

HATCH] was added as a cosponsor of S. 1648, a bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

## SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

## SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

## SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. KYL] were added as cosponsors of Senate Concurrent Resolution 78, *supra*.

## SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. BREAU], the Senator from Alaska [Mr. STEVENS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of

October 18 through October 24, 1998, as "National Character Counts Week."

## SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

## AMENDMENT NO. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1711 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1716

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. SMITH], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1716 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1726

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1726 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1734

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1734 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1735

At the request of Mr. CLELAND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 1735 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI, the names of the Senator from Rhode Island [Mr. REED] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1768

At the request of Mr. MURKOWSKI, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from

Hawaii [Mr. AKAKA], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Louisiana [Mr. BREAU], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of amendment No. 1768 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1838

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1838 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1906

At the request of Mr. NICKLES, his name was added as a cosponsor of amendment No. 1906 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENT NO. 1911

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of amendment No. 1911 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

## AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE  
TRANSPORTATION EFFICIENCY  
ACT OF 1997

## BREAU AMENDMENT NO. 1950

(Ordered to lie on the table.)

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

At the appropriate place insert:

SECTION 1010. GRADE CROSSING ELIMINATION  
PROGRAM

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

“(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside \$50,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 1999, \$100,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year 2000, \$150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2001, \$150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2002, to be used for elimination of hazards of railway-highway crossings, and \$150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2003, to be used for elimination of hazards of railway-highway crossings.”

“(B) ELIGIBLE CORRIDORS.—Funds made available under subparagraph (A) shall be expended for projects in—

“(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

“(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

“(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

“(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

“(i) projected rail ridership volume in each corridor;

“(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

“(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

“(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

“(v) the cooperation of the owners of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.”

#### SWIFT RAIL DEVELOPMENT ACT REAUTHORIZATION

#### SEC. . HIGH SPEED RAIL PLANNING AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

“(d) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$30,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

“(e) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$30,000,000 for fiscal

year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

“(f) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$30,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).

“(g) FISCAL YEAR 2002.—(1) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 2002, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$30,000,000 for fiscal year 2002, for carrying out section 26102 (including payment of administrative expenses related thereto).”

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

“(2) the term ‘high-speed rail’ means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

“(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

“(B) made available to members of the general public as passengers, but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation.”

#### CHAFEE AMENDMENT NO. 1951

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

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: \$7,016,000.

(B) Indiana: \$9,290,000.

(C) Michigan: \$11,158,000.

(D) Oklahoma: \$6,924,000.

(E) South Carolina: \$7,109,000.

(F) Texas: \$20,804,000.

(G) Wisconsin: \$7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for

any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 \$98,000,000 for fiscal year 1998, \$31,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, \$37,000,000 for fiscal year 2001, \$40,000,000 for fiscal year 2002, and \$44,000,000 for fiscal year 2003.

#### BOND (AND OTHERS) AMENDMENT NO. 1952

Mr. BOND (for himself, Mr. REID, and Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

#### SEC. 18. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINA- TION VEHICLES.

(a) FINDINGS.—Congress finds that—

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

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

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

(B) the difficulty in making lane changes; and

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

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

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

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

#### MCCAIN (AND HOLLINGS) AMENDMENT NO. 1953

Mr. MCCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1680 submitted by Mr. MCCAIN to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

#### SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

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

“§5117. Special permits, pilot programs, exemptions, and exclusions”;

(2) by striking “2 years” in subsection (a)(2) and inserting “4 years”;

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

“(e) **AUTHORITY TO CARRY OUT PILOT PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

“(A) a source of supply to a farm;

“(B) a farm to another farm;

“(C) a field to another field on a farm; or

“(D) a farm back to the source of supply.

“(2) **LIMITATION.**—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

“(3) **SAFETY LEVELS.**—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

“(4) **TERMINATION OF PROJECT.**—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

“(5) **NONAPPLICATION.**—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.”

(b) Section 5119(c) is amended by adding at the end the following:

“(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).”

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

“5117. Special permits, pilot programs, exemptions, and exclusions.”

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

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

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

“(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

“(3) **INCIDENT REPORT.**—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

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

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

“(4) **DEFINITIONS.**—For purposes of this subsection—

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

“(B) **UTILITY SERVICE VEHICLE.**—The term ‘utility service vehicle’ has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).”

(b) **CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver’s license for that driver.

