LAW OR PENALTY POINTS.—The State provides for primary enforcement of its safety belt use law or provides for the imposition of penalty points against an individual's driver's license for a violation of its safety belt use law.

"(3) CHILD PASSENGER PROTECTION LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 4 years of age in the vehicle is not properly secured in a child safety seat.

"(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

"(5) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems.

"(c) GRANT B.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(1) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the years a grant under this subparagraph is received.

"(2) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(d) GRANT AMOUNTS.—The amount of each grant for which a State qualifies under subsection (b) or (c) for a fiscal year shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DEFINITIONS.—In this subsection, the following definitions apply:

"(1) CHILD SAFETY SEAT.—The term 'child safety seat' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(3) MULTIPURPOSE PASSENGER VEHICLE.—The term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or

trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways,

shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an occupant protection program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program,

the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

''(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 404 the following:

''405. Occupant protection incentive grants.''.

SEC. 205. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Section 406 is amended to read as follows:

''§ 406. State highway safety data improvements

''(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

''(1) improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities for State and local highway and traffic safety programs;

''(2) evaluate the effectiveness of efforts to make such improvements; and

"(3) link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data.

Such grants may be used by recipient States only to implement such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997.

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 3 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(2) in the third fiscal year in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(d) FIRST-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a first-year grant under this section in a fiscal year if the State either—

"(A) demonstrates, to the satisfaction of the Secretary, that the State has—

"(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

"(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the State's highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan, to be approved by

the State's highway safety data and traffic records coordinating committee, that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

''(B) provides, to the satisfaction of the Secretary—

''(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

''(ii) a multiyear plan that—

''(I) identifies and prioritizes the State's highway safety data and traffic records needs and goals;

''(II) specifies how the State's incentive funds for the fiscal year will be used to address those needs and goals; and

''(III) identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) a certification that the State's highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

"(A) if the State is eligible for the grant under paragraph (1)(A), $125,000, subject to the availability of appropriations; and

"(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

"(i) the amount appropriated to carry out this section for such fiscal year; by

"(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(e) SUCCEEDING YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in any fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (d) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear plan described in paragraph (1)(B)(ii);

"(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

"(C) reports annually on the State's progress in implementing the multiyear plan.

"(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying

out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

''(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a highway safety data improvements program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

''(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 405 the following:

"406. State highway safety data improvements.".

SEC. 206. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410 is amended to read as follows:

"§ 410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997.

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under

this section in more than 3 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a); and

"(2) in the third fiscal year in which the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) BASIC GRANT ELIGIBILITY.—

"(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

"(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals

who operate motor vehicles while under the influence of alcohol that requires that—

"(i) in the case of an individual who, in any 5-year period beginning after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system may include a graduated licensing system, the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older, and the issuance of drivers' licenses that are tamper resistant.

"(D) ENFORCEMENT PROGRAM.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehi-

cles are driving while under the influence of alcohol; or

"(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

"(F) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

"(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age

21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

"(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has

been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

"(4) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DISCRETIONARY GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make grants to the State for carrying out innovative programs (other than the programs specified in subsection (d)) to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such programs may seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

"(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (d) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section, not to exceed 12 per-

cent shall be available for making grants under this subsection.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section

402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an alcohol-impaired driving countermeasures program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.".

SEC. 207. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agree-

ment, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

"(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—

(1) CONFORMING AMENDMENTS.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: ", unless the information is about a revocation or suspension still in effect on the date of the request";

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking ''paragraph (2)'' and inserting ''subsection (a) of this section''; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) FEDERAL AGENCY ACCESS PROVISION.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

(B) by inserting after paragraph (5) the following:

''(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the

Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).''; and

(C) by adding at the end the following:

''(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.''.

SEC. 208. BLOWOUT RESISTANT TIRES.

(a) STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

(c) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000 in conducting the study under this section.

SEC. 209. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Public Works and the Environment of the Senate a report containing the results of the study conducted under this section.

SEC. 210. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $128,200,000 for fiscal year 1998, $150,700,000 for fiscal year 1999, and $195,700,000 for fiscal year 2000.

(2) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the Federal Highway Administration $12,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and $25,000,000 for fiscal year 2000.

(3) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $55,000,000 per fiscal year for fiscal years 1998 through 2000.

(4) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the Federal Highway Administration $20,000,000 per fiscal year for fiscal years 1998 through 2000.

(5) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of such title $9,000,000 for fiscal year 1998 and $20,000,000 per fiscal year for fiscal years 1999 and 2000.

(6) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 406 of such title $2,500,000 for fiscal year 1998 and $12,000,000 per fiscal year for fiscal years 1999 and 2000.

(7) ALCOHOL TRAFFIC SAFETY INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $35,000,000 for fiscal year 1998 and $45,000,000 per fiscal year for fiscal years 1999 and 2000.

(8) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,300,000 per fiscal year for fiscal years 1998 through 2000.

SEC. 211. TRANSPORTATION INJURY RESEARCH.

(a) IN GENERAL.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the State University of New York at Buffalo.

(b) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section

127(a)(3)(H) of this Act, $2,000,000 per fiscal year shall be available to carry out this section.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 301. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 302. DEFINITIONS.

Section 5302 is amended to read as follows:

"§ 5302. Definitions

''(a) IN GENERAL.—In this chapter, the following definitions apply:

''(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

''(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the cap-

ital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating a bus;

"(C) remanufacturing a bus;

"(D) overhauling rail rolling stock;

"(E) preventive maintenance;

"(F) leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction; or

"(G) a mass transportation improvement that enhances economic development or incorporates private investment (including commercial and residential development and pedestrian and bicycle access to a mass transportation facility) 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.

"(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

"(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

"(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest;

"(ii) would frustrate substantially legislative policy and intent; or

"(iii) would damage seriously a person or class without serving an important public interest.

"(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

"(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

"(B) using a fixed catenary system and a right of way usable by other forms of transportation.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

"(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least one State or political subdivision of a State;

"(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of a State.

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.

"(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

"(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in mass transportation in the United States before the date of production of the model; or

"(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

"(10) PREVENTIVE MAINTENANCE.—The term 'preventive maintenance' means a major activity intended to improve or upgrade a transit vehicle or facility or repair or replace a damaged, malfunctioning, overaged, or outmoded transit vehicle or facility

system, subsystem, element, or component. Such term does not include any activity of a routine or servicing nature, such as checking and replenishing fluid levels, adjusting settings on otherwise properly operating components, washing and cleaning a transit vehicle or facility, changing tires and wheels, or repairing damage to a vehicle or facility caused by an accident.

"(11) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(12) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(14) TRANSIT.—The term 'transit' means mass transportation.

"(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means with respect to any project or an area to be served by the project, historic preservation, rehabilitation, and operation of

historic mass transportation buildings, structures, and facilities (including historic railroad facilities and canals); projects that enhance transit safety and security; landscaping and other scenic beautification and art in and around mass transportation stations, facilities, bus shelters, bridges, and buses; bicycle and pedestrian access to mass transportation, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; projects that enhance access for the disabled to mass transportation; and archaeological planning and research related to mass transportation projects.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

"(17) URBANIZED AREA.—The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) as it applies to section 5307(d)(1)(D) of this title.".

SEC. 303. METROPOLITAN PLANNING.

(a) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 5303(b) is amended to read as follows:

"(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

"(1) CONSIDERATION.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system;

"(C) increase the accessibility and mobility for people and freight;

"(D) protect and enhance the environment, conserve energy, and enhance quality of life;

"(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promote efficient system utilization and operation; and

"(G) preserve the existing transportation system.

"(2) CONVERSION TO GOALS AND OBJECTIVES.—The metropolitan planning organization shall cooperatively determine with the State and mass transportation operators how the considerations listed in paragraph (1) are translated into metropolitan goals and objectives and how they are factored into decision making.".

(b) LONG RANGE TRANSPORTATION PLAN.—Section 5303(f) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (1) by striking "at least shall—" and inserting "shall contain, at a minimum, the following:";

(3) in paragraph (1)(A) by striking ''identify'' and inserting ''An identification of'';

(4) by striking paragraph (1)(B) and inserting the following:

''(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.'';

(5) in paragraph (1)(C) by striking ''assess'' and inserting ''An assessment of'';

(6) in paragraph (4) by inserting after ''employees,'' the following: ''freight shippers and providers of freight transportation services,''; and

(7) in paragraph (5) by inserting ''transportation'' before ''plan''.

SEC. 304. TRANSPORTATION IMPROVEMENT PROGRAM.

Section 5304 is amended—

(1) in subsection (a) by striking ''2 years'' and inserting ''3 years''; and

(2) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and'';

(C) by adding at the end the following:

''(D) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.''.

SEC. 305. TRANSPORTATION MANAGEMENT AREAS.

Section 5305 is amended—

(1) in subsection (c) by striking ''shall'' and inserting ''may''; and

(2) in subsection (d)(1) by striking ''of the National Highway System'' each place it appears and inserting the following: ''under the National Highway System and high risk road safety programs,''.

SEC. 306. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION.—Section 5307 is amended by striking the section heading and inserting the following:

''§ 5307. Urbanized area formula grants''.

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

''5307. Urbanized area formula grants.''.

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking ''In this section'' and inserting ''In this section, the following definitions apply:'';

(2) by inserting ''ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term'' after ''(1)'';

(3) by inserting ''DESIGNATED RECIPIENT.—The term'' after ''(2)''.

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking ", improvement, and operating costs" and inserting "and improvement costs"; and

(B) by adding at the end the following new sentence: "In an urbanized area with a population of less than 200,000, the Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation.";

(2) by striking paragraphs (3) and (5); and

(3) redesignating paragraph (4) as paragraph (3).

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking "the amount by which" and all that follows through the period at the end and inserting "the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.".

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: "To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.".

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

''(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 percent of the funds apportioned to urbanized areas of at least 200,000 population under section 5336 for a fiscal year shall only be available for transit enhancement activities.''.

(g) CONFORMING AMENDMENTS.—Section 5307(n) is amended—

(1) by striking ''(1)'' the first place it appears and all that follows through ''(2)''; and

(2) by inserting ''5319,'' after ''5318,''.

SEC. 307. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 5308, and the item relating to section 5308 in the table of sections for chapter 53, are repealed.

SEC. 308. CAPITAL PROGRAM GRANTS AND LOANS.

(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking ''**Discretionary**'' and inserting ''**Capital program**''.

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for chapter 53 is amended by striking ''Discretionary'' and inserting ''Capital program''.