(2) **DEFINITIONS.**—For purposes of this subsection—

(A) **COMMERCIAL DRIVER’S LICENSE.**—The term “commercial driver’s license” has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) **DRIVER OF A UTILITY SERVICE VEHICLE.**—The term “driver of a utility service vehicle” has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) **REGULATION.**—The term “regulation” has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) **UTILITY SERVICE VEHICLE.**—The term “utility service vehicle” has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

#### BOXER AMENDMENT NO. 1954

(Ordered to lie on the table.)

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

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

#### SEC. 11. HOLD HARMLESS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall allocate among the States amounts sufficient to ensure that no State (except the State of Massachusetts and a State that receives an allocation of funds under section 105 of title 23, United States Code, or under section 1102(c)) receives a share of the total apportionments for any fiscal year for all Federal-aid highway programs that is less than the average of the total apportionments to the State during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs.

(b) **ELIGIBLE PURPOSES.**—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.

(2) **CONTRACT AUTHORITY.**—Funds authorized under this section shall be available for obligation in the same manner as if the

funds were apportioned under chapter 1 of title 23, United States Code.

(d) **REDUCTION OF AMOUNTS.**—

(1) **IN GENERAL.**—For each fiscal year, the amounts described in paragraph (2) shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (a).

(2) **AMOUNTS TO BE REDUCED.**—The amounts referred to in paragraph (1) are—

(A) amounts available for obligation at the discretion of the Secretary under—

(i) the Interstate maintenance and other National Highway System components of the Interstate and National Highway System program under title 23, United States Code; and

(ii) the surface transportation program under section 133 of that title; and

(B) amounts that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code.

#### ABRAHAM (AND LEVIN) AMENDMENT NO. 1955

Mr. ABRAHAM (for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 139, strike lines 22 through 24 and insert the following:

“(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

“(B) is incorporated into the project;

“(C) is not land described in section 138; and

“(D) does not influence the environmental assessment of the project, including—

“(i) the decision as to the need to construct the project;

“(ii) the consideration of alternatives; and

“(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking “agency of a Federal, State, or local government” and inserting “agency of the Federal Government”;

On page 140, strike line 20 and all that follows and insert the following:

(c) **CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.**—Section 323 of title 23, United States Code, is amended by adding at the end the following:

“(e) **CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.**—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.”

(d) **CONFORMING AMENDMENTS.**—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

#### “§323. Donations and credits.”

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

“108. Advance acquisition of real property.”; and

(B) by striking the item relating to section 323 and inserting the following:

“323. Donations and credits.”

BROWNBACK (AND OTHERS)  
AMENDMENT NO. 1956

Mr. BROWNBACK (for himself, Mr. MOYNIHAN, and Mr. COVERDELL) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

on page 309, between lines 3 and 4, insert the following:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking “The” and inserting in lieu thereof, “(1) The”;

(2) By adding at the end thereof the following new paragraphs;

“(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

“(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

“(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

“(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.”

HUTCHISON AMENDMENT NO. 1957

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 73, between line 18 and insert the following:

“(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.”

WARNER AMENDMENT NO. 1958

Mr. WARNER (for Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after “magnesium acetate” the following: “or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions”; and

(2) in subsection (d) by inserting “or such anti-icing or de-icing composition” after “such acetate”.

23 U.S.C. Section 133(b)(1) is amended by inserting after “magnesium acetate” the following: “or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions”.

CAMPBELL (AND OTHERS)  
AMENDMENT NO. 1959

Mr. CAMPBELL (for himself, Mr. GRAMM, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the appropriate place in the bill, insert the following:

**SEC. . LIMITATIONS.**

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be

available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

WARNER (AND OTHERS)  
AMENDMENT NO. 1960

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18—

(1) line 14, strike “(1)” and insert “(1)(A)”;

(2) line 17, strike “(2)” and insert “(B)”;

(3) line 19, strike the period and insert “; or”; and

(4) between lines 19 and 20, insert the following:

(2) that are bordered by 2 navigable rivers listed under 33 USC 1804 that each comprise at least 10 percent of the boundary of the State.

Beginning on page 107, strike line 15 and all that follows through page 108, line 6, and insert the following:

“(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects—

“(i) at least \$20,000,000 of the amounts set aside under paragraph (1) to any State that—

“(I) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

“(II) was apportioned for that program for fiscal year 1997 an amount greater than \$125,000,000; and

“(ii) at least \$15,000,000 of the amounts set aside under paragraph (1) to any State with respect to which the average service life of the bridges in the State exceeds 46 years as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998.