(c) GENERAL AUTHORITY.—Section 5309(a) is amended—

(1) by striking subparagraph (E) and inserting the following:

''(E) capital projects to modernize existing fixed guideway systems;'';

(2) by striking ''and'' at the end of paragraph (1)(F);

(3) by striking the period at the end of paragraph (1)(G) and inserting ''; and''; and

(4) by inserting after paragraph (1)(G) the following:

''(H) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.''.

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is repealed.

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) IN GENERAL.—The Secretary 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 determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) consider factors such as congestion relief, improved mobility, air pollution, noise

pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider existing mass transportation supportive land use policies and future land use patterns and the costs 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, current transit ridership in the corridor, and 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 determines appropriate to carry out this chapter.

"(4) LOCAL FINANCIAL COMMITMENT.—

"(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) STABILITY, RELIABILITY, AND AVAILABILITY OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing for the project, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5) REGULATIONS.—No later than 120 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997, the Secretary shall issue regulations on how the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment as required under this subsection.

"(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the

project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as 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. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

"(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8) LIMITATIONS ON APPLICABILITY.—

"(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A

project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a project financed completely with amounts made

available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of the enactment of this subparagraph.".

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) is amended—

(1) in the subsection heading by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding";

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting before the first comma "or entering into a full funding grant agreement"; and

(C) by striking "issuance of the letter." and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as

the evaluations and ratings for the project.''; and

(4) in paragraph (2) by striking ''full financing'' each place it appears and inserting ''full funding''.

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

''(m) ALLOCATING AMOUNTS.—

''(1) IN GENERAL.—Of the amounts made available by section 5338(b) for grants and loans under this section for each of fiscal years 1998, 1999, and 2000—

''(A) 40 percent shall be available for fixed guideway modernization;

''(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

''(C) 20 percent shall be available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

''(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the

amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(3) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available by paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998, 1999, and 2000 to carry out section 5318.

"(C) FUNDING FOR BUS TECHNOLOGY PILOT PROGRAM.—Of the funds made available by paragraph (1)(C), 10 percent shall be available in each of fiscal years 1998, 1999, and 2000 to carry out the bus technology pilot program under subsection (o).

"(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

"(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) may receive assistance for a project described in another of those clauses.".

(h) ADVANCE CONSTRUCTION.—Section 5309(n)(2) is amended by striking "in a way" and inserting "in a manner".

(i) CONFORMING AMENDMENTS.—

(1) RELOCATION OF SUBSECTION.—Section 5309 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (o) as subsections (f) through (n), respectively.

(2) CROSS REFERENCES.—Chapter 53 is amended—

(A) in section 5319 by striking "5309(h) and inserting "5309(g)";

(B) in section 5328(a)(2) by striking "5309(e)(1)–(6) of this title" and inserting "5309(e)"; and

(C) in section 5328(a)(4) by striking "5309(m)(2) of this title" and inserting "5309(o)(1)".

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Sections 5320 and 5328(a)(4) are each amended by striking ''full financing'' and inserting ''full funding''. The subsection heading for section 5320(e) is amended by striking ''FINANCING'' and inserting ''FUNDING''.

(j) BUS TECHNOLOGY PILOT PROGRAM.—Section 5309 is further amended by adding at the end the following:

''(o) BUS TECHNOLOGY PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a pilot program for the testing and deployment of new bus technology, including clean fuel and alternative fuel technology.

''(2) PROJECTS.—Under the pilot program, the Secretary shall carry out projects for testing and deployment of new bus technology, including clean fuel and alternative fuel technology. The Secretary shall select projects for funding under the pilot program that will employ a variety of technologies and will be performed in a variety of geographic areas of the country with populations under 50,000, between 50,000 and 200,000, and over 200,000.

''(3) REPORT.—Not later than April 30, 2000, the Secretary shall transmit to the Committee on

Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the pilot program, including a description of the projects carried out, the amounts obligated, and the status of the test and deployment activities undertaken.''.

(k) REPORTS.—Section 5309 is further 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.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of the enactment of this Act or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—the General Accounting Office shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) shall report to Congress on the results of such review by April 30 of each year.".

(l) PROJECT DEFINED.—Section 5309 is further amended by adding at the end the following:

"(q) PROJECT DEFINED.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.".

SEC. 309. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) SECTION HEADING.—Section 5310 is amended in the section heading by inserting "**formula**" before "**grants**".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting "formula" before "grants".

SEC. 310. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) INTERCITY BUS TRANSPORTATION.—Section 5311 is amended—

(1) in the section heading by striking "**financial assistance**" and inserting "**formula grants**"; and

(2) in subsection (f)(1) by striking "10 percent of the amount made available in the fiscal year ending September 30, 1993, and".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by striking "Financial assistance" and inserting "Formula grant".

SEC. 311. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in each of subsections (a) and (b) by striking the first parenthetical phrase; and

(2) by adding at the end the following:

"(d) JOINT PARTNERSHIPS FOR DEPLOYMENT OF INNOVATION.—

"(1) CONSORTIUM DEFINED.—In this subsection, the term "consortium" means one or more public or private organizations located in the United States which provide mass transportation service to

the public and one or more businesses, including small and medium sized businesses, incorporated in a State, offering goods or services or willing to offer goods or services to mass transportation operators. It may include as additional members public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GRANTS AND AGREEMENTS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with consortia selected competitively from among public and private partnerships to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. Any such grant, contract, or agreement shall provide for the sharing of costs, risks, and rewards of early deployment of innovation. Such grants, contracts, and agreements shall be subject to such terms and conditions as the Secretary prescribes.

"(3) CONSULTATION REQUIREMENT.—This subsection shall be carried out in consultation with the transit industry.

"(4) COST SHARING.—Any consortium that receives a grant or enters into a contract or agreement under this subsection shall provide at least 50 per-

cent of the cost of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to such project.

"(5) PUBLIC NOTICE.—The Secretary shall periodically give public notice of—

"(A) the technical areas for which joint partnerships are solicited under this subsection;

"(B) required qualifications of consortia desiring to participate in such partnerships;

"(C) the method of selection and evaluation criteria to be used in selecting participating consortia and projects under this subsection; and

"(D) the process by which projects will be awarded under this subsection.

"(6) ACCEPTANCE OF REVENUES.—The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this subsection and deposit any revenues accepted into a special account of the Treasury of the United States to be established for purposes of carrying out this subsection.

"(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

"(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. These activities may include—

"(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

"(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

"(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

"(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

"(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

"(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

"(3) FUNDING.—The funds available to carry out this subsection shall include funds paid to the Secretary by any cooperating organization or person and shall be deposited by the Secretary in a special account in the Treasury of the United States to be established for purposes of carrying out this subsection. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this subsection. Reimbursement for services provided under this subsection shall be credited to the appropriation account concerned.".

(b) MASS TRANSPORTATION TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.—

(1) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with eligible consortia to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) ELIGIBILITY CRITERIA.—To be qualified to receive funding under this section, an eligible consortium shall—

(A) be organized for the purpose of designing, developing, and deploying advanced mass transportation technologies that address identified technological impediments in the mass transportation field;

(B) have an established mechanism for designing, developing, and deploying advanced mass transportation technologies as evidenced by participation in a Federal program such as the consortia funded pursuant to Public Law 102–396;

(C) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(D) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes of this section; and

(E) provide for the sharing of costs, risks, and rewards of early deployment of innovation in mass transportation technologies.

(3) GRANT REQUIREMENTS.—Grants, contracts, and agreements under paragraph (1) shall be eligible under and consistent with section 5312 of title 49, United States Code, and shall be subject to such terms and conditions as the Secretary prescribes.

(4) FEDERAL SHARE OF COSTS.—The Federal share of costs for a grant, contract, or agreement with a consortium under this subsection shall not exceed 50 percent of the net project cost.

(5) ELIGIBLE CONSORTIUM DEFINED.—For purposes of this section, the term ''eligible consortium'' means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States;

(D) Federal laboratories; or

(E) existing consortia funded pursuant to Public Law 103–396.

(6) FUNDING.—

(A) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5338(d).—Of the funds made available by or appropriated under section 5338(d) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(B) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5309(o).—Of the funds made available to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(c) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $5,000,000 per fiscal year shall be available to carry out this subsection.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

SEC. 312. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315 is amended—

(1) in the section heading by striking ''**mass transportation**'' and inserting ''**transit**''; and

(2) in subsection (a)—

(A) by striking ''mass transportation'' in the first sentence and inserting ''transit'';

(B) by inserting ''and architectural design'' before the semicolon at the end of paragraph (5);

(C) by striking ''carrying out'' in paragraph (7) and inserting ''delivering'';

(D) by inserting ", construction management, insurance, and risk management" before the semicolon at the end of paragraph (11);

(E) by striking "and" at the end of paragraph (13);

(F) by striking the period at the end of paragraph (14) and inserting "; and"; and

(G) by adding at the end the following:

"(15) innovative finance.".

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking "mass transportation" and inserting "transit".

SEC. 313. UNIVERSITY RESEARCH INSTITUTES.

Section 5316, and the item relating to section 5316 in the table of sections for chapter 53, are repealed.

SEC. 314. TRANSPORTATION CENTERS.

Section 5317, and the item relating to section 5317 in the table of sections for chapter 53, are repealed.

SEC. 315. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,";

(2) by inserting ''or organization'' after ''person'';

(3) by inserting '', cooperative agreement, or grant'' after ''The contract''; and

(4) by inserting ''mass transportation'' after ''and other''.

(b) AVAILABILITY OF AMOUNTS.—Section 5318(e) is amended—

(1) by striking ''make a contract with'' and inserting ''enter into a contract or cooperative agreement with, or make a grant to,''; and

(2) by striking ''5338(j)(5)'' and inserting ''5312''.

SEC. 316. BICYCLE FACILITIES.

Section 5319 is amended by striking ''under this section is for 90 percent of the cost of the project'' and inserting ''made eligible by this section is for 90 percent of the cost of the project; except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent''.

SEC. 317. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking ''BUYING AND OPERATING BUSES.—'' and inserting ''CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—''.

(b) REQUIRED PAYMENTS AND ELIGIBLE COSTS.—Section 5323(e) is amended to read as follows:

''(e) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—

''(1) REQUIRED PAYMENTS.—Each grant or loan under this chapter for a capital project described in section 5302(a)(1)(G) shall require that a person making an agreement to occupy space in a facility funded under this chapter pay a reasonable share of the costs of the facility through rental payments and other means.

''(2) ELIGIBLE COSTS.—Eligible costs for a capital project described in section 5302(a)(1)(G)—

''(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

"(B) do not include construction of a commercial revenue producing facility or a part of a public facility not related to mass transportation.".

(c) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

"(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with such Acts.".

(d) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

"(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification made

under this subsection if the Secretary is satisfied that the manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.''.