On page 110, strike lines 22 and 23 and insert the following:

“(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

“(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), \$10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

“(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

“(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

“(ii) for the State, the ratio that—

“(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

“(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

“(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

“(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program: allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

“(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under”.

On page 236, between lines 16 and 17, insert the following:

**SEC. 14. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.**

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term “heavier weight vehicle” means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

On page 337, after the item relating to section 512, insert the following:

“513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

**SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.**

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

**“§513. Recycled materials resource center**

“(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the ‘Recycled Materials Resource Center’ (referred to in this section as the ‘Center’).

“(b) ACTIVITIES.—

“(1) IN GENERAL.—The Center shall—

“(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

“(B) make information available to State transportation departments, the Federal

Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

“(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

“(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

“(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

“(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

“(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

“(c) REVIEW AND EVALUATION.—

“(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

“(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

“(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

“(d) FUNDING.—Of amounts made available under section 541, \$2,000,000 shall be made available for each fiscal year to carry out this section.

#### SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike “and 511” and insert “511, and 513”.

On page 220, line 14, strike “and”.

On page 220, line 17, strike the period and insert “; and”.

On page 220, between lines 17 and 18, insert the following:

“(iii) a high speed railway corridor through at least 3 Gulf Coast States (as designated by the Secretary).

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

#### SEC. 11\_\_\_\_. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

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

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

On page 8, line 4, insert “and section 207(f)” after “(f)”.

On page 87, line 11, insert “under subsection (e)” after “program”.

On page 89, line 16, insert “under subsection (e)” before “for”.

On page 90, line 7, strike “Notwithstanding” and insert “Subject to subsection (f), notwithstanding”.

On page 90, line 21, insert “under subsection (e)” after “program”.

On page 91, line 10, add “(other than subsection (f))” at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

“(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

“(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

“(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

“(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

“(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

“(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

“(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

“(iii) is maintained by the county in which the public road is located.

“(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

“(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

“(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

“(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

“(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

“(B) any funding provided by a State to a county for road maintenance programs in the county.

“(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

“(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, the Secretary shall set aside \$1,500,000 from amounts made available under section 541(a) of title 23 United States Code.”

#### LEVIN (AND ABRAHAM) AMENDMENT NO. 1961

Mr. WARNER (for Mr. LEVIN, for himself and Mr. ABRAHAM) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in

paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike “(6)” and insert “(7)”;

(2) on page 13, line 14, strike “(7)” and insert “(8)”;

(3) on page 14, line 1, strike “(8)” and insert “(9)”.

#### DASCHLE (AND OTHERS) AMENDMENT NO. 1962

Mr. BAUCUS (for Mr. DASCHLE, for himself, Mr. THOMAS, and Mr. ENZI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the end of the title entitled “Revenue”, add the following:

#### SEC. —. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(i) by striking “and” at the end of clause (iii) and all that follows through “clauses (i) and (iv).”, and

(2) by adding after clause (iii) the following:

“(iv) capital expenditures related to State-owned rail operations in the State,

“(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

“(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

“(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

“(viii) the provision of passenger ferryboat service within the State, and

“(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

#### ROTH AMENDMENT NO. 1963

Mr. ROTH proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the end of the bill add the following:

#### TITLE —.—REVENUE

#### SEC. —001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the “Intermodal Surface Transportation Revenue Act of 1998”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. —002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—(1) The following provisions are each amended by striking “1999” each place it appears and inserting “2005”:

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking “2000” each place it appears and inserting “2007”:

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking “2000” each place it appears and inserting “2006”.

(4) Section 6427(f)(4) (relating to termination) is amended by striking “1999” and inserting “2007”.

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking “December 31, 2000” and inserting “December 31, 2007”, and

(B) by striking subparagraph (B) and inserting the following:

“(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.”

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking “10/1/2000” each place it appears and inserting “10/1/2007”.

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—

(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking “1999” and inserting “2005”,

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking “and tread rubber”, and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking “1999” each place it appears and inserting “2005” and by striking “2000” and inserting “2006”,

(iii) in the heading of paragraph (2), by striking “OCTOBER 1, 1999” and inserting “OCTOBER 1, 2005”, and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking “1999” and inserting “2005”, and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking “1998” and inserting “2003”,

(II) in subparagraph (C), by striking “or” at the end,

(III) in subparagraph (D), by striking “1991.” and inserting “1991, or”,

(IV) by inserting after subparagraph (D) the following:

“(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.”, and

(V) by striking the last sentence and inserting the following:

“In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.”,

(ii) in paragraph (2)(A)(i)—

(I) by striking “2000” and inserting “2006”,

(II) in subclause (II), by adding “and” at the end,

(III) in subclause (IV), by striking “1999” and inserting “2005”, and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

“(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.”,

(iv) in paragraph (3)—

(I) by striking “July 1, 2000” and inserting “July 1, 2006”, and

(II) by striking the heading and inserting “FLOOR STOCKS REFUNDS”,

(v) in paragraph (4)(A)—

(I) in clause (i), by striking “1998” and inserting “2003”, and

(II) in clause (ii), by adding at the end the following new flush sentence:

“In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.”, and

(vi) in paragraph (5)(A), by striking “1998” and inserting “2003”.

(2) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

“(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

“(i) any provision of law which is not contained or referenced in this title and which is

not contained or referenced in a revenue Act, and

“(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

“(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.”.

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking “or” at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting “, or”, and

(iii) by adding at the end the following:

“(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).”.

(C) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

“(h) REDUCED CREDIT FOR ETHANOL BLENDEERS.—

“(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

“(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting ‘the blender amount’ for ‘60 cents’,

“(B) subsection (b)(3) shall be applied by substituting ‘the low-proof blender amount’ for ‘45 cents’ and ‘the blender amount’ for ‘60 cents’, and

“(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting ‘the blender amount’ for ‘60 cents’ and ‘the low-proof blender amount’ for ‘45 cents’.

“(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002 .....	53 cents .....	39.26 cents
2003 or 2004 .....	52 cents .....	38.52 cents
2005, 2006, or 2007 .....	51 cents .....	37.78 cents.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking “5.4 cents” and inserting “the applicable blender rate”, and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

“(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

“(i) except as provided in clause (ii), 5.4 cents, and

“(ii) for sales or uses during calendar years 2001 through 2007,  $\frac{1}{10}$  of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.”.

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

“(A) GENERAL RULES.—

“(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this

paragraph) be determined under subsection (a) over—

“(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

“(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

“(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

“(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

“(I) in the case of 10 percent gasohol, 6 cents per gallon,

“(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

“(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.”.

(C) Section 4081(c)(5) is amended by striking “5.4 cents” and inserting “the applicable blender rate (as defined in section 4041(b)(2)(C))”.

(D) Section 4091(c)(1) is amended by striking “13.4 cents” each place it appears and inserting “the applicable blender amount” and by adding at the end the following: “For purposes of this paragraph, the term ‘applicable blender amount’ means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking “1998” and inserting “2004”, and

(B) by striking “1988” and inserting “the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998”.

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

“(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

“(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).”.

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking “October 1, 1988” and inserting “the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998”, and

(B) in subparagraph (B), by striking “November 29, 1990” and inserting “the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998”.

#### SEC. 3003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking “1998” and inserting “2003”,

(2) in subparagraph (A), by striking “or” at the end,

(3) in subparagraph (B), by adding “or” at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

“(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.”.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

“(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.”.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: “For purposes of the preceding sentence, the term ‘mass transit portion’ means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

“(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

“(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

“(C) 1.86 cents per gallon in the case of liquefied natural gas,

“(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

“(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

#### SEC. 3004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and



(2) section 147(c)(1) of such Code shall be applied by substituting "any portion of" for "25 percent or more".

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term "qualified highway infrastructure project" means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed \$15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(C) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

**SEC. 005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.**

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "March 1, 1999", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "February 28, 1999".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

**SEC. 006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.**

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.—Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "\$60" and inserting "\$100".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of \$5, such increase shall be rounded to the next lowest multiple of \$5."

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking "\$155" and inserting "\$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

"(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of \$5, such increase shall be rounded to the next lowest multiple of \$5."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

**SEC. 007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.**

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

**SEC. 008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.**

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000."

**SEC. 009. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.**

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

**MCCAIN AMENDMENT NO. 1964**

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him



to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 91, line 23, strike "\$12,000,000" and insert "\$9,620,000".

On page 91, line 24, strike "\$12,000,000" and insert "\$9,620,000".

On page 91, line 25, strike "\$12,000,000" and insert "\$9,620,000".

On page 92, line 1, strike "\$10,000,000" and insert "\$9,320,000".

On page 92, line 2, strike "\$10,000,000" and insert "\$9,320,000".

#### KERREY (AND JEFFORDS) AMENDMENT NO. 19654

(Ordered to lie on the table.)