(e) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Section 5323 is amended by redesignating subsections (k) and (l) as subsections (l) and (m) and by inserting after subsection (j) the following:

''(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services and shall be included in the planning for such services.''.

(f) SUBMISSION OF CERTIFICATIONS.—Section 5323 is further amended by adding at the end the following:

''(n) SUBMISSION OF CERTIFICATIONS.—

''(1) IN GENERAL.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be sub-

mitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).

"(2) APPLICABILITY OF FALSE CLAIMS ACT.—Section 1001 of title 18 applies to a certificate or submission under this chapter. The Secretary may end a grant under this chapter and seek reimbursement, directly by offsetting amounts available under section 5336, when a false or fraudulent statement or related act within the meaning of such section 1001 is made in connection with a certification or submission under this chapter.".

SEC. 318. CONTRACT REQUIREMENTS.

Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including

improved long-term operating efficiency and lower long-term costs.''.

SEC. 319. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.'';

(2) in paragraph (2)—

(A) by inserting ''SELECTION OF TURNKEY PROJECTS.—'' after ''(2)''; and

(B) by inserting ''or an operable segment of a mass transportation system'' after ''transportation system'';

(3) in paragraph (3) by inserting "DEMONSTRATIONS.—" after "(3)";

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

"(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may make a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may make a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Sec-

retary, if the recipient first certifies in writing to the Secretary that—

"(1) the manufacturer or supplier is the only source for the item; and

"(2) the price of the item is no more than the price similar customers pay for the item.".

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking "5323(a)(2), (c) and (e), 5324(c), and 5325 of this title" and inserting "5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)".

SEC. 320. PROJECT MANAGEMENT OVERSIGHT.

Section 5327(c)(2) is amended—

(1) by striking "make contracts" and inserting "enter into contracts"; and

(2) by inserting before the period at the end of the first sentence the following: "and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section".

SEC. 321. STUDY ON ALCOHOL AND CONTROLLED SUBSTANCES RANDOM TESTING RATE CALCULATION.

(a) STUDY.—The Secretary shall conduct a study to determine how the alcohol and controlled substances ran-

dom testing rate under section 5331 of title 49, United States Code, should be calculated.

(b) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the differences in random testing results among employers subject to section 5331 of title 49, United States Code;

(2) the differences in random testing results among employers subject to such section in areas with populations of at least 200,000, in areas with populations less than 200,000, and in other than urbanized areas;

(3) the deterrent effect of random testing; and

(4) the effect of random testing on public safety.

(c) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any proposed changes to the calculation of the random alcohol and controlled substances testing rate.

SEC. 322. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) by striking ''and'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.".

(b) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Section 5334(i) is amended to read as follows:

"(i) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Not later than 180 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997, the Secretary shall seek public comment on ways to simplify and streamline the administration of the formula program for urbanized areas with populations of less than 200,000 and shall make, to the extent feasible and consistent with statutory requirements, every effort to ease any administrative burdens thereby identified.".

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5334 is amended by inserting "**provisions**" after "**Administrative**".

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting ''provisions'' after ''Administrative''.

SEC. 323. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking ''REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS'' and inserting ''NATIONAL TRANSIT DATABASE''; and

(2) in paragraph (1)—

(A) by striking ''by uniform categories,'' and inserting ''using uniform categories''; and

(B) by striking ''and a uniform system of accounts and records'' and inserting ''and using a uniform system of accounts''.

(b) REPORTS.—Section 5335 is further amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) in such redesignated subsection by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''.

SEC. 324. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 is amended—

(1) in the section heading by striking "**block grants**" and inserting "**formula grants**"; and

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATION ON OPERATING ASSISTANCE AND PREVENTIVE MAINTENANCE.—Of the funds apportioned under this section for urbanized areas, such sums as may be necessary shall be available for operating assistance for urbanized areas with populations under 200,000, except that the total amount of such funds made available for such operating assistance and for preventive maintenance activities for urbanized areas that become eligible for capital assistance under section 5307 on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1997 may not exceed $400,000,000 for any fiscal year.".

SEC. 325. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) 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, and 2000, 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 $74,849,950 shall be apportioned as follows:

"(A) $4,849,950 to the Alaska Railroad for improvements to its passenger operations.

"(B) Of the remaining $70,000,000—

"(i) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A); and

"(ii) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.

"(B) Cleveland, 10.73 percent.

"(C) New Orleans, 5.79 percent.

"(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) The next $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) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(6) The next $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 is further 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 at least 7 years before the fiscal year in which amounts are made available.''.

SEC. 326. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

"§ 5338. Authorizations

''(a) FORMULA GRANTS.—

''(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311—

''(A) $2,698,000,000 for fiscal year 1998;

''(B) $3,213,000,000 for fiscal year 1999; and

''(C) $3,553,000,000 for fiscal year 2000.

''(2) FROM THE GENERAL FUND.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out sections 5307 and 5311—

''(A) $290,000,000 for fiscal year 1998; and

''(B) $68,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this subsection for a fiscal year—

"(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(B) 5.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(C) 92.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

"(b) CAPITAL PROGRAM GRANTS AND LOANS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309:

"(1) $2,197,000,000 for fiscal year 1998.

"(2) $2,412,000,000 for fiscal year 1999.

"(3) $2,613,000,000 for fiscal year 2000.

"(c) PLANNING.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b) $54,000,000 for fiscal year 2000.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

"(A) $48,000,000 for fiscal year 1998; and

"(B) $52,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

"(B) 17.28 percent shall be available for State planning under section 5313(b).

"(d) RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for fiscal year 2000.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 per fiscal year for fiscal years 1998 and 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

"(B) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

"(C) not less than $3,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

"(D) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

"(e) UNIVERSITY TRANSPORTATION RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505 $6,000,000 for fiscal year 2000.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out section 5505 $6,000,000 per fiscal year for fiscal years 1998 and 1999.

"(f) ADMINISTRATION.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund for administrative expenses to carry out section 5334 $52,000,000 for fiscal year 2000.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated for administrative expenses to carry out section 5334—

"(A) $46,000,000 for fiscal year 1998; and

"(B) $50,000,000 for fiscal year 1999.

"(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b), (c)(1), (d)(1), or (e)(1), is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2), (c)(2), (d)(2), or (e)(2), is a contractual obligation of the Government to pay the Government's share of the cost of the project

only to the extent amounts are provided in advance in an appropriations law.

"(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A) by striking "5338(g)(1)" and inserting "5338(c)(3)(A)".

(2) In section 5303(h)(1) by striking "–5306" and inserting "and 5305".

(3) In section 5303(h)(4) by striking "5338(g)" and inserting "5338(c)(3)(A)".

(4) In section 5309(g)(4) by striking "5338(a)" and inserting "5338(b)".

(5) In section 5310(b) by striking "5338(a)" and inserting "5338(a)(3)(A)".

(6) In section 5311(c) by striking "5338(a)" and inserting "5338(a)(3)(B)".

(7) In section 5313(a)(1) by striking "section 5338(g)(3)" and inserting "sections 5338(d)(3)(B) and 5338(d)(3)(D)".

(8) In section 5313(b)(1) by striking "5338(g)(3)" and inserting "5338(c)(3)(B)".

(9) In section 5314(a)(1) by striking "5338(g)(4)" and inserting "5338(d)(3)(D)".

(10) In section 5318(d) by striking "5338(j)(5)" and inserting "5309(m)(3)(B)".

(11) In section 5333(b) by striking "5338(j)(5)" each place it appears and inserting "5338(b)".

(12) In section 5336(a) by striking "5338(f)" and inserting "5338(a)(3)(C)".

(13) In section 5336(d)(2) by striking "5338(f)" each place it appears and inserting "5338(a)(3)(C)".

(14) In section 5336(e)(1) by striking "5338(f)" and inserting "5338(a)(3)(C)".

SEC. 327. OBLIGATION CEILING.

(a) CAPITAL PROGRAM GRANTS AND LOANS.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by section 5338(b) of title 49, United States Code, shall not exceed—

(1) $2,197,000,000 in fiscal year 1998;

(2) $2,412,000,000 in fiscal year 1999; and

(3) $2,613,000,000 in fiscal year 2000.

(b) FORMULA GRANTS, PLANNING, RESEARCH, AND ADMINISTRATION.—Notwithstanding any other provision

of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsections (a), (c), (d), (e), and (f) of section 5338 of title 49, United States Code, shall not exceed—

(1) $2,698,000,000 in fiscal year 1998;

(2) $3,213,000,000 in fiscal year 1999; and

(3) $3,703,000,000 in fiscal year 2000.

SEC. 328. ACCESS TO JOBS CHALLENGE GRANT PILOT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist States, local governmental authorities, and nonprofit organizations in financing transportation services designed to transport welfare recipients to and from jobs and activities related to their employment. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(b) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider the following:

(1) The percentage of the population in the area to be served that are welfare recipients.

(2) The need for additional services to transport welfare recipients 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 existing 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 presents a comprehensive approach to addressing the needs of welfare recipients and identifies long-term financing strategies to support the services under this section.

(c) ELIGIBLE PROJECTS.—The Secretary may make grants under this section for—

(1) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

(2) promoting the use of transit by workers with nontraditional work schedules;

(3) promoting the use by appropriate agencies of transit vouchers for welfare recipients under specific terms and conditions developed by the Secretary; and

(4) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26, United States Code.

No planning or coordination activities are eligible for assistance under this section.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis. The Secretary shall select not more than 10 demonstration projects for the pilot program, including 6 projects from urbanized areas with populations of at least 200,000, 2 projects from urbanized areas with populations less than 200,000, and 2 projects from other than urbanized areas.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds appropriated to carry out this section. The Federal share of the costs for a project under this section shall not exceed 50 percent of the net project cost. The remainder shall be provided in cash from sources other than revenues

from providing mass transportation. Funds appropriated to a Federal department or agency (other than the Department of Transportation) and eligible to be used for transportation may be used toward the nongovernment share payable on a project under this section.

(f) PLANNING REQUIREMENTS.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to grants made under this section. Applications must reflect coordination with and the approval of affected transit grant recipients and the projects financed must be part of a coordinated public transit-human services transportation planning process.

(g) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions of grants made under section 5307 of title 49, United States Code, and such terms and conditions as determined by the Secretary.

(h) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Six months after the date of the enactment of this Act and each 6 months thereafter, the Comptroller General shall conduct a study to evaluate the access to jobs program conducted under this section and 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 the results of the study.

(2) DEPARTMENT OF TRANSPORTATION.—The Secretary shall conduct a study to evaluate the access to jobs program conducted under this section and 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 the results of the study within 2 years of the date of the enactment of this Act.

(i) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT AND URBANIZED AREA.—The terms ''capital project'' and ''urbanized area'' have the meaning such terms have under section 5302 of title 49, United States Code.

(2) 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.

(3) WELFARE RECIPIENT.—The term ''welfare recipient'' means an individual who receives or re-

ceived 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) at any time during the 3-year period ending on the date the applicant applies for a grant under this section.

(j) FUNDING.—There is authorized to be appropriated to carry out this section $42,000,000 per fiscal year for fiscal years 1998, 1999, and 2000. Such sums shall remain available until expended.

SEC. 329. SENSE OF THE COMMITTEE REGARDING THE MASS TRANSIT ACCOUNT.

It is the sense of the Committee on Transportation and Infrastructure of the House of Representatives that the limitation on the Mass Transit Account of the Highway Trust Fund under section 9503(e)(4) of the Internal Revenue Code of 1986 with regard to the mass transit portion of receipts should be 24 months.

SEC. 330. PROJECT MANAGEMENT OVERSIGHT.

(a) STUDY.—The Comptroller General shall conduct a study of the Secretary of Transportation's implementation of project management oversight under section 5327 of title 49, United States Code.

(b) CONTENTS.—The study shall include the following:

(1) A listing of the amounts made available under section 5327(c)(1) of title 49, United States Code, for project management oversight in each of fiscal years 1992 through 1997 and a description of the activities funded using such amounts.

(2) A description of the major capital projects subject to project management oversight, including the grant amounts for such projects.

(3) A description of the contracts entered into for project management oversight, including the scope of work and dollar amounts of such contracts.

(4) A determination of whether the project management oversight activities conducted by the Secretary are authorized under section 5327.

(5) A description of any cost savings or program improvements resulting from project management oversight.

(6) Recommendations regarding any changes that would improve the project management oversight function.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 331. PRIVATIZATION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have privatized or contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding privatization or contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 332. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues attendant to transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of

Transportation Statistics, and other relevant entities, available crash injury data, and if unavailable or insufficient, recommend a new data collection regimen and implementation guidelines; and

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety and other factors that the Secretary considers appropriate; and

(2) the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation operators, employee organizations, academic and policy analysts, and other interested parties.

(c) REPORT.—Not later than 12 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 333. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the current formula for apportioning funds to urbanized areas accurately reflects the transit

needs of the urbanized areas and if not whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 334. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation)

that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of the enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 401. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms

of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 402. STATE GRANTS.

(a) OBJECTIVE AND DEFINITIONS.—Section 31101 is amended—

(1) by striking

"§ 31101. Definitions"

and inserting the following:

"§ 31101. Objective and definitions";

(2) in paragraph (1)(A)—

(A) by inserting ''or gross vehicle weight'' after ''rating''; and

(B) by striking ''10,000 pounds'' and inserting ''10,001 pounds, whichever is greater'';

(3) in paragraph (1)(C) by inserting ''and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103'' after ''title'';

(4) by striking ''In this subchapter—'' and inserting the following:

''(b) DEFINITIONS.—In this subchapter the following definitions apply:''; and

(5) by inserting after the section heading the following:

''(a) OBJECTIVE.—The objective of this subchapter is to ensure that the Secretary, States, and other political jurisdictions establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

''(1) promoting safe for-hire and private transportation, including transportation of passengers and hazardous materials, to reduce the number and severity of commercial motor vehicle crashes;

''(2) developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including enforcement of State and local traffic safety laws and regulations;

''(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information, and monitoring program effectiveness;

''(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate

training in safe operational practices and regulatory requirements; and

"(5) advancing promising technologies and encouraging adoption of safe operational practices.".

(b) PERFORMANCE-BASED GRANTS AND HAZARDOUS MATERIALS TRANSPORTATION SAFETY.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting "improving motor carrier safety and" after "programs for"; and

(B) by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce"; and

(B) by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) in subparagraph (J) by inserting "(1)" after "(c)";

(2) by striking subparagraphs (K), (L), (M), and (N) and inserting the following:

''(K) ensures consistent, effective, and reasonable sanctions;

''(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

''(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

''(N) implements performance-based activities by fiscal year 2003;'';

(3) in subparagraph (O)—

(A) by inserting after ''activities'' the following: ''in support of national priorities and performance goals, including'';

(B) by striking ''to remove'' in clause (i) and inserting ''activities aimed at removing'';

(C) by striking ''to provide'' in clause (ii) and inserting ''activities aimed at providing''; and

(D) by inserting ''and'' after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;";

(4) by striking subparagraph (P) and inserting the following:

"(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;";

(5) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(6) by adding at the end the following:

"(R) ensures that roadside inspections will be conducted only at a distance that is adequate to protect the safety of drivers and enforcement personnel.".

(d) UNITED STATES GOVERNMENT'S SHARE OF COSTS.—The first sentence of section 31103 is amended by inserting "improve commercial motor vehicle safety and" before "enforce".

(e) AVAILABILITY OF AMOUNTS.—Section 31104(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

"(1) Not more than $78,000,000 for fiscal year 1998.

"(2) Not more than $110,000,000 for fiscal year 1999.

"(3) Not more than $130,000,000 for fiscal year 2000."

(f) CONFORMING AMENDMENT.—Section 31104(b) is amended by striking "(1)" and by striking paragraph (2).

(g) ALLOCATION CRITERIA AND ELIGIBILITY.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102.

Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

''(2) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) to reimburse—

''(A) States for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies; and

''(B) local governments and other persons that use trained and qualified officers and employees, for carrying out activities and projects described in subparagraph (A) in coordination with State motor vehicle safety agencies.'';

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i);

(4) by redesignating subsection (j) as subsection (h); and

(5) in the first sentence of subsection (h), as so redesignated, by striking ''tolerance''.

(h) CONFORMING AMENDMENT.—The table of sections for chapter 311 is amended by striking the item relating to section 31101 and inserting the following:

"31101. Objective and definitions.".

SEC. 403. INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 31106 is amended to read as follows:

"§ 31106. Information systems

"(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

"(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities required under this title.

"(2) COORDINATION INTO NETWORK.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

"(3) DATA ANALYSIS CAPACITY AND PROGRAMS.— The Secretary shall develop and maintain

under this section data analysis capacity and programs that provide the means to—

"(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

"(B) evaluate the safety fitness of motor carriers, commercial motor vehicles, and drivers;

"(C) develop strategies to mitigate safety problems and to measure the effectiveness of such strategies and related programs;

"(D) determine the cost-effectiveness of Federal and State safety and enforcement programs and other countermeasures; and

"(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

"(4) STANDARDS.—To implement this section, the Secretary may prescribe technical and operational standards to ensure—

"(A) uniform, timely, and accurate information collection and reporting by the States and other entities;

"(B) uniform Federal, State, and local policies and procedures; and

"(C) the reliability and availability of the information to the Secretary, States, and others as the Secretary determines appropriate.

"(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

"(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the information systems authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The clearinghouse and repository shall include information on the safety fitness of each motor carrier and registrant and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

"(2) DESIGN.—The program shall link Federal safety information systems with State registration and licensing systems and shall be designed to enable a State to—

"(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the motor carrier or commercial

motor vehicle or while the license or registration is in effect; and

"(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

"(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

"(A) comply with the technical and operational standards prescribed by the Secretary under subsection (a)(4); and

"(B) possess or seek authority to impose commercial motor vehicle registration sanctions or operating limitations on the basis of a Federal safety fitness determination.

"(4) FUNDING.—Of the amounts made available under section 31107, not more than $6,000,000 in each of fiscal years 1998, 1999, and 2000 may be used to carry out this subsection.

"(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on commercial motor vehicle drivers;

"(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

"(4) developing appropriate strategies and countermeasures to improve driver safety.

"(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

"(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION.—

"(1) AVAILABILITY OF INFORMATION.—The Secretary shall make data collected in systems and through programs under this section available to the public to the maximum extent permissible under the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

"(2) REVIEW OF DATA.—The Secretary shall allow individuals and motor carriers to whom the data pertains to review periodically such data and to request corrections or clarifications.

"(3) STATE AND LOCAL OFFICIALS.—State and local safety and enforcement officials shall have access to data made available under this subsection to the same extent as Federal safety and enforcement officials.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31107 is amended to read as follows:

"§ 31107. Authorization of appropriations for information systems

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

"(1) $7,000,000 for fiscal year 1998;

"(2) $15,000,000 for fiscal year 1999; and

"(3) $20,000,000 for fiscal year 2000.

The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a

contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''.

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after ''GRANTS'' the following: ''AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS''.

(d) CONFORMING AMENDMENTS.—The table of sections for chapter 311 is amended—

(1) by striking

''SUBCHAPTER I—STATE GRANTS''

and inserting

''SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'';

(2) by striking the item relating to section 31106 and inserting the following:

''31106. Information systems.''; and

(3) by striking the item relating to section 31107 and inserting the following:

''31107. Authorization of appropriations for information systems.''.

SEC. 404. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking ''section—'' and inserting ''section, the following definitions apply:'';

(2) by inserting after ''(1)'' the following: ''MAXI-CUBE VEHICLE.—The term'';

(3) by inserting after ''(2)'' the following: ''TRUCK TRACTOR.—The term'';

(4) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(5) by inserting before paragraph (2), as so redesignated, the following:

''(1) AUTOMOBILE TRANSPORTER.—The term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.''.

SEC. 405. INSPECTIONS AND REPORTS.

(a) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting ''and make contracts for'' after ''conduct''.

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting ''(and, in the case of a motor carrier, a contractor)'' before the second comma.

SEC. 406. EXEMPTIONS AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

''§ 31315. Exemptions and pilot programs

''(a) EXEMPTIONS.—

''(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons

an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date. A person may request a renewal of an exemption.

"(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if the person fails to comply with the terms and conditions of such exemption or if continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of the enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

"(A) The provisions from which the person requests exemption.

"(B) The time period during which the exemption would apply.

"(C) An analysis of the safety impacts the exemption may cause.

"(D) The specific countermeasures the person would undertake, if the exemption were granted, to ensure an equal or greater level of safety than would be achieved absent the exemption.

"(4) NOTICE AND COMMENT.—

"(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

"(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the

effective period, and all terms and conditions of the exemption.

"(C) UPON DENYING A REQUEST.—Upon denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial.

"(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request, or the Secretary shall publish in the Federal Register the reason for the delay in decision and an estimate of when the decision will be made.

"(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

"(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify

State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

''(b) PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of the program and the exemptions to be considered and provide notice and an opportunity for public comment before the effective date of any exemptions.

''(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall include, at a minimum, the following elements in each pilot program plan:

''(A) A program scheduled life of not more than 3 years.

"(B) A scientifically valid methodology and study design, including a specific data collection and analysis plan, that identifies appropriate control groups for comparison.

"(C) The fewest participants necessary to yield statistically valid findings.

"(D) Observance of appropriate ethical protocols for the use of human subjects in field experiments.

"(E) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(F) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(G) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

"(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and

objectives of this chapter or section 31136, as the case may be.

"(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall promptly report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to law or regulation that would enhance motor carrier, vehicle, and driver safety and improve compliance with national safety standards.

"(c) PREEMPTION OF STATE RULES.—During the time period that an exemption or pilot program is in effect under this section, no State shall enforce any law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

"31315. Exemptions and pilot programs.".

(c) CONFORMING AMENDMENT.—Section 31136(e) is amended to read as follows:

"(e) EXEMPTIONS.—The Secretary may grant exemptions from any regulation prescribed under this section in accordance with section 31315.".

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by subsections (a) and (c) of this section shall not apply to or otherwise affect an exemption or waiver in effect on the day before the date of the enactment of this Act under section 31315 or 31136(e) of title 49, United States Code.

SEC. 407. SAFETY REGULATION.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1)(A) is amended—

(1) by inserting "or gross vehicle weight" after "rating";

(2) by inserting ", whichever is greater" after "pounds".

(b) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the table of sections for chapter 311, are repealed.

(c) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the table of sections for chapter 311, are repealed.

(d) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) SUBMISSION OF REGULATION.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation immediately after the enactment or issuance.

"(c) REVIEW AND DECISIONS BY SECRETARY.—

"(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

"(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

"(B) is less stringent than such regulation; or

"(C) is additional to or more stringent than such regulation.

"(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

"(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

"(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

"(A) the State law or regulation has no safety benefit;

"(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

"(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

"(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation

with the implementation of all similar laws and regulations of other States.'';

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(e) INSPECTION OF SAFETY EQUIPMENT.—Section 31142(a) is amended by striking ''part 393 of title 49, Code of Federal Regulations'' and inserting ''the regulations issued under section 31136''.

(f) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended—

(1) by inserting after ''from'' the following: ''participating in the activities of a voluntary group of States''; and

(2) by striking ''that meets'' and all that follows through ''1984''.

SEC. 408. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the table of sections for chapter 311, are repealed.

SEC. 409. COMMERCIAL VEHICLE OPERATORS.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or gross vehicle weight'' after ''rating'' the first 2 places it appears; and

(B) by inserting '', whichever is greater,'' after ''pounds'' the first place it appears; and

(2) in subparagraph (C)(ii) by inserting ''is'' before ''transporting'' each place it appears.

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

''§ 31302. Driver's license requirement

''An individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license. An individual operating a commercial motor vehicle may have only one driver's license at any time.''.

(2) CONFORMING AMENDMENT.—The item relating to section 31302 in the table of sections for chapter 313 is amended to read as follows:

''31302. Driver's license requirement.''.

(c) UNIQUE IDENTIFIERS IN CDLS.—

(1) IN GENERAL.—Section 31308(2) is amended by inserting before the semicolon ''and each license issued after January 1, 2000, include unique identifiers to minimize fraud and duplication''.

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) in subsection (a) by striking ''make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section,'' and inserting ''maintain'';

(2) by inserting after the first sentence of subsection (a) the following: ''The system shall be coordinated with activities carried out under section 31106.'';

(3) by striking subsections (b) and (c);

(4) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(C) by adding at the end the following:

''(G) information on all fines, penalties, convictions, and failure to appear for a hearing or trial incurred by the operator with respect to operation of

a motor vehicle for a period of not less than 3 years beginning on the date of the imposition of such a fine or penalty or the date of such a conviction or failure to appear.'';

(5) by striking subsection (d)(2) and inserting the following:

''(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).'';

(6) by striking subsection (e) and inserting the following:

''(e) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available in accordance with section 31106(e).'';

(7) in subsection (f) by striking ''If the Secretary establishes an information system under this section, the'' and inserting ''The'';

(8) by striking ''shall'' in the first sentence of subsection (f) and inserting ''may''; and

(9) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(e) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such

sections in the table of sections for chapter 313, are repealed.

(f) UPDATING AMENDMENTS.—Section 31314 is amended—

(1) by striking ''(2), (5), and (6)'' each place it appears in subsections (a) and (b) and inserting ''(3), and (5)'';

(2) in subsection (c) by striking ''(1) Amounts'' and all that follows through ''(2) Amounts'' and inserting ''Amounts'';

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 410. INTERIM BORDER SAFETY IMPROVEMENT PROGRAM.

(a) PROGRAM.—The Secretary shall carry out a program to improve commercial motor vehicle safety in the vicinity of borders between the United States and Canada and the United States and Mexico.

(b) GRANT AND OTHER AUTHORITY.—The Secretary may expend funds made available to carry out this section—

(1) for making grants to border States, local governments, organizations, and other persons to carry out activities described in subsection (c);

(2) for personnel of the Department of Transportation to conduct such activities; and

(3) for entry into contracts for the conduct of such activities.

(c) USE OF FUNDS.—Activities for which funds may be expended under this section include—

(1) employment by the Department of Transportation or a border State of additional personnel to enforce commercial motor vehicle safety regulations described in subsection (a);

(2) training of personnel to enforce such regulations;

(3) development of data bases and communication systems to improve commercial motor vehicle safety; and

(4) education and outreach initiatives.

(d) CRITERIA.—In selecting activities and projects for funding under this section, the Secretary shall consider current levels of enforcement by border States, cross border traffic patterns (including volume of commercial motor vehicle traffic), location of inspection facilities, and such other factors as the Secretary determines will result in the greatest safety improvement and benefit to border States and the Nation.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share payable under a grant made under this section for—

(A) any activity described in paragraph (2), (3), or (4) of subsection (c) shall be 80 percent; and

(B) any activity described in subsection (c)(1) shall be—

(i) 80 percent for the first 2 years that a State receives a grant under this section for such activity; and

(ii) 50 percent for the third year that a State receives a grant under this section for such activity.

(2) IN-KIND CONTRIBUTIONS.—In determining the non-Federal costs under paragraph (1), the Secretary shall include in-kind contributions by the grant recipient.

(f) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section for an activity described in subsection (c)(1) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for employment of personnel to enforce commercial motor vehicle safety regulations in the vicinity of the border at

or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(g) FUNDING.—Of amounts made available to carry out the coordinated border infrastructure and safety program under section 116 of this Act, $20,000,000 for fiscal year 1998 and $15,000,000 per fiscal year for fiscal years 1999 and 2000 shall be available to carry out this section.

(h) BORDER STATE DEFINED.—In this section, the term ''border State'' means any State that has a boundary in common with Canada or Mexico.

SEC. 411. VEHICLE WEIGHT ENFORCEMENT.

(a) STUDY.—The Secretary shall conduct a study of State laws and regulations pertaining to penalties for violation of State commercial motor vehicle weight laws.

(b) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, a State's ability to penalize shippers and carriers as well as drivers, and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit

to Congress a report on the results of the study conducted under this section, together with any legislative recommendations of the Secretary.

(d) FUNDING.—From amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act, the Secretary may use not to exceed $300,000 to carry out this section.

SEC. 412. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the table of sections for chapter 317, are repealed.

SEC. 413. 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.

SEC. 414. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall determine whether a practicable and cost-effective

screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(4) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(5) consult with interested groups knowledgable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 415. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehi-

cle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—Not later than 1 year after the date of completion of the review under subsection (a), the Secretary shall issue regulations under section 31305 reflecting the results of the review.

SEC. 416. POSTACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing emergency responders and law enforcement officers for conducting postaccident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information and reducing the burdens that employers may encounter in meeting the testing requirements of such section.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under subsection (a) with recommendations regarding the utilization of emergency responders and law enforcement officers in conducting testing described in subsection (a).

SEC. 417. TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(b) IDENTIFICATION OF TECHNOLOGIES.—In identifying technologies pursuant to subsection (a), the Secretary shall take into account—

(1) the degree to which the technology will be cost efficient;

(2) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(3) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(c) FUNDING.—The Secretary may use amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act to carry out this section.

SEC. 418. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144 is amended to read as follows:

"§ 31144. Safety fitness of owners and operators

''(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

"(2) periodically update such safety fitness determinations;

"(3) make such safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.

"(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining whether an owner or operator is fit to operate safely commercial motor vehicles. The procedure shall include, at a minimum, the following elements:

"(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

"(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

"(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

"(c) PROHIBITED TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is

not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and

(3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

"(d) REVIEW OF FITNESS DETERMINATIONS.—

"(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days

after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

''(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.''.

(b) CONFORMING AMENDMENT.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

''See section 31144.''.

SEC. 419. HAZARDOUS MATERIALS TRANSPORTATION REGULATION AND FARM SERVICE VEHICLES.

(a) EXCEPTIONS.—Section 5117(d)(2) is amended—

(1) by striking ''do not prohibit'';

(2) in subparagraph (A)—

(A) by inserting ''do not prohibit'' before ''or regulate''; and

(B) by striking ''or'' the last place it appears;

(3) in subparagraph (B) by inserting ''do not prohibit'' before ''transportation'';

(4) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(5) by adding at the end the following:

''(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from a source of supply to a farm, from a farm to another farm, from a field to another field on a farm, or from the farm back to the source of supply.

In granting any exception under subparagraph (C), a State must certify to the Secretary that such exception is in the public interest, the need for such exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.''.

(b) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—Section 5117 is amended by adding at the end the following:

"(f) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—In this section, the term 'agricultural production material' means—

"(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

"(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

"(3) a diluted solution of water and pesticides or fertilizer in a quantity that does not exceed 3,500 gallons.".

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

SEC. 501. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 is amended—

(1) by redesignating subsections (e) and (f) as (g) and (h), respectively; and

(2) by striking the section heading and all that follows through the period at the end of subsection (d) and inserting the following:

"§ 106. Project approval and oversight

"(a) IN GENERAL.—

"(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

"(2) PROJECT AGREEMENT.—The Secretary shall act upon the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval.

"(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by the provisions of section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the main-

tenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials if a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—

"(A) GENERAL AUTHORITY.—Except as otherwise provided in subsection (d), the Secretary may discharge to the State any of the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System.

"(B) AGREEMENT.—The Secretary and the State shall reach agreement as to the extent the State may assume the Secretary's responsibilities under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on

September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-INTERSTATE SYSTEM PROJECTS.—For all projects under this title that are not on the National Highway System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspection of projects. For projects that are on the National Highway System but not on the Interstate System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

"(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title. Any responsibility or obligation of the Secretary under sections 113 and 114 of this title and section 5333 of title 49, United States Code, shall not be affected and may not be discharged under this section, section 133, or section 149.".

(b) REPEAL OF OBSOLETE PROVISIONS.—Sections 105, 110, and 117, and the items relating to such sections in the table of sections for chapter 1, are repealed.

SEC. 502. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969, except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as set forth in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or ap-

provals that must be issued or made by any Federal agency for the concerned highway project shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of projects may be incorporated into a memorandum of understanding between the Department of Transportation and all other Federal agencies (and, where appropriate, State agencies). In establishing such time period and any time periods for review within such period the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each highway project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required

by the National Environmental Policy Act of 1969; or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project;

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of projects; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including those required by the National Environmental Policy Act of 1969; except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with those established by the Council on Environmental Quality under the provisions of sec-

tions 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information which has been discovered that could not reasonably have been anticipated when such agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed upon extension to such time period, then the Secretary may assume such agency's concurrence. If the Secretary finds after timely compliance with this section, that an environmental issue related to the highway project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, then the Secretary

and the head of such agency shall resolve the matter within 30 days of the finding by the Secretary.

(d) ACCEPTANCE OF PURPOSE AND NEED.—For any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 or the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval that requires an analysis of purpose and need, the agency conducting such review with respect to the highway project shall give due consideration to the project purpose and need as defined by the Secretary and the project applicant.

(e) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project or must issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project be subject to the coordinated environmental review process provided for in this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected

agencies of such State shall be subject to the review process.

(f) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—The Secretary may approve a request by a State to provide funds made available under chapter 1 of title 23, United States Code, to the State for the project subject to the review process established by this section to affected Federal agencies to provide the resources necessary to meet any time limits established by this section. Such requests shall only be approved for the additional amounts that the Secretary determines are necessary for such affected Federal agencies to meet the time limits for environmental review where such time limits are less than the customary time necessary for such review.

(g) FEDERAL AGENCY DEFINED.—For the purposes of this section, the term ''Federal agency'' means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

(h) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect the applicability of the

National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(i) STATE ENVIRONMENTAL REVIEW DELEGATION PILOT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Council on Environmental Quality, shall establish and implement a State environmental review pilot demonstration program. Such program shall permit the Secretary, in cooperation with the Council on Environmental Quality, to develop criteria for States to select up to 8 States for participation in the program. A State interested in participation in the program shall submit to the Secretary an application for participation.

(2) DELEGATION OF AUTHORITY.—For each State selected to participate in the pilot program, the Secretary shall delegate and the State shall accept all of the responsibilities for conducting the Federal environmental review process required by the National Environmental Policy Act of 1969 in the manner required if the projects were undertaken by the Secretary.

(3) CERTIFICATION.—A State that is selected to participate in the pilot program shall, prior to assuming any responsibilities for the Secretary under this subsection, submit to the Secretary and the Secretary, in cooperation with the Council on Environmental Quality, shall approve a certification that shall, at a minimum—

(A) be in a form acceptable to the Secretary;

(B) be executed by the Chief Executive Officer of the recipient of assistance under this section (hereinafter in this section referred to as the ''certifying officer'');

(C) specify that the certifying officer consents to assume the status of a responsible Federal officer under the National Environmental Policy Act of 1969 (and any applicable regulations issued by the Secretary or the Council on Environmental Quality implementing such Act) for the affected project;

(D) accept jurisdiction of the Federal courts for the purpose of enforcement of the State's responsibilities for the project; and

(E) agree that the Secretary's approval of such certification shall constitute the Sec-

retary's responsibilities under the National Environmental Policy Act of 1969 and any other related provisions of law that the Secretary may specify for the affected project.

(4) OVERSIGHT.—For each State selected to participate in the pilot program, the Secretary shall, in cooperation with the Council on Environmental Quality, conduct quarterly audits in the first year of such participation, and annual audits every year thereafter, to ensure that each selected State is complying with all elements of the certification provided for in this subsection and all requirements delegated pursuant to this subsection.

(5) TERMINATION.—The Secretary, in cooperation with the Council on Environmental Quality, may immediately terminate the participation of any State if the Secretary, in cooperation with the Council on Environmental Quality, finds that such State is not complying with any responsibility or duty set forth in this subsection or that the State's continued participation in the program would result in any adverse impact on the environment.

(6) PERIOD OF APPLICABILITY.—The pilot program shall remain in effect for 3 years. The pilot program shall apply to all projects initiated within

such 3-year period, and any such project shall be subject to the provisions of this subsection until the review of the project is completed under this subsection.

(7) REPORT TO CONGRESS.—The Secretary and Council on Environmental Quality shall transmit to Congress annual reports on the pilot program.

SEC. 503. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement and promulgate regulations to integrate such requirement, as appropriate, as part of each analysis undertaken pursuant to the National Environmental Policy Act of 1969 for a project receiving assistance with funds made available under this Act (including any amendments made by this Act).

SEC. 504. FINANCIAL PLAN.

The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of $1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on

reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

SEC. 505. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 109 the following:

"§ 110. Uniform transferability of Federal-aid highway funds

"(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

"(b) APPLICATION TO CERTAIN STP SET-ASIDES.—This section shall not apply to funds subject to the last sentence of section 133(d)(1) and funds subject to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(2) for a fiscal year may not exceed 50 percent of

(1) the amount of such set-aside, less (2) the amount of the State's set-aside under section 133(d)(2) for fiscal year 1996.

"(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount of the State's apportionment under section 104(b)(2) for fiscal year 1997. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 109 the following:

"Sec. 110. Uniform transferability of Federal-aid highway funds.".

SEC. 506. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (including the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

(b) SELECTION PROCESS.—

(1) LIMITATION ON ACCEPTANCE OF APPLICATION.—Before accepting application for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (including the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to such program.

(2) EXPLANATION.—At least 14 days before making a grant under a discretionary program described in paragraph (1), the Secretary shall transmit to the respective committees of the House of Representatives and the Senate having jurisdiction over such program, and shall publish, an explanation of how projects will be selected based on the criteria established for such program under subsection (a).

(c) MINIMUM PROGRAMS.—At a minimum the criteria established under subsection (a) and the process established by subsection (b) shall apply to the following programs:

(1) The high cost interstate system reconstruction and improvement program.

(2) The research program under title VI of this Act.

(3) The national corridor planning and development program.

(4) The coordinated border infrastructure and safety program.

(5) The construction of ferry boats and ferry terminal facilities.

(6) The scenic byway program.

(7) The discretionary bridge program.

(8) New fixed guideway systems and extensions to existing fixed guideway systems under section 5309 of title 49, United States Code.

(9) Transit research and planning.

SEC. 507. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall eliminate any required programmatic responsibility for any regional office of the Department of Transportation carrying out responsibilities of the Federal Highway Administration regarding any funds made available by this Act (including any amendments made by this Act).

(b) RETENTION OF REGIONAL OFFICES.—The Secretary may retain regional offices of the Department of

Transportation carrying out responsibilities of the Federal Highway Administration for the purpose of providing technical support to States, metropolitan areas, and transit authorities upon request.

TITLE VI—TRANSPORTATION RESEARCH

SEC. 601. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 602. APPLICABILITY OF TITLE 23.

Funds made available by subparagraphs (F) through (I) of section 127(a)(3) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share payable for a project or activity carried out using such funds shall be determined by the Secretary (unless otherwise expressly provided by this Act) and such funds shall remain available until expended.

SEC. 603. TRANSFERS OF FUNDS.

The Secretary may transfer not to exceed 10 percent of the amounts made available by each of subparagraphs (F) through (I) of section 127(a)(3) of this Act to the amounts made available by any other of such subparagraphs.

Subtitle A—Surface Transportation Research, Technology, and Education

PART I—HIGHWAY RESEARCH

SEC. 611. RESEARCH.

(a) RESEARCH.—Section 307(a) is amended—

(1) in paragraph (1) by striking subparagraph (C); and

(2) by striking paragraph (3) and inserting the following:

"(3) AMOUNTS DEPOSITED BY COOPERATING ORGANIZATIONS AND PERSONS.—There shall be available to the Secretary for carrying out this subsection such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purpose.".

(b) LONG-TERM PAVEMENT PERFORMANCE.—Section 307(b)(2) is amended to read as follows:

"(2) LONG-TERM PAVEMENT PERFORMANCE.—

"(A) IN GENERAL.—As part of the highway research program under subsection (a), the Secretary shall carry out a long-term pavement performance program to continue to completion the long-term pavement performance tests initiated under the strategic highway research program.

"(B) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—In carrying out subparagraph (A), the Secretary shall make grants and enter into cooperative agreements and contracts for the following purposes:

"(i) To continue the monitoring, material-testing, and evaluation of the highway test sections established under the long-term pavement performance program.

"(ii) To carry out analyses of the data collected under the program.

"(iii) To prepare the products required to fulfill the original objectives of the program and to meet future pavement technology needs.".

(c) ADVANCED RESEARCH.—Section 307(b)(4) is amended to read as follows:

"(4) ADVANCED RESEARCH.—

"(A) IN GENERAL.—The highway research program under subsection (a) shall include an advanced research program that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out this program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(B) RESEARCH AREAS.—In carrying out the advanced research program under subparagraph (A), the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(i) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(ii) Diagnostics for evaluation of the condition of bridge and pavement structures to enable assessment of failure risks.

"(iii) Design and construction details for composite structures.

"(iv) Safety technology based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(v) Particulate matter source apportionment, control strategy synthesis evaluation, and model development.

"(vi) Data acquisition techniques for system condition and performance monitoring.

"(vii) Prediction of the response of current and future travelers to new technologies.".

(d) SUPPORTING INFRASTRUCTURE.—Section 307(b)(5) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(e) REPEALS.—Section 307 is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by redesignating subsections (f), (g), and (h) as subsections (c), (d), and (e), respectively.

(f) SEISMIC RESEARCH PROGRAM.—Section 307(c), as so redesignated, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.";

(2) by striking paragraph (4) and inserting the following:

"(4) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall expend not more than $2,000,000 for each of fiscal years 1998 through 2000 to carry out this subsection."; and

(3) by striking paragraph (5).

(g) BIENNIAL REPORT.—Section 307(e), as so redesignated, is amended—

(1) by striking "The Secretary" and inserting "BIENNIAL REPORT.—The Secretary"; and

(2) by inserting after "highway needs" the following: ", as well as the backlog of current highway needs,".

(h) CONFORMING AMENDMENTS.—Chapter 3 is amended—

(1) in the heading to section 307 by striking "**and planning**"; and

(2) in the table of sections for such chapter by striking the item relating to section 307 and inserting the following:

"307. Research.".

SEC. 612. STATE PLANNING AND RESEARCH.

(a) IN GENERAL.—Section 313 is amended to read as follows:

"§ 313. State planning and research

"(a) GENERAL RULE.—Two percent of the sums apportioned for each fiscal year beginning after September 30, 1997, under section 104 (other than section 104(f)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

"(1) Engineering and economic surveys and investigations.

"(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including statewide planning under section 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on the engineering standards and construction materials for such systems, including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State for research, development, and technology transfer activities described in subsection (a) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation

planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification. Funds used for research provided under this subsection are not subject to an assessment under the Small Business Research and Development Enhancement Act of 1992 (Public Law 102–564).

''(c) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

''(d) ADMINISTRATION OF SUMS.—Funds which are subject to subsection (a) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 312 the following:

''313. State planning and research.''.

SEC. 613. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) ACTIVITIES.—Section 325(a) is amended—

(1) by inserting after ''expertise'' the following: '', goods, and services'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(4) by adding at the end the following:

''(6) gathering and disseminating information on foreign transportation markets and industries.''.

(b) FUNDS.—Section 325(c) is amended to read as follows:

''(c) FUNDS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for such purpose with the Secretary of the Treasury. The funds deposited in the special account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits. Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the special account.''.

(c) ELIGIBILITY.—Section 325 is amended by adding at the end the following:

''(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Sec-

retary, may obligate funds made available to carry out section 313 for any activity authorized under subsection (a).''.

PART II—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

SEC. 621. NATIONAL HIGHWAY INSTITUTE.

Section 321 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

SEC. 622. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVE.

(a) IN GENERAL.—Section 322 is amended to read as follows:

"§ 322. National technology deployment initiative

''(a) IN GENERAL.—The Secretary shall develop and implement a national technology deployment initiative to expand adoption by the surface transportation community of innovative technologies to improve the safety, efficiency, reliability, service life, and sustainability of transportation systems and to reduce environmental impact.

''(b) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities undertaken pursuant to this section with the efforts of the Department to disseminate the results of research sponsored by the Department and to facilitate technology transfer.

"(c) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this section, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, or other transactions with any State or local agency, authority, association, institution, corporation (for-profit or nonprofit), organization, or person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 321 the following:

"322. National technology deployment initiative.".

SEC. 623. EDUCATION AND TRAINING PROGRAMS.

(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—Section 326(a) is amended—

(1) by striking "AUTHORITY" and inserting "LOCAL TECHNICAL ASSISTANCE PROGRAM"; and

(2) by striking "transportation assistance program" and inserting "local technical assistance program".

(b) RESEARCH FELLOWSHIPS.—Section 326 is further amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) RESEARCH FELLOWSHIPS.—

''(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

''(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. Such program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.''.

(c) CONFORMING AMENDMENTS.—Chapter 3 is amended—

(1) in the heading to section 326 by striking ''**program**'' and inserting ''**programs**''; and

(2) in the table of sections for such chapter by striking the item relating to section 326 and inserting the following:

"326. Education and training programs.".

SEC. 624. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5505. University transportation research

"(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate 10 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit insti-

tution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) For regional centers, the location of the center within the Federal region to be served.

"(B) The demonstrated research and extension resources available to the recipient to carry out this section.

"(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

"(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

"(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

"(G) The strategic plan the recipient proposes to carry out under the grant.

"(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

"(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(2) An education program that includes multidisciplinary course work and participation in research.

"(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all

other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title or section 313, 322, or 326(a) of title 23, United States Code.

"(g) PROGRAM COORDINATION.—

"(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually, the Secretary shall review and evaluate programs the grant recipients carry out.

"(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"(i) SPECIAL RULE FOR FISCAL YEARS 1998 and 1999.—

"(1) IN GENERAL.—In carrying out subsections (a) and (b) in fiscal years 1998 and 1999, the Secretary shall make grants to each university transportation center and university research institute that received a grant in fiscal year 1997 under section 5316 or 5317 of this title, as in effect on the day before the date of the enactment of this section.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of this section, grants made pursuant to paragraph (1) in fiscal years 1998 and 1999 shall be subject to the same terms and conditions as the fiscal year 1997 grants referred to in paragraph (1).

"(j) UNIVERSITY RESEARCH INSTITUTES.—Any university research institute that received a grant under section 5316 of this title, as in effect on the day before the date of the enactment of this section, shall be eligible to

receive grants made available to university transportation centers under this section.

"(k) APPLICATIONS THAT MAY BE CONSIDERED.—In selecting grant recipients under subsection (c), the Secretary shall consider at a minimum applications submitted by the following:

"(1) Any university transportation center or university research institute described in subsection (i)(1).

"(2) The University of Denver.

"(3) The University of Arizona.

"(4) The University of Central Florida.

"(5) Carnegie Mellon and Lehigh Universities.

"(6) University of South Carolina and California State University Long Beach.

"(7) Pace University.

"(8) A consortium of historically black colleges in Alabama.

"(9) Lawson State Community College.

"(10) A consortium consisting of the University of Wisconsin, the University of Illinois, and Purdue University.

"(11) The University of New Hampshire.

"(12) A group of Virginia universities acting as a Center of ITS Implementation.

"(13) The University of Tennessee.

"(14) The Alabama Transportation Institute.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

"5505. University transportation research.".

(c) APPALACHIAN TRANSPORTATION INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to Marshall University, West Virginia, on behalf of a consortium which also may include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College to establish and operate an Appalachian Transportation Institute. Such institute shall conduct research, training, technology transfer, and other transportation related activities in the development and enhancement of transportation systems in the Appalachian region, including the Appalachian Development Highway System.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998, 1999, and 2000 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

(d) ITS INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to the University of Minnesota to continue to operate and expand the ITS Institute. The ITS Institute shall continue to conduct research, education, and development activities that focus on transportation management, enhanced safety, human factors, and reduced environmental effects. The ITS Institute shall develop new or expanded programs to address emerging issues of ITS related to transportation policy, intermodalism, sustainable community development, and transportation telematics.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998, 1999, and 2000 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

SEC. 625. FUNDING ALLOCATIONS.

Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(G) of this Act—

(1) not to exceed $8,000,000 per fiscal year shall be available for the National Highway Institute under section 321 of title 23, United States Code;

(2) not to exceed $10,000,000 per fiscal year shall be available for the local technical assistance program under section 326(a) of such title;

(3) not to exceed $2,000,000 per fiscal year shall be available for the Dwight D. Eisenhower Transportation Fellowship Program under section 326(b) of such title;

(4) not to exceed $14,000,000 for each of fiscal years 1998 and 1999 and $19,000,000 for fiscal year 2000 shall be available for the national tech-

nology deployment initiative program under section 322 of such title;

(5) not to exceed $16,000,000 per fiscal year shall be available for university transportation centers under section 5505 of title 49, United States Code.

PART III—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

SEC. 631. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) by striking the second sentence of subsection (b)(4);

(2) in subsection (c)(1)—

(A) in subparagraph (J) by striking ''and'' at the end;

(B) in subparagraph (K) by striking the period and inserting ''; and'' ; and

(C) by adding at the end the following:

''(L) transportation-related variables influencing global competitiveness.'';

(3) in subsection (c)(2)—

(A) by striking ''national transportation system'' in the first sentence and inserting ''Nation's transportation systems'';

(B) by striking subparagraph (A) and inserting the following:

''(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the Nation's transportation systems under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.);''; and

(C) in subparagraph (C) by inserting '', made relevant to the States and metropolitan planning organizations,'' after ''accuracy'';

(4) in subsection (c)(3) by adding at the end the following: ''The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.), and shall undertake such other reviews as may be requested by the Secretary.'';

(5) in subsection (c) by adding at the end the following:

''(7) SUPPORTING TRANSPORTATION DECISION-MAKING.—Ensuring that the statistics compiled

under paragraph (1) are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private businesses, and consumers.'';

(6) by—

(A) redesignating subsections (d), (e), and (f) as subsections (h), (i) and (j), respectively;

(B) striking subsection (g); and

(C) inserting after subsection (c) the following:

''(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an intermodal transportation data base. The data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include, at a minimum—

''(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

''(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of trans-

portation and intermodal combinations, and by relevant classification; and

"(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

"(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain a national transportation library containing a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geographic data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities to support the programs and activities of the Bureau.";

(7) by striking subsection (i), as so redesignated, and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) INFORMATION OBTAINED UNDER LONG-TERM DATA COLLECTION PROGRAM.—An officer or employee of the Bureau may not—

"(A) make any publication in which the data furnished by an individual or organization under paragraph (c)(2) can be identified;

"(B) use the information furnished under the provisions of subsection (c)(2) for a non-statistical purpose; or

"(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under subsection (c)(2).

"(2) COPIES OF REPORTS.—No department, bureau, agency, officer, or employee of the United States, except the Director in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under subsection (c)(2) with the Bureau or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be

immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to information that permits information concerning an individual or organization to be reasonable inferred by direct or indirect means.

"(3) COLLECTION OF DATA FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule, and on the collection instrument, to inform a respondent requested or required to supply the data or information of the nonstatistical purposes."; and

(8) by adding at the end the following:

"(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) and shall be available for the purpose of reimbursing the Bureau for such expenses.

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $31,000,000 for each of fiscal years 1998 through 2000 to carry out this section, except that amounts for activities under subsection (g) may not exceed $500,000 in any fiscal year. Amounts made available under this subsection shall remain available for a period of 3 fiscal years.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

(b) CONFORMING AMENDMENT.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 632. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) USE OF CONCRETE PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through

2000 by section 127(a)(3)(H) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) STEEL BRIDGE CONSTRUCTION.—

(A) IN GENERAL.—The Secretary shall make grants for research and construction to improve and demonstrate the use of steel bridge construction.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of construction activities carried out using a grant made under this paragraph shall be 80 percent of the cost of such activities.

(4) USE OF ASPHALT PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using asphalt pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through

2000 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(5) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(I) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(6) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to determine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the ve-

hicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(I) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(7) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(8) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through

2000 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(9) ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2000 under section 657(a) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(10) COMPOSITE MATERIALS.—

(A) IN GENERAL.—The Secretary shall conduct research in the use of composite materials for guardrails and bridge decking.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(F) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(11) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be located in the 2 largest metropolitan areas in the State of Pennsylvania.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of the program carried out under this paragraph shall be 80 percent of the cost of such program.

Subtitle B—Intelligent Transportation Systems

SEC. 651. DEFINITIONS.

As used in this subtitle, the following definitions apply:

(1) INTELLIGENT TRANSPORTATION SYSTEMS; ITS.—The terms ''intelligent transportation systems'' and ''ITS'' mean electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ''intelligent transportation infrastructure'' means fully integrated public sector ITS components, as defined by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(4) STATE.—The term ''State'' has the meaning given such term under section 101 of title 23, United States Code.

SEC. 652. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing ITS program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of

such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the ITS program include—

(1) enhancement of surface transportation efficiency to enable existing facilities to meet a significant portion of future transportation needs and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) enhancement of safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the Nation's surface transportation systems, with a particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting States to attain air quality goals established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.);

(4) accommodation of the needs of all users of the Nation's surface transportation systems, including the operators of commercial vehicles, passenger vehicles, and motorcycles;

(5) improvement of public access to employment, goods, and services;

(6) development of a technology base and necessary standards and protocols for intelligent transportation systems;

(7) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility; and

(8) promotion of the access and use of data collected from projects conducted under the program by public and private organizations.

SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION AND CONSULTATION REQUIREMENTS.—

(1) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the ITS program in cooperation with State and local governments and other public entities, the United States private sector, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(2) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the ITS program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection

Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(b) STANDARDS.—

(1) DEVELOPMENT OF NATIONAL ITS ARCHITECTURE.—The Secretary shall develop, implement, and maintain a national ITS architecture and standards and protocols to promote the widespread use and evaluation of ITS technology as a component of the Nation's surface transportation systems.

(2) INTEROPERABILITY AMONG ITS TECHNOLOGIES.—The national ITS architecture shall promote interoperability among ITS technologies implemented throughout the States.

(3) USE OF SERVICES OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this subsection, the Secretary may use the services of standards-setting organizations.

(4) ESTABLISHMENT OF DEDICATED SHORT-RANGE VEHICLE TO WAYSIDE WIRELESS STANDARD.—In carrying out this subsection, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, shall take such actions as may be necessary to secure the necessary spectrum for the

near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—The Secretary shall issue guidelines and requirements for the evaluation of field and related operational tests carried out under section 655 of this Act.

(2) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under paragraph (1) shall include provisions to ensure the objectivity and independence of the evaluator and to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to the tests or any other formal evaluation conducted under this subtitle.

(3) NONAPPLICABILITY OF PAPERWORK REDUCTION ACT OF 1995.—The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) shall not apply to any survey, questionnaire, or interview that the Secretary considers necessary to evaluate the tests or assess activities carried out under this subtitle.

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally-spon-

sored projects under this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity that is not within the Department of Transportation. Any entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Secretary may utilize 1 or more advisory committees in carrying out this subtitle.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee utilized under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App., 86 Stat. 770).

(3) FUNDING.—Funding provided for an advisory committee utilized under this subsection shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, develop-

ment, and implementation activities in connection with the ITS program.

(f) CONFORMITY WITH STANDARDS.—

(1) IN GENERAL.—The Secretary shall ensure that ITS projects carried out using funds made available out of the Highway Trust Fund conform to the national ITS architecture and standards and protocols developed under subsection (b).

(2) EXCEPTION.—Paragraph (1) shall not apply to projects carried out using funds authorized for specific research objectives in the National ITS Program Plan under section 654 of this Act.

(g) LIFE-CYCLE COST ANALYSIS.—The Secretary shall require an analysis of the life-cycle costs of each project carried out using funds made available under this subtitle, and each project authorized in section 656 of this Act, for operations and maintenance of ITS elements, where the total initial capital costs of the such elements exceed $3,000,000.

(h) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for its projects carried out using funds made

available from the Highway Trust Fund, including innovative and nontraditional methods of procurement.

(2) ITS SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of ITS software.

SEC. 654. NATIONAL ITS PROGRAM PLAN.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and

rural areas, and commercial vehicle information systems and networks;

(B) specify how specific programs and projects relate to the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of ITS technologies; and

(E) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) IMPLEMENTATION REPORTS.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment

and Public Works of the Senate a report on implementation of the National ITS Program Plan.

SEC. 655. TECHNICAL ASSISTANCE, PLANNING, RESEARCH, AND OPERATIONAL TESTS.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including ITS, within metropolitan and statewide transportation planning processes.

(c) RESEARCH AND OPERATIONAL TESTS.—The Secretary may provide funding for research and operational tests relating to ITS.

(d) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary may conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle highway systems and roadway safety systems. Such research shall include state-of-the-art systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems (including infrastructure-based sys-

tems). Development work shall incorporate human factors research findings.

SEC. 656. ITS DEPLOYMENT.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems.

(b) GOALS.—In accordance with the National ITS Program Plan under section 654 of this Act, the Secretary shall provide incentives for the deployment of integrated applications of intermodal, intelligent transportation infrastructure and system technologies to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—In order to be eligible for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 654 of this Act;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memorandums of understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7);

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols established under section 653(b) of this Act;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans at the time Federal funds are sought;

(5) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources; and

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to activities primarily necessary to integrate intelligent transportation infrastructure elements either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(3) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section in a fiscal year—

(A) not more than $15,000,000 may be used for projects in a metropolitan area;

(B) not more than $2,000,000 may be used for a project in a rural area;

(C) not more than $5,000,000 may be used for a commercial vehicle information system and network project; and

(D) not more than $35,000,000 may be used for projects in a State.

(4) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate—

(A) not less than 25 percent of the funds made available to carry out this section to eligible State and local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements, in support of public sector commercial vehicle operations nationwide; and

(B) not less than 10 percent of such funds for other intelligent transportation infrastruc-

ture deployment activities outside of metropolitan areas.

SEC. 657. FUNDING ALLOCATIONS.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—

(1) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(I) of this Act, $75,000,000 per fiscal year shall be available to carry out section 656 of this Act.

(2) USE OF UNALLOCATED AMOUNTS.—In addition to amounts made available by subsection (b), any amounts made available under paragraph (1) and not allocated by the Secretary for carrying out section 656 of this Act may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(I) of this Act, $100,000,000 per fiscal year shall be available to carry out multi-year research and technology development initiatives under this subtitle (other than projects under section 656 of this Act).

(c) FEDERAL SHARE PAYABLE.—

(1) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—For activities funded with amounts allocated under subsection (a), the Federal share payable from such amounts shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(2) OTHER PROGRAMS.—For activities funded with amounts allocated under subsection (b), unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs of the activities.

(3) LONG-RANGE ACTIVITIES.—For long-range activities undertaken in partnership with private entities for the purposes of section 655(d) of this Act, the Federal share payable from funds allocated under this subtitle on account of such activities shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(4) PARTICIPATION OF OTHER PUBLIC AND PRIVATE SOURCES.—The Secretary shall seek maximum

participation in the funding of activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

SEC. 658. REPEAL.

Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2189–2195) is repealed.

TITLE VII—TRUTH IN BUDGETING

SEC. 701. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND, AIRPORT AND AIRWAY TRUST FUND, INLAND WATERWAYS TRUST FUND, AND HARBOR MAINTENANCE TRUST FUND.

(a) IN GENERAL.—Notwithstanding any other provision of law except the Line Item Veto Act of 1996, the receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

(b) LIMITATION ON INTEREST PAID TO TRUST FUNDS.—

(1) IN GENERAL.—Paragraph (3) of section 9602(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''The amount of interest credited to the Airport and Airway Trust Fund, the Highway Trust Fund, the Harbor Maintenance Trust Fund, or the Inland Waterways Trust Fund for any fiscal year shall not exceed the amount of interest which would be credited to such Fund if such interest were determined at the average interest rate on 52-week Treasury securities sold to the public during such fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 702. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended by inserting after section 47134 the following new section:

"§ 47135. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31, and

"(2) the net aviation receipts at the close of such fiscal year.

"(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

"(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

"(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

"(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount author-

ized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

"(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

"(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

"(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

"(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

"(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47134 the following:

"47135. Safeguards against deficit spending.".

SEC. 703. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF THE INLAND WATERWAYS TRUST FUND AND HARBOR MAINTENANCE TRUST FUND.

(a) ESTIMATES OF UNFUNDED INLAND WATERWAYS AUTHORIZATIONS AND NET INLAND WATERWAYS RECEIPTS.—Not later than March 31 of each year, the Secretary of the Army, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded inland waterways authorizations and unfunded harbor maintenance authorizations at the close of the first fiscal year that begins after that March 31; and

(2) the net inland waterways receipts and net harbor maintenance receipts at the close of such fiscal year.

(b) PROCEDURE IF EXCESS UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—If the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

(1) DETERMINATION OF PERCENTAGE.—If the Secretary of the Army determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary of the Army shall determine the percentage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund, as the case may be, for the next fiscal year.

(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary of the Army determines a percentage under paragraph (1), each amount authorized to be appropriated from the Trust Fund for the next fiscal year shall be reduced by such percentage.

(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—If, after an adjustment has been made under subsection (c)(2), the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) with respect to the Trust Fund is less than the amount previously determined, each amount author-

ized to be appropriated that was reduced under subsection (c)(2) with respect to the Trust Fund shall be increased, by an equal percentage, to the extent the Secretary of the Army determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed with respect to the Trust Fund the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary of the Army to Congress.

(f) DEFINITIONS.—For purposes of this title, the following definitions apply:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

(2) HARBOR MAINTENANCE TRUST FUND.—The term ''Harbor Maintenance Trust Fund'' means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

(3) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund

established by section 9503 of the Internal Revenue Code of 1986.

(4) INLAND WATERWAYS TRUST FUND.—The term ''Inland Waterways Trust Fund'' means the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(5) NET HARBOR MAINTENANCE RECEIPTS.—The term ''net harbor maintenance receipts'' means, with respect to any period, the receipts (including interest) of the Harbor Maintenance Trust Fund during such period.

(6) NET INLAND WATERWAYS RECEIPTS.—The term ''net inland waterways receipts'' means, with respect to any period, the receipts (including interest) of the Inland Waterways Trust Fund during such period.

(7) UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—The term ''unfunded inland waterways authorizations'' means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Inland Waterways Trust Fund which has not been appropriated, over

(B) the amount available in the Inland Waterways Trust Fund at such time to make such appropriations.

(8) UNFUNDED HARBOR MAINTENANCE AUTHORIZATIONS.—The term ''unfunded harbor maintenance authorizations'' means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Harbor Maintenance Trust Fund which has not been appropriated, over

(B) the amount available in the Harbor Maintenance Trust Fund at such time to make such appropriations.

SEC. 704. APPLICABILITY.

This title (including the amendments made by this title) shall apply to fiscal years beginning after September 30, 1997.