Mr. KERREY for himself and Mr. JEFFORDS submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 236, between lines 16 and 17, and insert the following:

#### SEC. 14. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1501(a)), is amended by adding at the end the following:

##### "§ 166. Rural 2-lane highway safety program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic improvement of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

"(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with State standards and policies and shall incorporate, in any combination, the principles of—

"(A) safe alignment and cross-section design;

"(B) safe roadside conditions;

"(C) safety appurtenances;

"(D) durable and safe pavement design (especially long-term skid resistance);

"(E) grade crossing safety;

"(F) traffic engineering;

"(G) traffic calming;

"(H) access management;

"(I) bicycle and pedestrian features;

"(J) landscape design; or

"(K) historic preservation.

"(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State transportation departments and private sector experts in highway safety design and landscape design, including experts in transportation policy.

"(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

"(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

"(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

"(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the percentage of the population of the State that resides in rural areas; bears to

"(B) the percentage of the population of all States that resides in rural areas.

"(c) SELECTION OF PROJECTS.—

"(1) IN GENERAL.—Each State shall select projects to receive funding under the program in a manner based on the statewide transportation planning process of the State under section 135.

"(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

"(2) CONTENTS.—The report shall include—

"(A) detailed travel and accident data by class of vehicle and roadway; and

"(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$150,000,000 for fiscal year 1998, \$125,000,000 for fiscal year 1999, \$125,000,000 for fiscal year 2000, \$100,000,000 for fiscal year 2001, \$100,000,000 for fiscal year 2002, and \$100,000,000 for fiscal year 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation."

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1501(b)), is amended by adding at the end the following:

"166. Rural 2-lane highway safety program."

#### ABRAHAM AMENDMENT NO. 1966

(Ordered to lie on the table.)

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

At the appropriate place in subtitle G of title III, insert the following:

#### SEC. 37. AUTOMOBILE TRANSPORTERS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a), by striking "No funds shall" and inserting "Subject to subsection (i), no funds shall"; and

(2) by adding at the end the following:

"(i) CERTAIN AUTOMOBILE TRANSPORTERS.—

"(1) AUTOMOBILE TRANSPORTER DEFINED.—For purposes of this subsection, the term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, each axle of an automobile transporter described in subparagraph (B) shall be subject to an enforcement tolerance of an amount not to exceed 10 percent of the gross weight of the automobile transporter.

"(B) AUTOMOBILE TRANSPORTERS DESCRIBED.—An automobile transporter is described in this paragraph if the automobile transporter—

"(i) is manufactured after March 1, 1988;

"(ii) has a gross weight of not more than 88,000 pounds; and

"(iii) is certified in accordance with the applicable requirements for certification under part 567 of title 49, Code of Federal Regulations, or any subsequent similar regulations."

(b) REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.—

(1) IN GENERAL.—Section 4481(a) of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended—

(A) by striking "A tax" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a tax";

(B) by moving the text 2 ems to the right; and

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

"(2) SPECIAL RULE FOR AUTOMOBILE TRANSPORTERS.—In the case of an automobile transporter (as defined in section 127(i) of title 23, United States Code) which has a taxable gross weight over 80,000 pounds, the tax imposed under paragraph (1) shall be, in lieu of the rate specified in the table contained in paragraph (1), at the rate of \$550 per year plus \$22 for each 1,000 pounds (or fraction thereof) in excess of 80,000 pounds."

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on July 1, 1998.

#### BROWNBACK AMENDMENT NO. 1967

(Ordered to lie on the table.)

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

On page 369, line 14, (of the reported bill), following "lithium salts" insert: "and other economically viable methods".

#### MCCAIN AMENDMENT NO. 1968

Mr. MCCAIN proposed an amendment to amendment No. 1963 proposed by Mr. ROTH to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the end of the amendment, add the following new section:

"SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act."

#### MCCONNELL AMENDMENT NO. 1969

Mr. MCCONNELL proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d)

as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

#### BYRD AMENDMENT NO. 1970

Mr. CHAFEE (for Mr. BYRD) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

#### **“§ 509. Infrastructure investment needs report**

“(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary 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 on—

“(1) estimates of the future highway and bridge needs of the United States; and

“(2) the backlog of current highway and bridge needs.

“(b) FORMAT.—

“(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).”

#### MOSELEY-BRAUN AMENDMENT NO. 1971

Mr. CHAFEE (for Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the appropriate place, insert the following:

#### **SEC. . ROADSIDE SAFETY TECHNOLOGIES.**

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash designs and determining whether directive and nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

#### SARBANES AMENDMENT NO. 1972

Mr. CHAFEE (for Mr. SARBANES) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

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

#### **SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.**

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between

the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

#### MOYNIHAN (AND HOLLINGS) AMENDMENT NO. 1973

Mr. CHAFEE (for Mr. MOYNIHAN for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the end of the bill add the following:

#### **SEC. PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: “(3) In furtherance of the redevelopment of this James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.”

#### **SEC. UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

“Section 820. Union Station Redevelopment Corporation

“To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.”

#### MCCAIN AMENDMENT NO. 1974

Mr. CHAFEE (for Mr. MCCAIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 91, line 23, strike “\$12,000,000” and insert “\$9,620,000”.

On page 91, line 24, strike “\$12,000,000” and insert “\$9,620,000”.

On page 91, line 25, strike “\$12,000,000” and insert “\$9,620,000”.

On page 92, line 1, strike “\$10,000,000” and insert “\$9,320,000”.

On page 92, line 2, strike “\$10,000,000” and insert “\$9,320,000”.

#### CHAFEE AMENDMENT NO. 1975

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

On page 108, line 14, strike “(A)” and insert “(A)(i)”.

#### STEVENS (AND MURKOWSKI) AMENDMENT NO. 1976

Mr. CHAFEE (for Mr. STEVENS for himself and Mr. MURKOWSKI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the appropriate place, insert the following:

#### **SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.**

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23

U.S.C. 129 note) is amended by striking "\$14,000,000" and all that follows through "this section" and inserting in lieu thereof "\$30,000,000 for fiscal year 1998, \$25,000,000 for fiscal year 1999, \$25,000,000 for fiscal year 2000, \$30,000,000 for fiscal year 2001, \$35,000,000 for fiscal year 2002, and \$35,000,000 for fiscal year 2003 in carrying out this section, at least \$12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated \$20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

#### SEC. 1. REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

#### CLELAND AMENDMENT NO. 1977

Mr. WARNER (for Mr. CLELAND) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

#### SEC. 18. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

#### LIEBERMAN AMENDMENT NO. 1978

(Ordered to lie on the table)

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

On page 152, strike lines 9 through 12 and insert the following:

(2) by redesignating subsection (f) as subsection (h);

(3) by striking subsections (a) through (e) and inserting the following:

On page 155, strike line 5 and insert the following:

estimated total cost of \$1,000,000,000 or more.

"(g) ANALYSIS OF LIFE-CYCLE COSTS.—

"(1) PROGRAM.—The Secretary shall establish a program with recommendations to guide States in conducting, to the extent appropriate, an analysis of the life-cycle costs of each usable project segment on the National Highway System.

"(2) BASIS.—The recommendations shall be based on the principles contained in Executive Order No. 12893 (59 Fed. Reg. 4233).

"(3) ANALYSIS.—An analysis of life-cycle costs under paragraph (1) shall consist of a process for evaluating the total economic worth of a usable project segment by analyzing the initial costs and discounted future costs of the project segment, such as maintenance, reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project segment.

"(4) USER COSTS.—As part of the recommendations under paragraph (1), the Secretary shall make recommendations on the appropriate use of user costs as a factor in the analysis of life-cycle costs."

#### MURKOWSKI (AND STEVENS) AMENDMENT NO. 1979

Mr. CHAFEE (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 43, between lines 15 and 16, insert the following:

"(xiii) amounts set aside under section 11\_\_\_\_.

On page 136, after line 22, add the following:

#### SEC. 11. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

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

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed \$16,000,000 from amounts to be apportioned under section 104(b)(1)(A)

of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

#### RESOLUTION RELATIVE TO THAILAND AND THE INTERNATIONAL MONETARY FUND

#### ROTH AMENDMENT NOS. 1980-1981

Mr. CHAFEE (for Mr. ROTH) proposed two amendments to the resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; as follows:

#### AMENDMENT NO. 1980

On page 2, strike lines 2 through 7 and insert the following:

"(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and".

#### AMENDMENT NO. 1981

In the preamble, strike "and" at the end of the sixth "Whereas" clause.

In the preamble, strike the colon at the end of the seventh "Whereas" clause and insert "; and".

In the preamble, insert after the seventh "Whereas" clause the following:

"Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:".

#### THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

#### TORRICELLI AMENDMENT NO. 1982

(Ordered to lie on the table.)

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

In title III, strike section 3215 and insert the following:

#### SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§5128. High risk hazardous material and hazardous waste; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous