

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3550,
TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

APRIL 1 (legislative day, MARCH 31), 2004.—Referred to the House Calendar and
ordered to be printed

Mr. DREIER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 593]

The Committee on Rules, having had under consideration House Resolution 593, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 3550, the Transportation Equity Act: A Legacy for Users, under a structured rule. The rule provides for no further general debate except for the final period of ten minutes following consideration of the bill for amendment contemplated in the order of the House of March 30, 2004. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendments printed in part A of this report, shall be considered as adopted in the House and in the Committee of the Whole.

The rule provides that the bill as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those amendments printed in part B of this report, which may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question. The rule waives all points of order against the amendments

printed in this report. The rule provides one motion to recommit with or without instructions.

Finally, Section 2 of the resolution provides that the amendment considered as adopted under the first section of this resolution shall be considered an amendment offered under section 411 of House Concurrent Resolution 95.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 238

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. Frost.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Davis of Tennessee which increases highway and transit investment by \$37.8 billion, a level equal to that of the Senate-passed TEA 21 reauthorization bill; includes the Senate-passed Highway Trust Fund financing mechanisms (no gas tax increase); and fully offsets these investments by cracking down on abusive tax shelters, preventing American corporations from avoiding paying U.S. taxes by moving to a foreign country, and extending customs-user fees.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 239

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. Frost.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Turner of Texas which authorizes a grant program to improve the security of public transportation systems, including rails, bus, and ferry transit to be administered by the Secretary of Homeland Security. Amendment authorizes \$250 million for FY 2004 and such sums as are necessary for fiscal years 2005 through 2009. Grants would be made to local transit authorities for transit surveillance systems, communication systems, training, deployment of detectors for weapons of mass destruction, physical security of transit infrastructure, emergency response equipment, and public awareness. Funding under this section would be allocated according to a risk assessment, including assessment of threats, vulnerabilities, consequences of a terrorist attack, and past acts of terrorism.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay;

Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 240

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. Frost.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Eddie Bernice Johnson which requires states to pass through Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to areas of 200,000 or more under the same funding allocation rules that now apply under the Surface Transportation program STP program for urbanized areas of 200,000 or more.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 241

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. McGovern.

Summary of motion: To reinsert into the text of the bill the language which was reported in the bill by the Committee on Transportation and Infrastructure concerning Indian gaming.

Results: Defeated 2 to 9, 1 present.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Present; Dreier—Nay.

Rules Committee record vote No. 242

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Menendez which expresses the sense of the Congress opposed to the outsourcing of American jobs.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 243

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Millender-McDonald which provides incentive for contractors, and local and state governments to leverage federal transportation funds to create immediate job opportunities and provide long-range training opportunities to local unemployed persons. Encourages contractors to include in their bids local hiring and training goals for transportation projects of greater than \$10 million. Provides an incentive for contractors and local employment agencies to work together in coordinated outreach. Outreach will be targeted to local community colleges, high schools, apprentice programs, employment agencies, and non-profit groups to alert disadvantaged workers of the job availability and training opportunities that accompany transportation projects in their region. Allows states to provide up to 90 percent of the federal transportation matching funds to these localities that have worked in good faith to meet their state local hiring and job training goals.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 244

Date: April 1, 2004 (legislative day of March 31, 2004).

Measure: H.R. 3550—Transportation Equity Act—A Legacy For Users.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Quinn which adds the maintenance of the protective devices installed at the grade crossings to the list of eligible projects allowed under the Highway/Rail Grade Crossing Program.

Results: Defeated 3 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

PART A—SUMMARY OF AMENDMENTS CONSIDERED AS ADOPTED

1. Provides guidance in interpreting existing rules of the House to ensure that current flexibilities and authorities of Congress to set appropriate annual spending levels for basic salaries and administrative expenses of the Federal Transit Administration are maintained.

2. Extends the authority to spend money out of the Highway Trust Fund and updates the purposes for which money can be spent. Extends the gas tax through 2011 at current rates and maintains the current-law deficit protection rule that requires a 2-year cushion of reserves in the Highway Trust Fund. Increases Highway Trust Fund receipts by \$18 billion over six years to pay for the highway spending authorized by the bill. Receipts are raised by: (1) reducing fuel tax evasion, (2) crediting the Highway Trust Fund with the full gas tax and (3) restructuring the ethanol subsidy so that the Trust Fund is made whole. Extends the ethanol

subsidy through 2010. Simplifies and reforms the rules relating to certain highway excise taxes. Provides AMT relief, particularly for small businesses and farmers. Extends enhanced section 179 expensing for small businesses. Extends trust fund authority and fuel excise taxes. The authority to spend money from the Highway Trust Fund (HTF) and the Aquatic Resources Trust Fund is extended for six years, and the purpose for which Trust Fund monies may be spent is updated to reflect the purposes authorized in the underlying bill. The fuel excise taxes are extended (at current-law rates) through 2011. These rates are 18.4 cents-per-gallon for gasoline and 24.4 cents-per-gallon for diesel and kerosene. The current-law "Harry Byrd Rule" is retained. This deficit protection rule requires the Trust Fund to maintain a cushion sufficient to cover 2 years of spending. Increases highway trust fund receipts. Extends the ethanol excise tax benefit through 2010 and compensates the HTF for the cost of the benefit. Increases HTF receipts by \$9.4 billion over 6 years and increases general revenues by \$4.3 billion over 10 years. Repeals the requirement that 2.5 cents-per-gallon of alcohol fuel tax receipts be retained in the General Fund so that the full fuel tax is credited to the HTF. Increases HTF receipts by \$5.7 billion over 6 years. Repeals the requirement that 4.8 cents-per-gallon of fuel tax receipts from use in motorboats and small engine equipment be retained in the General Fund. As a result, the full fuel tax will be credited to the HTF and subsequently transferred to the Aquatic Resources Trust Fund. Increases Aquatic Resources Trust Fund receipts by \$0.7 billion over 6 years. Codifies the mobile machinery exemption and adds a 7,500 mile annual use test for fuel taxes. Increases HTF receipts by \$0.7 billion over 6 years. Requires heavy highway vehicles to pay the maximum \$550 use tax in one installment. Increases HTF receipts by \$1.0 billion over 6 years. Includes several other provisions to combat fuel tax evasion. In combination, these provisions increase HTF receipts by \$1.0 billion over 6 years and increase general revenues by \$3.8 billion over 10 years. Conforms the taxation of all taxable fuels by taxing jet fuel when it leaves the terminal. Requires terminals that sell dyed fuel to use mechanical dye injection systems. Requires all entities that are party to a tax-exempt bulk transfer to register with the IRS. Expands IRS authority to inspect on-site records related to taxable fuels. Closes current-law loophole that makes it difficult for the IRS to collect tax on imported fuel when the importer is not registered with the IRS. Modifies refund rules so that taxpayers buying more than 250 gallons of fuel for farm use must buy dyed diesel.

Reforms and simplifies highway excise taxes. Conforms the rules relating to refund claims on gasoline, kerosene and diesel. Clarifies that the receiving party is liable for tax under a two-party exchange. Simplifies the administration of the heavy tire excise tax. Provides relief from the Alternative Minimum Tax (AMT). The tax title contains four provisions to reduce the AMT burden so that struggling companies can survive, create jobs and improve the economy: (1) Exempts 97% of corporations from the AMT by expanding the size of the AMT exemption from \$7.5 million of annual gross receipts to \$20 million of annual gross receipts; (2) Coordinates farmer income averaging and the AMT so that farmers are not hit by the AMT just because they elect to smooth their income

over several years for tax purposes; (3) Allows businesses to fully use their net operating losses (NOLs) to offset their AMT liability by repealing the 90% limit on the use of NOLs; and (4) Allows businesses to fully use their foreign tax credits (FTCs) to offset their AMT liability by repealing the 90% limit on the use of FTCs. Provides an extension of Section 179 for Small Businesses. The Jobs and Growth Reconciliation Act of 2003 expanded section 179 by: (1) increasing the amount that can be expensed under section 179 from \$25,000 annually to \$100,000 annually and (2) increasing the number of small businesses eligible for this enhanced expensing. However, this expansion is scheduled to expire at the end of 2005. The tax title extends the section 179 reforms through the end of 2007. AMT relief and the extension of section 179 expensing are paid for with general revenues raised by other provisions in the bill. These additional revenues are separate from the receipts that accrue to the Highway Trust Fund.

PART B—SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by the amendment sponsor.)

1. Young, Don (AK): Manager's Amendment.

Sec. 1105.—Is amended to require the Secretary to establish an oversight program to monitor the use of authorized federal funds to carry out tilt 23, U.S.C. For projects over \$500,000,000 project management plans and an annual financial plan will be required from recipients of federal funds. For project over \$100,000,000 financial plan are required. The provision also describes how funds recovered from judicial proceedings will be treated.

Sec. 1107.—Is amended to improve the calculation of Revenue Aligned Budget Authority to provide more accurate information.

Sec. 1113.—Is amended to insert an effective date for the repeal of the Interstate Discretionary Program.

Sec. 1114.—Is amended to include a set-aside for the seismic retrofit of bridges.

Sec. 1115.—Is amended to allow funds for the Transportation and Community and System Preservation Program to be used for additional planning activities under a pilot program.

Sec. 1118.—Is amended to require the Secretary and the Denali Commission to establish an Alaska Native Village Transportation program.

Sec. 1119.—Make changes to the Federal Lands Highway program to allow new activities refuge roads and forest highways. It also requires the Secretary to conduct a study on collisions between wildlife and motor vehicles.

Sec. 1207.—Requires the Secretary to establish a pilot program to allow States to assume the responsibilities of the Secretary for transportation enhancements, recreational trails and ITS projects.

Sec. 1209.—(f) is stricken.

Sec. 1210.—Requires the off-ramp on Interstate 495/94 to remain open to all traffic.

Sec. 1408.—Requires the Secretary to conduct a rulemaking to determine the appropriate conditions under which the State should be required to repair or replace damaged features on the National Highway System with highway features that have been tested, evaluated, and found to be acceptable under certain guidelines.

Sec. 1604.—Makes technical and funding changes to the Interstate System construction toll pilot program.

Sec. 1702.—This section makes technical and funding changes to the high priority project authorizations.

Sec. 1804.—This section designates new highways as high priority corridors on the National Highway System.

Sec. 1808.—This section requires an evaluation of acrylic waterborne pavement markings to be used in the pavement marking systems evaluation study.

Sec. 1814.—This section designates the northbound and southbound tunnel of I-93 in the city of Boston, Massachusetts as the “Thomas P. ‘Tip’ O’Neil, Jr. Tunnel”.

Sec. 1818.—This section recognizes that the outstanding debt for project number Q-DPM-0013(001) is satisfied.

Sec. 1819.—This section establishes the lead agency for accepting Federal funds from item 13 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

Sec. 1820.—This section provides that any debris from the demolition of a bridge or overpass must be made available for public use by Federal, State, and local governments.

Sec. 1821.—This section creates an incentive within the Department of Housing and Urban Development to spur economic development.

Sec. 1822.—This section makes necessary technical amendments to the high priority projects in section 1602 of TEA 21.

Sec. 1823.—This section creates a National Clearinghouse for the purpose of assembling and disseminating information relating to the improvement of roadway work zone safety.

Sec. 1824.—This section makes procedural improvement to the planning requirements for metropolitan areas and States in regard to the Clean Air Act.

Sec. 2009.—This section makes changes to how fees for motorcycle safety training grants are collected.

Sec. 2011.—This section directs the Secretary to create a model statute for the States to use when developing drugged driving detection, prevention, and enforcement programs.

Sec. 3009.—This section makes a technical change to the clean fuels formula grant program under section 5308 of title 49, U.S.C.

Sec. 3010.—This section creates a \$10 million a year set-aside program for passenger ferries from section 5309 of title 49, U.S.C.

Sec. 3018.—This section makes a technical change to the low density formula grant adjustment under the section 5317, title 49, U.S.C. New Freedom grant program.

Sec. 3037.—This section adds additional new starts project authorizations.

Sec. 3038.— This section makes technical changes to project designations in the bus and bus facilities program.

Sec. 3039.—This section makes technical amendments to the national fuel cell bus technology development program.

Sec. 3040.—The section on axle weight for transit buses is moved to title 1 of the bill.

Sec. 3042.—This section adds a new study on the adequacy of public transportation systems’ adequacy to meet capacity needs in a security crisis.

Sec. 3045.—This section adds a new study on the potential benefits of cooperative procurement of transit buses.

Sec. 4120.—This section makes a technical amendment to the funding levels of the FMCSA outreach and education program.

Sec. 4121.—This section makes technical amendments to the insulin-treated diabetes mellitus exemption program.

Sec. 4128.—This section provides FMCSA with the necessary authority to conduct inspections of intermodal equipment providers, including the intermodal equipment to ensure that the proper maintenance is conducted.

Sec. 4208.—This section clarifies that household goods movers can only challenge information in the consumer complaint database, if the alleged complaint is fraudulent or duplicate.

Sec. 4212.—This section defines the applicability of the provisions of this bill and of title 49, U.S.C., that relate to the transportation of household goods.

Sec. 5103.—This section amends Title V of TEA LU to include certain provisions from H.R. 3551, the Science Committee's reported bill addressing research. From the Science Committee's bill, the amendment adds their Findings section, which provides guiding principles for the overall research program conducted by the Secretary of Transportation. The amendment also adds the Science Committee's definitions for "stakeholder input", "competition and peer review" and "performance review and evaluation". The amendment adds the Science Committee's approach to the Garret A. Morgan Technology and Transportation Education Program, an education program for students, particularly women and minorities. The amendment also adds the Science Committee's approach to "Programmatic Evaluations". The amendment further adds the Science Committee's program of a "Transportation Education Development Pilot Program". The amendment also adds the Science Committee's "Transportation research and development strategic planning" principles which will now govern the approach the Secretary of Transportation to implementing the research programs continued within TEA LU. The amendment also adds the Science Committee's approach to reform of the Bureau of Transportation Statistics, which includes amendment to the National Spatial Data Infrastructure effort, Intermodal Transportation Data Base, National Transportation Library and National Transportation Atlas Data Base. The amendment also adds the Science Committee's ITS Advisory Committee. The amendment also adds the Science Committee's "Road Weather Research and Development Program". The amendment also adds Centers for Surface Transportation Excellence.

Sec. 5201.—This section amends the requirements in the research, technology and education program for stakeholder input, competition and peer review, and performance review and evaluation.

Sec. 5203.—This section makes funding changes to the training and education program.

Sec. 5204.—This section amends the term 'materials' as used in this section to include recycled materials.

Sec. 5205.—This section adds the Garrett A. Morgan education program to the research title, as well as requires the Secretary to establish a grant program to institutions of higher learning that

develop, test, and revise new curricula in partnership with industry.

Sec. 5209.—This section makes technical corrections to the strategic highway research program, as well as require the GAO to conduct a study of the grants, cooperative agreements, or contracts issued in the first three years of this program.

Sec. 5213.—This section amends the transportation research and development strategic plan.

Sec. 5302.—This section makes technical corrections to the university transportation research program.

Sec. 5501.—This section amends and makes improvements to the statute that establishes the Bureau of Transportation Statistics.

Sec. 5605.—This section amends the requirements for who should be given funding under the high priority for funding.

Sec. 5607.—This section requires the Secretary to establish a road weather research and development program to maximize the use of road weather information, expand road weather developments to improve safety, and promote the use of road weather technology transfer.

Sec. 6001.—This section amends transportation planning to allow States the right to alter, amend or repeal interstate compacts.

Sec. 6002.—This section amends the existing environment review process.

Sec. 7003.—This section makes a technical correction to the definitions.

Sec. 7019.—This section makes technical changes to H.R. 3550 as reported.

Sec. 7020.—This section makes technical changes to H.R. 3550 as reported.

Sec. 8101.—This section sets discretionary spending limits on outlays for the highway and mass transit budget categories and for new budget authority for the mass transit category, for fiscal years 2004–2009. The section also defines budget accounts and establishes budgetary firewalls for highway account funded programs and the mass transit category programs.

Sec. 8102.—This section provides the mechanism to adjust highway spending in fiscal years 2006–2009 to align with the amount of highway receipts flowing into the highway account of the Highway Trust Fund.

Sec. 8103.—This section sets the annual obligation limitations for the highway category and mass transit category for fiscal years 2004–2009.

Sec. 9001.—This section increases the authorization for an existing program of high speed rail corridor development and technology improvement grants at a funding level of \$100 million a year through fiscal years 2005–2012.

Sec. 9002.—This section authorizes such sums as may be necessary for capital grants to the Alaska Railroad. (10 minutes)

2. Johnson, Eddie Bernice (TX): Requires the Department of Transportation's Section 104(j) report to be made available to the public in a user-friendly format via the internet. (10 minutes)

3. Flake: Subtracts the amount that states receive in High Priority Program earmarks from their formula totals for the Surface Transportation Program. Prevents the Minimum Guaranty Program from backfilling for what comes out of states' Surface Trans-

portation Program funding. Apportions to states, via formula, any funding remaining in the High Priority Program. (10 minutes)

4. Jackson-Lee: Allows states to receive toll credits for any local, state, or private funds contributed to a toll project that exceed the minimum nonfederal 20% threshold required for federal match. (10 minutes)

5. Shadegg: Ensures that Congestion Mitigation and Air Quality Improvement Program funds will be made available for areas which are not in attainment of air quality standards for either coarse particulate matter (PM-10) or fine particulate matter (PM-2.5). (10 minutes)

6. Schiff: Strikes the toll requirement placed on hybrid gasoline-electric car users regarding the use of high-occupancy vehicle (HOV) lanes. (10 minutes)

7. Vitter: Ensures the Interstate Route 49 Corridor is given priority consideration under the new National Corridor Infrastructure Improvement Program. (10 minutes)

8. Graves: Eliminates liability under state law for an owner of a motor vehicle who is engaged in the business of renting and leasing motor vehicles provided there is no negligence or criminal wrongdoing on the part of the motor vehicle owner. Owner must maintain the required state limits of financial responsibility for each vehicle in accordance with the state where the vehicle is registered. Elimination of vicarious liability commences on the date of enactment. Defines "motor vehicle" and "owner." (10 minutes)

9. Chocola: Provides for a 400-pound weight limit exclusion for any motor vehicle equipped with an idling reduction technology verified by the Environmental Protection Agency. (10 minutes)

10. Baird: Expresses the Sense of Congress to clarify that the Buy America Act applies to overall projects, and not their component parts. (10 minutes)

11. Holt: Preserves the authority and right of the State of New Jersey to restrict trucks to only using interstate highways, the New Jersey turnpike, and the Atlantic City Expressway in New Jersey unless they are traveling to a terminal or making pickups or deliveries on other roads in New Jersey. This would uphold current restrictions and policy and thus, by extension, affirm the right of all states to regulate super-sized trucks on the roads that are not part of the designated national highway system. (10 minutes)

12. Waters: Prohibits the use of funds for surface transportation projects that are planned or required to implement any proposal to build a remote passenger check-in facility at Los Angeles International Airport (LAX). (10 minutes)

13. LoBiondo: Provides states eligibility to receive Section 410, Alcohol-Impaired Countermeasures grant funding to cover the costs of DWI vehicle impoundment programs. (10 minutes)

14. Wu: Exempts projects, for which the Secretary of Transportation has received an application for final design, from the small start provisions of the bill. Allows recommended new start projects, which have applied for final design, to move forward on their original timeline and avoid unnecessary delay. (10 minutes)

15. LaTourette: Requires that in the case of construction projects steel or iron used must be of U.S. origin; more than 60% of the cost components and subcomponents of all manufactured products shall be of U.S. origin; and in the case of manufactured components

final assembly must occur in the U.S. The labor cost related to on-site construction, installation, and final assembly is not included in calculating the cost. (10 minutes)

16. Crowley: Creates a pilot program that facilitates the use of natural gas buses at the nation's top 25 busiest airports. (10 minutes)

17. Bachus: Exempts motion picture and television production truck drivers from the new hours of service regulations that went into effect at the beginning of this year. (10 minutes)

18. Bereuter: Continues the farm supply and agricultural commodity exemption to the hours of service for drivers rules and clarifies the definition of "agricultural commodities" and "farm supplies for agricultural purposes." (10 minutes)

19. Ehlers: Clarifies that the Surface Transportation Environment Cooperative Research Program authorized in the legislation will solely carry out the Transportation Research Board's Special Report 268. (10 minutes)

20. Bradley: Increases the allowable weight of vehicles permitted to travel on interstate highways 93 and 89, in New Hampshire, from 80,000 to 99,000 pounds. Instructs the New Hampshire Department of Transportation to conduct a study to discern the economic, safety and infrastructure impact to the exemption. (10 minutes)

21. Kirk: Authorizes states the authority to administer requirements governing the sounding of a locomotive horn when a train approaches and enters upon public highway-rail grade crossings. (10 minutes)

22. Kennedy, Mark (MN): Repeals the authority to indefinitely charge tolls on existing highway lanes, replacing it with language that allows tolls only on new voluntary-use lanes, with revenues dedicated to new highway capacity. (20 minutes)

23. Isakson/Mica/DeMint/Ehlers/Hoekstra/Burns/Chocola/Mario Diaz-Balart (FL)/Coble/Scott, David (GA): Includes high priority projects and projects of national regional significance under the Minimum Guarantee, consistent with current law. It clarifies that the \$4 billion saved by this amendment is returned to the five core programs of interstate maintenance, national highway system, bridges, surface transportation, congestion mitigation and air quality improvement programs. (40 minutes)

PART A—TEXT OF AMENDMENTS CONSIDERED AS ADOPTED

TEXT OF AMENDMENT NUMBER ONE CONSIDERED AS ADOPTED

At the end of Title 8, insert the following new section:

"SEC. _____. For purposes of clauses 2 and 3 of rule XXI of the House of Representatives, it shall be in order to transfer funds, in amounts specified in annual appropriations Acts to carry out the Transportation Equity Act: A Legacy for Users (including the amendments made by that Act), from the Federal Transit Administration's administrative expenses account to other mass transit budget accounts under section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985."

TEXT OF AMENDMENT NUMBER TWO CONSIDERED AS ADOPTED

At the end of the bill, add the following new title (and amend the table of contents accordingly):

TITLE IX—TAX PROVISIONS

SEC. 9000. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the “Highway Reauthorization Tax Act of 2004”.

(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.

Subtitle A—Highway Trust Fund Extension

SEC. 9101. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking “2005” each place it appears and inserting “2011”:

(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).

(C) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(D) Section 4071(d) (relating to termination of tax on tires).

(E) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

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

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

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

(2) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended—

(A) by striking “2005” each place it appears and inserting “2011”, and

(B) by striking “2006” each place it appears and inserting “2012”.

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions of such Code are each amended by striking “2005” and inserting “2011”:

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

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO TRUST FUNDS.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 of such Code (relating to the Highway Trust Fund) are each amended—

- (A) by striking “2005” each place it appears and inserting “2011”, and
- (B) by striking “2006” each place it appears and inserting “2012”.
- (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—
- (A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) of such Code are each amended by striking “2005” and inserting “2011”.
- (B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—
- (i) by striking “2003” and inserting “2009”, and
- (ii) by striking “2004” each place it appears and inserting “2010”.
- (d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUNDS.—
- (1) HIGHWAY TRUST FUND.—
- (A) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) of such Code is amended—
- (i) in the matter before subparagraph (A), by striking “May 1, 2004” and inserting “October 1, 2009”,
- (ii) by striking “or” at the end of subparagraph (F),
- (iii) by striking the period at the end of subparagraph (G) and inserting “, or”,
- (iv) by inserting after subparagraph (G), the following new subparagraph:
- “(H) authorized to be paid out of the Highway Trust Fund under the Transportation Equity Act: A Legacy for Users.”, and
- (v) in the matter after subparagraph (H), as added by clause (iv), by striking “Surface Transportation Extension Act of 2004” and inserting “Transportation Equity Act: A Legacy for Users”.
- (B) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—
- (i) in the matter before subparagraph (A), by striking “May 1, 2004” and inserting “October 1, 2009”,
- (ii) in subparagraph (D), by striking “or” at the end of such subparagraph,
- (iii) in subparagraph (E), by inserting “or” at the end of such subparagraph,
- (iv) by inserting after subparagraph (E) the following new subparagraph:
- “(F) the Transportation Equity Act: A Legacy for Users.”, and
- (v) in the matter after subparagraph (F), as added by clause (iv), by striking “Surface Transportation Extension Act of 2004” and inserting “Transportation Equity Act: A Legacy for Users”.
- (C) LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “May 1, 2004” and inserting “October 1, 2009”.
- (2) AQUATIC RESOURCES TRUST FUND.—

(A) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of such Code is amended by striking “Surface Transportation Extension Act of 2004” each place it appears and inserting “Transportation Equity Act: A Legacy for Users”.

(B) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(i) by striking “May 1, 2004” and inserting “October 1, 2009”, and

(ii) by striking “Surface Transportation Extension Act of 2004” and inserting “Transportation Equity Act: A Legacy for Users”.

(C) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “May 1, 2004” and inserting “October 1, 2009”.

Subtitle B—Restructuring of Incentives for Alcohol Fuels, Etc.

SEC. 9201. REDUCED RATES OF TAX ON GASOHOL REPLACED WITH EXCISE TAX CREDIT; REPEAL OF OTHER ALCOHOL-BASED FUEL INCENTIVES; ETC.

(a) EXCISE TAX CREDIT FOR ALCOHOL FUEL MIXTURES.—

(1) IN GENERAL.—Subsection (f) of section 6427 is amended to read as follows:

“(f) ALCOHOL FUEL MIXTURES.—

“(1) IN GENERAL.—The amount of credit which would (but for section 40(c)) be determined under section 40(a)(1) for any period—

“(A) shall, with respect to taxable events occurring during such period, be treated—

“(i) as a payment of the taxpayer’s liability for tax imposed by section 4081, and

“(ii) as received at the time of the taxable event, and

“(B) to the extent such amount of credit exceeds such liability for such period, shall (except as provided in subsection (k)) be paid subject to subsection (i)(3) by the Secretary without interest.

“(2) SPECIAL RULES.—

“(A) ONLY CERTAIN ALCOHOL TAKEN INTO ACCOUNT.—For purposes of paragraph (1), section 40 shall be applied—

“(i) by not taking into account alcohol with a proof of less than 190, and

“(ii) by treating as alcohol the alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

“(B) TREATMENT OF REFINERS.—For purposes of paragraph (1), in the case of a mixture—

“(i) the alcohol in which is described in subparagraph (A)(ii), and

“(ii) which is produced by any person at a refinery prior to any taxable event,

section 40 shall be applied by treating such person as having sold such mixture at the time of its removal from the

refinery (and only at such time) to another person for use as a fuel.

“(3) MIXTURES NOT USED AS FUEL.—Rules similar to the rules of subparagraphs (A) and (D) of section 40(d)(3) shall apply for purposes of this subsection.

“(4) TERMINATION.—This section shall apply only to periods to which section 40 applies, determined by substituting in section 40(e)—

“(A) ‘December 31, 2010’ for ‘December 31, 2007’, and

“(B) ‘January 1, 2011’ for ‘January 1, 2008’.”

(2) REVISION OF RULES FOR PAYMENT OF CREDIT.—Paragraph (3) of section 6427(i) is amended to read as follows:

“(3) SPECIAL RULE FOR ALCOHOL MIXTURE CREDIT.—

“(A) IN GENERAL.—A claim may be filed under subsection (f)(1)(B) by any person for any period—

“(i) for which \$200 or more is payable under such subsection (f)(1)(B), and

“(ii) which is not less than 1 week.

In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).

“(B) PAYMENT OF CLAIM.—Notwithstanding subsection (f)(1)(B), if the Secretary has not paid pursuant to a claim filed under this section within 45 days of the date of the filing of such claim (20 days in the case of an electronic claim), the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621.

“(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.”

(b) REPEAL OF OTHER INCENTIVES FOR FUEL MIXTURES.—

(1) Subsection (b) of section 4041 is amended to read as follows:

“(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

“(1) IN GENERAL.—No tax shall be imposed by subsection (a) or (d)(1) on liquids sold for use or used in an off-highway business use.

“(2) TAX WHERE OTHER USE.—If a liquid on which no tax was imposed by reason of paragraph (1) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B), (2)(B), or (3)(A)(ii) of subsection (a) (whichever is appropriate) and by the corresponding provision of subsection (d)(1) (if any).

“(3) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term ‘off-highway business use’ has the meaning given to such term by section 6421(e)(2); except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train.”

(2) Section 4041(k) is hereby repealed.

(3) Section 4081(c) is hereby repealed.

(4) Section 4091(c) is hereby repealed.

(c) TRANSFERS TO HIGHWAY TRUST FUND.—Paragraph (4) of section 9503(b) is amended by adding “or” at the end of subparagraph

(B), by striking the comma at the end of subparagraph (C) and inserting a period, and by striking subparagraphs (D), (E), and (F).

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 40 is amended to read as follows:

“(c) COORDINATION WITH EXCISE TAX BENEFITS.—The amount of the credit determined under this section with respect to any alcohol shall, under regulations prescribed by the Secretary, be properly reduced to take into account the benefit provided with respect to such alcohol under section 6427(f).”

(2) Subparagraph (B) of section 40(d)(4) is amended by striking “under section 4041(k) or 4081(c)” and inserting “under section 6427(f)”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxes imposed after September 30, 2003.

SEC. 9202. ALCOHOL FUEL SUBSIDIES BORNE BY GENERAL FUND.

(a) TRANSFERS TO FUND.—Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

“For purposes of this paragraph, the amount of taxes received under section 4081 shall include any amount treated as a payment under section 6427(f)(1)(A) and shall not be reduced by the amount paid under section 6427(f)(1)(B).”

(b) TRANSFERS FROM FUND.—Subparagraph (A) of section 9503(c)(2) is amended by adding at the end the following new sentence: “Clauses (i)(III) and (ii) shall not apply to claims under section 6427(f)(1)(B).”

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxes received after September 30, 2004.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid after September 30, 2004, and (to the extent related to section 34 of the Internal Revenue Code of 1986) to fuel used after such date.

Subtitle C—Reduction of Fuel Tax Evasion

SEC. 9301. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

“(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

“(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

“(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

“(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:
“(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(c) EXEMPTION FROM TAX ON TIRES.—

(1) IN GENERAL.—Section 4072(b)(2) is amended by adding at the end the following flush sentence: “Such term shall not include tires of a type used exclusively on vehicles described in section 4053(8).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) REFUND OF FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

“(C) USES IN MOBILE MACHINERY.—

“(i) IN GENERAL.—The term ‘off-highway business use’ shall include any use in a vehicle which meets the requirements described in clause (ii).

“(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

“(I) the design-based test, and

“(II) the use-based test.

“(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

“(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

“(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and
 “(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

“(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 7,500 miles during the taxpayer’s taxable year.”

(2) NO TAX-FREE SALES.—Subsection (b) of section 4082, as amended by section 9302, is amended by inserting before the period at the end “and such term shall not include any use described in section 6421(e)(2)(C)”.

(3) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

“(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used solely in any off-highway business use described in section 6421(e)(2)(C).”

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9302. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.”

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

“(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”

(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

“(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—

“(A) IN GENERAL.—In the case of aviation-grade kerosene which is removed from any terminal directly into the fuel tank of an aircraft (determined without regard to any refueler truck, tanker, or tank wagon which meets the re-

quirements of subparagraph (B)), a refueler truck, tanker, or tank wagon shall be treated as part of such terminal if—

“(i) such truck, tanker, or wagon meets the requirements of subparagraph (B) with respect to an airport, and

“(ii) except in the case of exigent circumstances identified by the Secretary in regulations, no vehicle registered for highway use is loaded with aviation-grade kerosene at such terminal.

“(B) REQUIREMENTS.—A refueler truck, tanker, or tank wagon meets the requirements of this subparagraph with respect to an airport if such truck, tanker, or wagon—

“(i) is loaded with aviation-grade kerosene at such terminal located within such airport and delivers such kerosene only into aircraft at such airport,

“(ii) has storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft,

“(iii) is not registered for highway use, and

“(iv) is operated by—

“(I) the terminal operator of such terminal, or

“(II) a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck, tanker, or wagon.

“(C) REPORTING.—The Secretary shall require under section 4101(d) reporting by such terminal operator of—

“(i) any information obtained under subparagraph (B)(iv)(II), and

“(ii) any similar information maintained by such terminal operator with respect to deliveries of fuel made by trucks, tankers, or wagons operated by such terminal operator.”.

(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

“(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—For purposes of paragraph (2)(C), the person who uses the fuel for commercial aviation shall pay the tax imposed under such paragraph. For purposes of the preceding sentence, fuel shall be treated as used when such fuel is removed into the fuel tank.”.

(5) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

“(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.”.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence:
 “The term ‘nontaxable use’ does not include the use of aviation-grade kerosene in an aircraft.”

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(6) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: “This subparagraph shall not apply to aviation-grade kerosene.”

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting “AND KEROSENE” after “DIESEL FUEL”.

(b) COMMERCIAL AVIATION.—Section 4083 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

“(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term ‘commercial aviation’ means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).”

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

“(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

“(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

“(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

“(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

“(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”

(2) TIME FOR FILING CLAIMS.—Subparagraph (A) of section 6427(i)(4) is amended—

- (A) by striking “subsection (1)(5)” both places it appears and inserting “paragraph (4)(B) or (5) of subsection (1)”, and
- (B) by striking “the preceding sentence” and inserting “subsection (1)(5)”.
- (3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:
- “(B) in the case of aviation-grade kerosene—
- “(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or
- “(ii) any use in commercial aviation (within the meaning of section 4083(b)).”.
- (d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—
- (1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.
- (2) CONFORMING AMENDMENTS.—
- (A) Section 4041(c) is amended to read as follows:
- “(c) AVIATION-GRADE KEROSENE.—
- “(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—
- “(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or
- “(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).
- “(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.
- “(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.”.
- (B) Section 4041(d)(2) is amended by striking “section 4091” and inserting “section 4081”.
- (C) Section 4041 is amended by striking subsection (e).
- (D) Section 4041 is amended by striking subsection (i).
- (E) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking “, 4081, or 4091” and inserting “or 4081”.
- (F) Section 6416(b)(2) is amended by striking “4091 or”.
- (G) Section 6416(b)(3) is amended by striking “or 4091” each place it appears.
- (H) Section 6416(d) is amended by striking “or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)”.
- (I) Section 6427(j)(1) is amended by striking “, 4081, and 4091” and inserting “and 4081”.
- (J)(i) Section 6427(l)(1) is amended to read as follows:
- “(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an

amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any payment made to the ultimate vendor under paragraph (4)(B).”.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking “Paragraph (1)(A) shall not apply to kerosene” and inserting “Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)”.

(K) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(L) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(M) Paragraph (1) of section 9502(b) is amended by adding “and” at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(N) The last sentence of section 9502(b) is amended to read as follows:

“There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).”.

(O) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(P) Section 9508(c)(2)(A) is amended by striking “sections 4081 and 4091” and inserting “section 4081”.

(Q) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

“Subpart A. Motor and aviation fuels.

“Subpart B. Special provisions applicable to fuels tax.”.

(R) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

“Subpart A—Motor and Aviation Fuels”.

(S) The heading for subpart B of part III of subchapter A of chapter 32, as redesignated by paragraph (1), is amended to read as follows:

“Subpart B—Special Provisions Applicable to Fuels Tax”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) **FLOOR STOCKS TAX.**—

(1) **IN GENERAL.**—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) **METHOD AND TIME FOR PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall prescribe, including the nonapplication of such tax on de minimis amounts of kerosene.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) **HELD BY A PERSON.**—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 9303. DYE INJECTION EQUIPMENT.

(a) **IN GENERAL.**—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting “by mechanical injection” after “indelibly dyed”.

(b) **DYE INJECTOR SECURITY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) **PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.**—

(1) **IN GENERAL.**—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

“SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

“(a) IMPOSITION OF PENALTY—

“(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, such person shall pay a penalty in addition to the tax (if any).

“(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty in addition to the tax (if any).

“(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

“(1) for each violation described in paragraph (1), the greater of—

“(A) \$25,000, or

“(B) \$10 for each gallon of fuel involved, and

“(2) for each—

“(A) failure to maintain security standards described in paragraph (2), \$1,000, and

“(B) failure to correct a violation described in paragraph (2), \$1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

“(c) JOINT AND SEVERAL LIABILITY.—

“(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

“(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.”

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

“Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.”

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the 180th day after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 9304. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as previously amended by this Act, is amended by striking “and” at the end of clause (i) and by inserting after clause (ii) the following new clause:

“(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9305. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) **IN GENERAL.**—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting “by pipeline or vessel” after “transferred in bulk”, and

(2) by inserting “, the operator of such pipeline or vessel,” after “the taxable fuel”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2004.

(c) **PUBLICATION OF REGISTERED PERSONS.**—Beginning on July 1, 2004, the Secretary of the Treasury (or the Secretary’s delegate) shall periodically publish a current list of persons registered under section 4101 of the Internal Revenue Code of 1986 who are required to register under such section.

SEC. 9306. DISPLAY OF REGISTRATION.

(a) **IN GENERAL.**—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking “Every” and inserting the following:

“(1) **IN GENERAL.**—Every”, and

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

“(2) **DISPLAY OF REGISTRATION.**—Every operator of a vessel required by the Secretary to register under this section shall display proof of registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.”

(b) **CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.**—

(1) **IN GENERAL.**—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6716 the following new section:

“SEC. 6717. FAILURE TO DISPLAY TAX REGISTRATION ON VESSELS.

“(a) **FAILURE TO DISPLAY REGISTRATION.**—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of \$500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

“(b) **MULTIPLE VIOLATIONS.**—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the aggregate number of penalties (if any) imposed with respect to prior months by this section on such person (or a related person or any predecessor of such person or related person).

“(c) **REASONABLE CAUSE EXCEPTION.**—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.”

(2) **CLERICAL AMENDMENT.**—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6716 the following new item:

“Sec. 6717. Failure to display tax registration on vessels.”

(c) **EFFECTIVE DATES.**—

(1) **SUBSECTION (a).**—The amendments made by subsection (a) shall take effect on October 1, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to penalties imposed after September 30, 2004.

SEC. 9307. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting “(\$10,000 in the case of a failure to register under section 4101)” after “\$50”.

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking “\$5,000” and inserting “\$10,000”.

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6717 the following new section:

“SEC. 6718. FAILURE TO REGISTER.

“(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

“(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

“(1) \$10,000 for each initial failure to register, and

“(2) \$1,000 for each day thereafter such person fails to register.

“(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.”.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6717 the following new item:

“Sec. 6718. Failure to register.”.

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

“SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

“(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of \$10,000 in addition to the tax (if any).

“(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

“(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

“(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

“(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.”.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

“Sec. 6725. Failure to report information under section 4101.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to penalties imposed after September 30, 2004.

SEC. 9308. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

(a) **TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.**—Subpart B of part III of subchapter A of chapter 32, as redesignated by section 9302(d), is amended by adding after section 4103 the following new section:

“SEC. 4104. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

“(a) **IN GENERAL.**—The importer of record shall be jointly and severally liable for the tax imposed by section 4081(a)(1)(A)(iii) if, under regulations prescribed by the Secretary, any other person that is not a person who is registered under section 4101 is liable for such tax.

“(b) **COLLECTION FROM CUSTOMS BOND.**—If any tax for which any importer of record is liable under subsection (a), or for which any importer of record that is not a person registered under section 4101 is otherwise liable, is not paid on or before the last date prescribed for payment, the Secretary may collect such tax from the Customs bond posted with respect to the importation of the taxable fuel to which the tax relates. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any action by the Secretary described in the preceding sentence shall be treated as an action to collect the tax from a bond described in section 4101(b)(1) and not as an action to collect from a bond relating to the importation of merchandise.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for subpart B of part III of subchapter A of chapter 32, as redesignated by section 9302(d), is amended by adding after the item related to section 4103 the following new item:

“Sec. 4104. Collection from Customs bond where importer not registered.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fuel entered after September 30, 2004.

SEC. 9309. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) **PRORATION OF TAX WHERE VEHICLE SOLD.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4481(c)(2) (relating to where vehicle destroyed or stolen) is amended by striking “destroyed or stolen” both places it appears and inserting “sold, destroyed, or stolen”.

(2) **CONFORMING AMENDMENT.**—The heading for section 4481(c)(2) is amended by striking “DESTROYED OR STOLEN” and inserting “SOLD, DESTROYED, OR STOLEN”.

(b) **REPEAL OF INSTALLMENT PAYMENT.**—

(1) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(2) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(c) **ELECTRONIC FILING.**—Section 4481 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.”

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 is amended by striking subsection (f).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 9310. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

“(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

“(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 250 gallons (as determined under subsection (i)(5)(A)(iii)).

“(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

“(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

“(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

“(i) for which \$200 or more (\$100 or more in the case of kerosene) is payable under subsection (l)(6),

“(ii) which is not less than 1 week, and

“(iii) which is for not more than 250 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

“(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

“(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.”.

(B) The heading for section 6427(l)(5) is amended by striking “FARMERS AND”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 9311. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

“(5) **CERTAIN PENALTIES.**—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties paid under sections 6715, 6715A, 6717, 6718, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading of subsection (b) of section 9503 is amended by inserting “AND PENALTIES” after “TAXES”.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking “IN GENERAL” and inserting “CERTAIN TAXES”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

Subtitle D—Other Excise Tax Provisions

SEC. 9401. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) **IN GENERAL.**—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

“(4) **REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.**—

“(A) **IN GENERAL.**—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

“(B) **TIMING OF CLAIMS.**—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor covered by such claim are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).”.

(b) **CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.**—Section 6427(1)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel) is

amended by adding at the end the following new flush sentence: “For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9402. TWO-PARTY EXCHANGES.

(a) **IN GENERAL.**—Subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after section 4104 the following new section:

“SEC. 4105. TWO-PARTY EXCHANGES.

“(a) **IN GENERAL.**—In a two-party exchange, the delivering person shall not be liable for the tax imposed under section 4081(a)(1)(A)(ii).

“(b) **TWO-PARTY EXCHANGE.**—The term ‘two-party exchange’ means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant fuel to a receiving person who is so registered where all of the following occur:

“(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

“(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

“(3) The terminal operator in its books and records treats the receiving person as the person that removes the taxable fuel across the terminal rack for purposes of reporting the transaction to the Secretary.

“(4) The transaction is the subject of a written contract.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after the item relating to section 4104 the following new item:

“Sec. 4105. Two-party exchanges.”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9403. SIMPLIFICATION OF TAX ON TIRES.

(a) **IN GENERAL.**—Subsection (a) of section 4071 is amended to read as follows:

“(a) **IMPOSITION AND RATE OF TAX.**—There is hereby imposed on taxable tires sold by the manufacturer, producer, or importer thereof a tax at the rate of 9.4 cents (4.7 cents in the case of a biasply tire) for each 10 pounds so much of the maximum rated load capacity thereof as exceeds 3,500 pounds.”

(b) **TAXABLE TIRE.**—Section 4072 is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

“(a) **TAXABLE TIRE.**—For purposes of this chapter, the term ‘taxable tire’ means any tire of the type used on highway vehicles if

wholly or in part made of rubber and if marked pursuant to Federal regulations for highway use.”

(c) EXEMPTION FOR TIRES SOLD TO DEPARTMENT OF DEFENSE.—Section 4073 is amended to read as follows:

“SEC. 4073. EXEMPTIONS.

“The tax imposed by section 4071 shall not apply to tires sold for the exclusive use of the Department of Defense or the Coast Guard.”

(d) CONFORMING AMENDMENTS.—

(1) Section 4071 is amended by striking subsection (c) and by moving subsection (e) after subsection (b) and redesignating subsection (e) as subsection (c).

(2) The item relating to section 4073 in the table of sections for part II of subchapter A of chapter 32 is amended to read as follows:

“Sec. 4073. Exemptions.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales in calendar years beginning more than 30 days after the date of the enactment of this Act.

Subtitle E—Small Business Expensing

SEC. 9501. 2-YEAR EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b), (c), and (d) of section 179 (as amended by the Jobs and Growth Tax Relief Reconciliation Act of 2003) are each amended by striking “2006” each place it appears and inserting “2008”.

Subtitle F—Alternative Minimum Tax Relief

SEC. 9601. NET OPERATING LOSSES AND FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) NET OPERATING LOSSES.—

(1) IN GENERAL.—Subparagraph (A) of section 56(d)(1) is amended to read as follows:

“(A) the amount of such deduction shall not exceed the applicable percentage (determined under paragraph (3)) of the alternative minimum taxable income determined without regard to such deduction, and”.

(2) APPLICABLE PERCENTAGE.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(A)—

“For taxable years beginning in calendar year—	The applicable percentage is—
2006, 2007, or 2008	92
2009 or 2010	94
2011	96
2012	98
2013 or thereafter	100.”

(b) FOREIGN TAX CREDIT.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Section 53(d)(1)(B)(i)(II) is amended by striking “and if section 59(a)(2) did not apply”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 9602. EXPANSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX FOR SMALL CORPORATIONS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(e)(1) are each amended by striking “\$7,500,000” each place it appears and inserting “\$20,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 9603. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 55 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax liability.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, strike the text of section 1105 (page 31) and insert the following:

(a) OVERSIGHT PROGRAM.—Section 106 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) OVERSIGHT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title. At a minimum, the program shall be responsive to all areas related to financial integrity and project delivery.

“(2) FINANCIAL INTEGRITY.—

“(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation departments’ financial management systems that affect projects approved under subsection (a).

“(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States’ practices for estimating project costs, awarding contracts, and reducing project costs.

“(C) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have sufficient accounting controls to

properly manage such Federal funds. The Secretary shall periodically review the States' monitoring of subrecipients.

“(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of a State's project delivery system, which includes one or more activities that are involved in the life cycle of a project from its conception to its completion.

“(4) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have adequate project delivery systems for projects approved under this section. The Secretary shall periodically review the States' monitoring of subrecipients.

“(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law. In addition, the Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

“(i) MAJOR PROJECTS.—

“(1) IN GENERAL.—Notwithstanding any other provision in this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of \$500,000,000 or more, or any other project in the discretion of the Secretary, shall submit to the Secretary a project management plan and an annual financial plan.

“(2) PROJECT MANAGEMENT PLAN.—The project management plan shall document the procedures and processes in place to provide timely information to the project decision makers to manage effectively the scope, costs, schedules, and quality, and the Federal requirements of the project and the role of the agency leadership and management team in the delivery of the project.

“(3) FINANCIAL PLAN.—The financial plan shall be based on detailed estimates of the cost to complete the project. Annual updates shall be submitted based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

“(j) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of \$100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the Secretary's request.”

(b) SHARING OF MONETARY RECOVERIES.—Notwithstanding any other provision of law, monetary judgments accruing to the Government from judgments in Federal criminal prosecutions and civil proceedings pertaining to fraud in Federally funded highway and public transportation projects and programs shall be treated as follows:

(1) Any amount less than or equal to the single damages incurred as the result of such fraud shall be credited to the Federal account from which the funds for the project or program that is at issue in the fraud came, except to the extent that such Federal account has been credited as the result of any judgment in favor of a grant recipient.

(2) Any amount in excess of the amount credited pursuant to paragraph (1) shall be shared with the State or other recipient involved if—

(A) the State or other recipient enters into a legally binding agreement with the Secretary to use the funds for a purpose eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code, as the case may be;

(B) the amount to be shared with the State or other recipient is determined by the Attorney General, in consultation with the Secretary; and

(C) the Attorney General, in consultation with the Secretary, determines that the fraud did not occur as a result of negligent oversight or actual involvement in the fraud by the State or other recipient or any senior official of the State or other recipient.

Page 34, strike lines 2 through 7 and insert the following:

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

(1) by striking “2000” and inserting “2006”;

(2) by inserting after “such fiscal year” the following: “and the succeeding fiscal year”.

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

(1) by striking “2000” and inserting “2006”;

(2) by striking “October 1 of the succeeding” and inserting “October 15 of such”; and

(3) by inserting after “Account)” the following: “for such fiscal year and the succeeding fiscal year”.

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended by striking “Transportation Equity Act for the 21st Century” and inserting “Transportation Equity Act: A Legacy for Users”.

Page 34, line 8, strike “(b)” and insert “(d)”.

Page 46, after line 13, insert the following:

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on September 30, 2004.

Page 48, line 13, strike both periods and the closing quotation marks and insert the following:

; except that \$25,000,000 shall be available only for projects for the seismic retrofit of bridges, and of which \$10,000,000 shall be available only for the seismic retrofit of a bridge described in subsection (l), and except as provided in subparagraph (E).

“(E) GRAVINA ACCESS.—

“(i) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph, for each of the fiscal years 2005 through 2009, \$10,000,000 shall be set aside from the \$100,000,000 available at the discretion of the Secretary under subparagraph (D) for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

“(ii) SCORING.—The project described in this subparagraph shall not be counted for purposes of the re-

duction set forth in the fourth sentence of subsection (e).”.

Page 49, after line 22, insert the following:

(c) PLANNING ACTIVITIES PILOT PROGRAM.—Section 1221 of such Act is amended by adding at the end the following:

“(f) PLANNING ACTIVITIES PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program using funds set aside under paragraph (4) to support planning and public participation activities related to highway and public transportation projects.

“(2) ELIGIBLE ACTIVITIES.—Activities eligible to be carried out under the pilot program may include the following:

“(A) Improving data collection and analysis to improve freight movement, intermodal connections, and transportation access and efficiency for all users, including children, older individuals, individuals with disabilities, low-income individuals, and minority communities.

“(B) Supporting public participation by holding public meetings using an interactive workshop format facilitated by design or planning experts (or both) to consider public input at the initial stages of project development and during other phases of a project.

“(C) Using innovative planning or design visualization and simulation tools to improve the evaluation of alternatives and their impacts and to enhance public participation in the transportation planning process, including tools having a structure that enables modifications to scenarios and assumptions in real time.

“(D) Enhancing coordination among transportation, land use, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, senior centers, public schools, universities, and residential areas, including the use of integrated planning and service delivery, especially for transit dependent and low-income individuals.

“(E) Contracting with nonprofit organizations, universities, and local agencies to deliver community-oriented transportation plans and projects, including public outreach, context sensitive design, transit-oriented development, multimodal corridor investments, commuter benefits deployment, and brownfield redevelopment.

“(F) Measuring and reporting on the annual performance of the transportation system (or parts of) relative to State or locally-established criteria regarding—

“(i) maintenance and operating costs of the transportation system, vehicle miles traveled, peak-period travel times, transportation choices, and mode shares;

“(ii) location of housing units, jobs, medical facilities, and commercial centers to transit;

“(iii) improvements directed to low-income families and older individuals;

“(iv) transportation-related pollution emissions into the air and water;

“(v) land consumption; and

“(vi) other locally-significant factors.

“(G) Improving regional travel and emission modeling to examine factors not currently considered, such as induced travel and land use effects of transportation alternatives, types of vehicles owned and used by households, time-of-day of travel and linkage of trips to each other throughout the day, effects of urban design and pedestrian and bicycle environment on travel behavior, and impacts of alternatives on the distribution of benefits and burdens among various groups protected under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(3) FEDERAL SHARE.—Notwithstanding subsection (e)(2), the Federal share of the cost of activities carried out under the pilot program shall be 100 percent.

“(4) SET ASIDE.—The Secretary shall make available \$1,500,000 of the amounts made available to carry out this section for each of fiscal years 2004 through 2009 to carry out the pilot program under this subsection.”.

Page 62, line 19 strike “202(a)” and insert “202(d) of such title”.
Page 63, after line 18, insert the following:

(e) ALASKA NATIVE VILLAGE TRANSPORTATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Secretary and the Denali Commission, in coordination with the Alaska Federation of Natives, shall establish an Alaska Native Village transportation program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identified by Alaska Native Villages.

(2) ALASKA NATIVE VILLAGE DEFINED.—In this subsection, the term “Alaska Native Village” has the same meaning such term has as used by the Bureau of Indian Affairs in administering the Indian reservation road program under section 202 of title 23, United States Code.

Page 63, strike line 19, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1119. CONSERVATION MEASURES.

(a) REFUGE ROADS.—Section 204(k)(1) of title 23, United States Code, is amended—

- (1) by striking “and” at the end of subparagraph (B);
- (2) by redesigning subparagraph (C) as subparagraph (D);
- (3) by inserting after subparagraph (B) the following:

“(C) construction, maintenance, and improvement of wildlife observation infrastructure; and”; and
- (4) in subparagraph (D) (as so redesignated) by striking “maintenance and improvements” and inserting “construction, maintenance, and improvements”.

(b) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

- (1) not to exceed \$20,000,000 per fiscal year may be used for the maintenance of forest highways;
- (2) not to exceed \$2,500,000 per fiscal year may be used to repair culverts and bridges on forest highways to facilitate appropriate fish passage and ensure reasonable flows and to maintain and remove such culverts and bridges as appropriate; and

- (3) not to exceed \$1,000,000 per fiscal year may be used for signage identifying public hunting and fishing access.
- (c) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—
- (1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as “wildlife vehicle collisions”).
- (2) CONTENTS.—
- (A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.
- (B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—
- (i) conduct a thorough literature review; and
 - (ii) survey current practices of the Department of Transportation.
- (3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.
- (4) REPORT.—
- (A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.
- (B) CONTENTS.—The report shall include a description of each of the following:
- (i) Causes of wildlife vehicle collisions.
 - (ii) Impacts of wildlife vehicle collisions.
 - (iii) Solutions to and prevention of wildlife vehicle collisions.
- (5) MANUAL.—
- (A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.
- (B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).
- (C) CONTENTS.—The manual shall include, at a minimum, the following:
- (i) A list of best practices addressing wildlife vehicle collisions.
 - (ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.
 - (iii) Recommendations for addressing wildlife vehicle collisions.
 - (iv) Guidance for developing a State action plan to address wildlife vehicle collisions
- (6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

Page 89, strike lines 18 through 20 and insert the following:

- (a) GENERAL PROVISIONS.—The Secretary may not apportion before August 1, 2006, any funds for any of the programs referred to in subsection (b) for fiscal year 2006 unless, after

Page 119, strike lines 7 through 9 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1207. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 167. State assumption of responsibilities for certain programs and projects

“(a) ASSUMPTION OF SECRETARY’S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

“(1) PILOT PROGRAM.—

“(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

“(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of this section, the Secretary may allow up to 5 States to participate in the pilot program.

“(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary’s responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

“(A) Projects funded under section 104(h).

“(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

“(C) Projects as defined in section 101(a)(39) and section 5607 of the Transportation Equity Act: A Legacy for Users.

“(3) LIMITATIONS.—

“(A) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State that assumes the responsibilities of the Secretary under this section shall be subject to the same procedural and substantive requirements as would apply if the responsibilities were carried out by the Secretary. When a State assumes responsibilities for carrying out a Federal law under this section, the State assents to Federal jurisdiction and shall be solely responsible and solely liable for complying with and carrying out that law instead of the Secretary.

“(B) ASSUMPTION OF RESPONSIBILITIES.—Any responsibility of the Secretary not assumed by the State in a memorandum of understanding shall remain a responsibility of the Secretary.

“(C) POWERS OF OTHER AGENCIES.—Nothing in this section preempts or limits any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, with respect to a project.

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned

under subsection (a)(2) and the terms and conditions under which the assignment is being made.

“(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

“(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

“(4) COMPLIANCE.—

“(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

“(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

“(5) ACCEPTANCE OF FEDERAL COURTS JURISDICTION.—A memorandum of understanding with a State under this section shall include a provision under which the State consents to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State may assume under the memorandum.

“(6) TERMINATION OF AGREEMENTS.—A memorandum of understanding with a State under this section shall include a provision authorizing the Secretary to terminate the agreement if the Secretary, after providing an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.

“(c) SELECTION OF STATES FOR PILOT PROGRAM.—

“(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

“(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

“(B) a certification that the State has the capability to assume such responsibilities.

“(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

“(A) publish notice in the Federal Register of the Secretary’s intent to allow the State to participate in the program, including a copy of the State’s application to the Secretary and the terms of the proposed agreement with the State; and

“(B) provide an opportunity for public comment.

“(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

“(A) the requirements under paragraph (2) have been met; and

“(B) the Secretary determines that the State has the capability to assume the responsibilities.

“(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

“(d) STATE DEFINED.—With respect to the recreational trails program, the term ‘State’ means the State agency designated by the Governor of the State in accordance with section 206(c)(1).

“(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.

“(f) STATE SUBJECT TO FEDERAL LAWS.—For purposes of assuming responsibilities of the Secretary under this section, a State agency entering into a memorandum of understanding under subsection (b) is deemed to be a Federal agency to the extent the State is carrying out the Secretary’s responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this title, and any other provision of Federal law.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

“167. State assumption of responsibilities for certain programs and projects.”.

Page 130, strike line 22 and all that follows through line 24 on page 132 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1210. ACCESS RAMP.

(a) IN GENERAL.—Not later 30 days after the date of enactment of this Act, the Secretary shall open the ramp connecting Interstate Route 495/95 and Arena Drive in Prince George’s County, Maryland, for the purpose of allowing motor vehicles to exit Interstate Route 495/95 in both northern and southern directions onto Arena Drive. Such ramp shall be open for 24 hours a day, every day during the calendar year.

(b) FULLY OPENING ARENA DRIVE RAMP.—

(1) STUDY.—The Secretary shall conduct a study to determine the most appropriate method for opening the ramps for allowing motor vehicles to enter Interstate Route 495/95 from Arena Drive.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the section shall be construed as altering current traffic management protocols to the Arena Drive ramps during stadium events.

Page 171, line 2, insert “(b)(1),” before “(d),”.

In subtitle D of title I, insert at the end the following (and conform the table of contents accordingly):

SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEATURES ON NATIONAL HIGHWAY SYSTEM.

(a) **RULEMAKING PROCEEDING.**—The Secretary shall conduct a rulemaking proceeding to determine the appropriate conditions under which a State when choosing to repair or replace damaged highway features on the National Highway System with State funds (rather than with available Federal financial assistance) should be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable under the guidelines contained in the report of the Transportation Research Board of the National Research Council entitled “NCHRP Report 350-Recommended Procedures for the Safety Performance Evaluation of Highway Features”.

(b) **MATTERS TO BE CONSIDERED.**—The rulemaking proceeding shall cover those highway features that are covered by the guidelines referred to in subsection (a). The conditions to be considered by the Secretary in the rulemaking proceeding shall include types of highway features, cost-effectiveness, and practicality of replacement with highway features that have been found to be acceptable under such guidelines.

(c) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations regarding the conditions under which States when choosing to repair or replace damaged highway features described in subsection (a) will be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable as described in subsection (a).

Page 204, line 23, strike “Congress grants” and insert the following:

“(1) **IN GENERAL.**—Congress grants

Page 205, after line 4, insert the following:

“(2) **RESERVATION OF RIGHTS.**—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

Page 220, lines 4 and 5, strike “an Interstate System construction toll pilot program” and insert “a pilot program to finance the construction of new Interstate System facilities with toll revenues”.

Page 220, line 9, strike “Interstate highways.” and insert “new Interstate highway facilities. Rehabilitation and reconstruction of Interstate facilities are not eligible under the pilot program.”.

Page 220, lines 16 and 17, strike “facility on the Interstate System” and insert “new Interstate System facility”.

Page 220, line 25, insert “new” before “facility with”.

In each of paragraphs (2), (3), and (5) of section 1604(d) (page 222), insert “new” before “facility”.

In item number 33 of the table contained in section 1702, strike “BMW/I-85” and all that follows through “interchanges” and insert “I-85/Brockman-McClimon Interchange and Connections project”.

In item number 103 of such table, strike “\$1,500,000.00” and insert “\$250,000.00”.

In item number 142 of such table, strike “\$250,000.00” and insert “\$600,000.00”.

In item number 143 of such table, strike "\$20,000,000.00" and insert "\$17,000,000.00".

In item number 160 of such table, strike "Design" and all that follows through "County", and insert "Design and construct access to York County intermodal facility, or other projects as selected by York County, Pennsylvania MPO"

In item number 179 of such table, strike "Upgrade" and all that follows through "Interstate 81" and insert "Improvements to I-81, including interchanges, in Franklin County, Pennsylvania".

In item number 235 of such table, strike "\$8,000,000.00" and insert "\$12,500,000.00".

In item number 244 of such table, strike "State" and insert "US".

In item number 253 of such table, strike "\$3,150,000.00" and insert "\$5,000,000.00".

In item number 262 of such table, strike "State" and insert "US".

In item number 334 of such table, strike "\$150,000.00" and insert "\$1,000,000.00".

In item number 365 of such table, strike "Town of" and insert "Township" after "Painesville".

In item number 438 of such table, strike "Cabot-Camino Capistrano Bridge." and insert "in the city of Mission Viejo" at the end of the request before the period.

In item number 507 of such table, insert "interchange" between "new" and "freeway".

In item number 526 of such table, strike "Route" and all that follows through "County" and insert Forrest City Road Extension Study, Maitland".

In item number 557 of such table, strike "Elk Horn" and insert "Elkhorn". Insert "County of" after "SR 99,".

In such table, strike item number 570.

In item number 630 of such table, strike "\$5,500,000.00" and insert "\$2,500,000.00".

In item number 656 of such table, strike "Widening" and all that follows through "signals" and insert "Widening of Washington Street from 2 to 5 lanes, install drainage system; add additional right of way and traffic signals".

In item number 668 of such table, is amended by insert "Grant" before "County".

In item number 729 of such table, strike "Macedonia City" and insert "North Summit County".

In item number 734 of such table, strike "Willoughby Township" and insert "City of Willoughby".

In item number 762 of such table, strike "\$5,000,000.00" and insert "\$4,150,000.00".

In item number 768 of such table, strike "\$2,500,000.00" and insert "\$5,000,000.00".

In item number 782 of such table, strike "Perry County" and insert "Perry".

In item number 804 of such table, strike "\$500,000.00" and insert "\$1,500,000.00".

In item number 812 of such table, strike "\$3,000,000.00" and insert "\$1,500,000.00".

In item number 813 of such table, strike "Improve" and all that follows through "Connecticut" and insert "Campbell Avenue streetscape enhancements, West Haven".

In item number 829 of such table, strike "Sacramento" and insert "Citrus Heights".

In item number 832 of such table, strike "Ecourse" and insert "Ecorse", and strike "\$1,000,000.00" and insert "\$1,100,000.00".

In item number 848 of such table, strike "in Summit Co." and insert "at Seasons Road, Cities of Hudson and Stow."

In item number 874 of such table, strike "Widen" and all that follows through "West" and insert "Widen US 380 West".

In item number 930 of such table, strike "Merritt Rd." and insert "Merritt Rd."

In item 954 of such table, after "unsafe grade crossing" insert "on Hines Hill Road, City of Hudson".

In item number 965 of such table, strike "on current Hwy 71".

In item number 992 of such table, strike "\$6,000,000.00" and insert "\$7,500,000.00".

In item 1150 of such table, strike "Wilson Mills" and insert "Highland-Bishop"; after "in the" strike "town" and insert "City".

In item number 1166 of such table, strike "Rehabilitate" and all that follows through "8" and insert "Rehabilitate US Highway 51 from County S to US 8".

In item number 1181 of such table, strike "Upgrade" and all that follows through "County" and insert "Purchase one larger (75 passengers) and two smaller (40 passengers) ferry boats and construct related dock work to facilitate the use and accessibility of the ferry boats, Long Beach" and by striking "\$8,000,000.00" and insert "\$3,000,000.00".

In item number 1204 of such table, strike "AL 1119 to AL 25" and insert "Exit 238 (U.S. 31) to Exit 228 (AL 25)".

In item number 1256 of such table, strike "\$1,500,000.00" and insert "\$3,000,000.00".

In item number 1261 of such table, strike "A 2.8" and all that follows through "La Habra," and insert "a 2.8 mile bikeway," and insert "in the city of Whittier." at the end of the request.

In item number 1314 of such table, strike "(I-40" and all that follows through "(I-74)".

In item number 1376 of such table, strike "Route 15/18" and insert "Route 15/86".

In item number 1423 of such table, strike "third lane" and all that follows through "Maple Grove" and insert "an overpass interchange for I-494 and Highway 169".

In item number 1436 of such table, strike "Aiken" and insert "Aitkin".

In item number 1445 of such table, strike "Construction" and all that follows through "Ashdown" the second place it appears and insert "Highway 71, Louisiana state line to Junction City".

In item number 1480 of such table, strike "Reconstruct Highway 141 in Marinette County, WI" and insert "Reconstruct US Highway 141 in Marinette County, WI".

In item number 1491 of such table, strike "Development" and all that follows through "Plan" and insert "Transportation improvements".

In item number 1589 of such table, strike "Reconstruction" and all that follows through "Subdivision" and insert "Road improvements for Surrey Meadows, Sugarloaf Heights, Lakehill Farms and Walton Lake Estates".

In item number 1636 of such table, strike “Geary” and insert “Muni Geary”.

In item number 1664 of such table, strike “Technical” and all that follows through “210” and insert “Technical feasibility study for a tunnel on the 710 Freeway in Southern California”.

In item number 1832 of such table, strike “\$8,700,000.00” and insert “\$9,000,000”.

In item number 1848 of such table, strike “A 2.8” and insert “a 2.8” and strike “, working in conjunction with the city of Whittier,”.

In item number 1868 of such table, strike “\$13,100,000.00” and insert “\$13,500,000”.

In item number 1907 of such table, strike “SR” and all that follows through “Eatonville” and insert “SR 434 to JFK Boulevard and Destiny Road to Diplomat Circle, Eatonville”.

In item number 1933 of such table, strike “Construct” and all that follows through to “Township”, and insert “Improvements to I-81, including interchanges, in Franklin County, Pennsylvania”, and strike “\$3,150,000.00” and insert “\$4,000,000.00”.

In item number 1934 of such table, strike “\$3,400,000.00” and insert “\$3,600,000”.

In item number 2040 of such table, strike “Improvement” and all that follows through “County” and insert “Improve Ashley 70 and Marais Saline roads in Ashley County”.

In item 2155 of such table, after “Madison” insert “Village”.

In item number 2180 of such table, strike “\$4,675,942.00” and insert “\$4,425,942.00”.

In item number 2249 of such table, strike “\$13,000,000.00” and insert “\$21,000,000.00”.

In item number 2306 of such table, strike “State” and insert “US”.

In item number 2376 of such table, strike “\$700,000.00” and insert “\$200,000.00”.

In item number 2398 of such table, strike “Greencastle” and all that follows through to “intersection.”, and insert “Improvements to I-81, including interchanges, in Franklin County, Pennsylvania.”.

In item 2418 of such table, after “in” insert “the City of” and after “Hills” strike “Township”.

In item number 2445 of such table, strike “\$125,000.00” and insert “\$175,000.00”.

In item number 2504 of such table, strike “\$6,000,000.00” and insert “\$5,500,000.00”.

In item number 2552 of such table, strike “State” and insert “US”.

In item number 2611 of such table, strike “Purchase” and all that follows through “Durham” and insert “Acquisition of rail corridors for use as a future transportation corridor, Durham”.

In item number 2615 of such table, strike “\$2,700,000.00” and insert “\$3,000,000.00”.

In item number 2642 of such table, strike “Designation of” and insert “Improve and widen”.

In item number 2730 of such table, after “project” insert “or other projects as selected by York County, Pennsylvania MPO”

In such table, strike item number 2749.

In item number 2775 of such table, insert “Rancho Santa Margarita” at the end.

In item number 2809 of such table, strike "\$1,500,000.00" and insert "\$500,000.00".

In item number 113 of such table, strike "\$1,000,000.00" and insert "\$1,500,000.00"

In item number 181 of such table, strike "\$1,000,000.00" and insert "\$3,000,000.00".

In item number 278 of such table, strike "\$2,250,000.00" and insert "\$5,000,000.00".

Strike item number 300 of such table.

In item number 345 of such table, strike "Planning and design" and insert "Planning, design, and construction" and strike "\$3,000,000.00" and insert "\$125,000,000.00".

In item number 358 of such table, strike "\$2,000,000.00" and insert "\$4,000,000.00".

In item number 463 of such table, strike "Reconstruct" and all that follows through "Loma Linda" and insert "Inland Empire Goods Movement Gateway Project" and strike "\$4,000,000.00" and insert "\$23,000,000.00".

In item number 533 of such table, strike "\$2,000,000.00" and insert "\$6,000,000.00".

In item number 549 of such table, strike "\$14,000,000.00" and insert "\$20,000,000.00"

In item number 559 of such table, strike "\$1,000,000.00" and insert "\$3,000,000.00"

In item number 652 of such table, strike "Planning and Design" and insert "Planning, design, and construction" and strike "\$3,000,000.00" and insert "\$200,000,000.00".

In item number 691 of such table, strike "\$1,000,000.00" and insert "\$3,000,000.00"

In item number 905 of such table, strike "\$1,000,000.00" and insert "\$4,000,000.00"

In item 1022 of such table, strike "\$3,000,000.00" and insert "\$4,000,000.00".

In item 1044 of such table, strike "\$8,000,000.00" and insert "\$8,500,000.00"

In item number 1048 of such table, strike "\$10,000,000.00" and insert "\$22,500,000.00".

In item number 1058 of such table, strike "\$250,000.00" and insert "\$2,000,000.00".

In item number 1180 of such table, strike "\$4,500,000.00" and insert "\$5,000,000.00".

In item number 1201 of such table, insert ", Baldwin Road in Oakland Cty" after "median".

In item number 1210 of such table, strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 1228 of such table, strike "I/40 Coors Interchange: Reconstruction of this major interchange in Albuquerque" and insert "I/40 Coors Interchange and Bridge Reconstruction: Reconstruction of this major interchange and required bridge work in Albuquerque" and strike "\$10,000,000.00" and insert "\$28,000,000.00".

In item number 1229 of such table, strike "\$2,000,000.00" and insert "\$2,500,000.00".

In item number 1293 of such table strike "\$10,000,000.00" and insert "\$30,000,000.00".

In item number 1368 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 1523 of such table, strike "\$2,000,000.00" and insert "\$4,000,000.00"

In item number 1536 of such table, strike "\$13,000,000.00" and insert "\$34,000,000.00".

In item number 1595 of such table, strike "\$65,000.00" and insert "\$100,000.00".

In item 1603 of such table, strike "and Hernando County" and strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 1629 of such table, strike "\$2,000,000.00" and insert "\$4,000,000.00"

In item number 1830 of such table, strike "\$4,000,000.00" and insert "\$17,500,000.00".

In item number 1869 of such table, strike "\$480,000.00" and insert "\$500,000.00".

In item number 1882 of such table, strike "\$15,345,000.00" and insert "\$16,000,000.00".

In item number 1921 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 2010 of such table, strike "Widen" and all that follows through "Loma Linda" and insert "Pedestrian safety improvements on State Highway 62 in Yucca Valley" and strike "\$2,000,000.00" and insert "\$1,000,000.00".

In item number 2045 of such table, strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 2230 of such table, strike "\$14,000,000.00" and insert "\$35,000,000.00".

In item number 2321 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00"

In item 2442 of such table, strike "\$3,000,000.00" and insert "\$6,000,000.00".

In item number 2456 of such table, strike "\$750,000.00" and insert "\$1,000,000.00".

In item 2496 of such table, strike "Hernando" and insert "Citrus".

In item number 2535 of such table, strike "\$1,000,000.00" and insert "\$2,100,000.00".

In item number 2603 of such table, strike "\$5,000,000.00" insert "\$8,750,000.00".

In item number 2620 of such table, strike "\$2,000,000.00" and insert "\$2,250,000.00".

In item 2701 of such table, strike "\$3,000,000.00" and insert "\$4,000,000.00".

In item number 2826 of such table, strike "\$2,000,000.00" and insert "\$6,000,000.00".

In item number 2833 of such table, strike "\$8,000,000.00" and insert "\$15,000,000.00"

In item number 147 of such table, strike "\$3,000,000.00" and insert "\$11,000,000.00".

In item number 1785 of such table, strike "\$3,000,000.00" and insert "\$7,000,000.00".

In item number 2084 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 1621 of such table, strike “\$2,000,000.00” and insert “\$4,500,000.00”.

In item number 1329 of such table, strike “\$500,000.00” and insert “\$1,000,000.00”.

In item number 2171 of such table, strike “\$2,000,000.00” and insert “\$7,500,000.00”.

In item number 2097 of such table, strike “\$1,000,000.00” and insert “\$3,300,000.00”.

At the end of such table, add the following:

HIGH PRIORITY PROJECTS

No.	State	Project description	Amount
2839.	Minnesota	Provide biking and pedestrian trails between Century Middle School and Minnesota Highway 34 in Park Rapids.	\$250,000.00
2840.	Illinois	Construct bike/pedestrian paths, Chicago.	\$3,000,000.00
2841.	Georgia	Highway 92 realignment in Douglas County.	\$11,250,000.00
2842.	Georgia	I-285/I-20 West Side Interchange.	\$1,250,000.00
2843.	Georgia	City of Fayetteville Downtown Enhancements for economic development.	\$500,000.00
2844.	Georgia	Construct roads in Rockdale Veterans Memorial Park.	\$500,000.00
2845.	Colorado	I-25 from Highway 52 to Highway 14, widening and safety improvements; implementation of multi-modal alternatives identified in EIS.	\$8,000,000.00
2846.	Colorado	Highway 287 from the Oklahoma State Line to Limon, Colorado; reconstruct highway with concrete and create a 2-lane super highway.	\$3,000,000.00
2847.	Colorado	I-76 from the Nebraska State Line to its intersection with E470; reconstruction of pavement, major safety and geometric improvements.	\$3,000,000.00
2848.	Arkansas	Construction of I-530 between Pine Bluff and Wilmar.	\$40,000,000.00
2849.	Nebraska	Resurface bridge connecting US-75 and I-29 in the City of Bellevue.	\$500,000.00
2850.	New Jersey ..	Washington Township/Downtown Congestion Mitigation Project.	\$1,250,000.00
2851.	Connecticut	I-84 Waterbury Expressway Reconstruction from Waterbury to Southington.	\$3,800,000.00

HIGH PRIORITY PROJECTS—Continued

No.	State	Project description	Amount
2852.	Connecticut	Provide substantial improvements to intersection ramps in I-84 from the New York State line at Exit 1 in Danbury easterly to Exit 11 in Newtown.	\$3,800,000.00
2853.	Connecticut	Lakeville Center Enhancement improves the pedestrian and vehicle safety of the intersection of Routes 41 and 44.	\$895,000.00
2854.	Connecticut	Union Station Reconstruction in Falls Village.	\$1,705,000.00
2855.	Connecticut	Broad Street Reconstruct Project in New Britain.	\$3,800,000.00
2856.	Minnesota	City of Moorhead SE Main GSI, 34th St. and I94 Interchange, and Moorhead Comprehensive Rail Safety Program.	\$2,000,000.00
2857.	Minnesota	Paynesville Hwy. 23 Bypass	\$2,000,000.00
2858.	Commonwealth of Northern Mariana Islands.	Commonwealth of the Northern Mariana Islands planning, design, and construction of East Coast Highway/Route 36 Saipan.	\$12,000,000.00
2859.	Illinois	Stearns Road Bridge, Kane County.	\$88,000,000.00
2860.	Alaska	Intermodal facility improvements at the Port of Anchorage.	\$25,000,000.00
2861.	Alaska	Improve marine dry-dock and facilities in Ketchikan.	\$25,000,000.00
2862.	New York	Audobon Parkway at Lee Road (University at Buffalo).	\$4,500,000.00
2863.	Louisiana	Replace the Prospect Street bridge (LA 3087), Houma.	\$3,000,000.00
2864.	Louisiana	Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems.	\$1,800,000.00
2865.	Louisiana	Plan and develop a four-lane roadway, Jeanerette to US 90 connection.	\$200,000.00

HIGH PRIORITY PROJECTS—Continued

No.	State	Project description	Amount
2866.	Louisiana	Plan, design, land acquisition and construction for improved access to I-10 and US61/River Road in St. John the Baptist and in Ascension Parish on the LA22 Corridor.	\$2,750,000.00
2867.	Louisiana	Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines, St. Bernard and St. Charles parishes.	\$1,900,000.00
2868.	Louisiana	Improve Ralph Darden Memorial Parkway between LA182 and Martin Luther King Road, St. Mary Parish.	\$350,000.00
2869.	Louisiana	Improvements to LA46 in St. Bernard Parish.	\$400,000.00
2870.	Colorado	Corridor Safety and Capacity Improvements to Powers Blvd. (right of way purchase for Powers Blvd.).	\$5,000,000.00
2871.	California	Reconstruct and widen SR 46 to a 4-lane expressway between Kern County line and Interstate 5.	\$50,000,000.00
2872.	California	Road construction and surface transportation improvements in Bakersfield Metropolitan area.	\$50,000,000.00
2873.	Ohio	Improve Rt. 62 (Town and Main Street) Bridges over Scioto River in Columbus.	\$13,000,000.00
2874.	Ohio	Upgrade Rt. 665 Bridge over I-71 and widen I-71 between Rt 665 and I-270 by one lane each direction in Grove City.	\$15,000,000.00
2875.	Illinois	Ogden Corridor project alternatives analysis, environmental work, preliminary engineering and final design in Cook County.	\$40,000,000.00
2876.	Arizona	White Spar Road improvement	\$3,000,000.00
2877.	Texas	South Orient Economic Rehabilitation.	\$14,000,000.00
2878.	Virginia	Construction of I-66/Rt. 29 Interchange in Gainesville.	\$4,500,000.00

HIGH PRIORITY PROJECTS—Continued

No.	State	Project description	Amount
2879.	Virginia	Improvements to Washington Street in Haymarket.	\$250,000.00
2880.	Virginia	Parking lot expansion and sidewalk improvements on Main Street in Clifton.	\$250,000.00
2881.	New York	Roadway improvements, may include drainage, paving and gued rail, to County Route 4, Ensign Pond Road, in the Towns of Moriah and North Hudson.	\$1,000,000.00
2882.	New York	Route 4 streetscape improvements, Town and Village of Fort Edward, Washington County.	\$2,000,000.00
2883.	New York	Improvements to Batchellorville Bridge, Saratoga County.	\$2,000,000.00
2884.	Ohio	Rickenbacker Intermodal Facility.	\$5,500,000.00

In section 1804 (pages 354 and 355), redesignate paragraphs (1) and (2) as paragraphs (3) and (4), respectively, and insert before paragraph (3) (as so redesignated) the following:

(1) in paragraph (23) by inserting before the period at the end the following: “and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I-135 from Wichita, Kansas to Salina, Kansas, United States Route 81 from Salina, Kansas, to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I-29 in Sioux City, Iowa”;

(2) by striking paragraph (34) and inserting the following:

“(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I-10 from San Bernardino to the Arizona State line.”;

At the end of the matter added by section 1804(3) (as so redesignated), strike the closing quotation marks and insert the following:

“(53) United States Highway Route 6 from Interstate Route 70 to Interstate Route 15, Utah.

“(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.”

Page 360, line 25, insert before the period the following: “and an evaluation of advanced acrylic water-borne pavement markings”.

In title I, strike section 1814 and insert the following:

SEC. 1814. THOMAS P. ‘TIP’ O’NEILL, JR. TUNNEL.

(a) DESIGNATION.—In honor of his service to the Commonwealth of Massachusetts and the United States of America, and in recognition of his contributions toward the construction of Central Artery Tunnel project in Boston, the northbound and southbound tunnel of Interstate Route 93, located in the city of Boston, which extends north of the intersection of Interstate Route 90 and Interstate Route 93 to the Leonard P. Zakim Bunker Hill Bridge, is designated as the “Thomas P. ‘Tip’ O’Neill, Jr. Tunnel”.

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the tunnel referred to in subsection (a) shall be deemed to be a reference to the “Thomas P. ‘Tip’ O’Neill, Jr. Tunnel”.

In subtitle H of title I, strike section 1818 and insert the following:

SEC. 1818. LOAN FORGIVENESS.

Debt outstanding as of the date of enactment of this Act for project number Q–DPM–0013(001) carried out under section 108(c) of title 23, United States Code, is deemed satisfied.

SEC. 1819. LEAD AGENCY DESIGNATION.

The public entity established under California law in 1989 to acquire rights-of-way in northwestern California to maintain surface transportation infrastructure is hereby designated as the lead agency for the purpose of accepting Federal funds authorized under item 13 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2061).

SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

The project agreement for a Federal-aid highway project shall provide that any debris from demolition of a bridge or overpass that is on the Federal-aid highway must be made available for beneficial public use by Federal, State, and local governments. Any additional cost associated with making available the debris shall be borne by the recipient of the debris.

SEC. 1821. HUBZONE PROGRAM.

Section 3(p)(4)(B)(ii) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)) is amended

- (1) in subclause (I) by striking “or ” at the end;
- (2) in subclause (II) by striking the period at the end and inserting “; or” ; and
- (3) by adding after subclause (II) the following:

“(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986, within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States.”

SEC. 1822. TECHNICAL AMENDMENTS TO TEA 21 PROJECTS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

- (1) in item number 35 by adding “and for other related purposes” after “Yard”;

(2) in item number 78 by striking “Third” and all that follows through “Bridge” and inserting “Bayview Transportation Improvements Project”;

(3) in item number 312 by inserting “through construction” after “engineering”;

(4) in item number 800 by striking “Fairview Township” and inserting “or other projects selected by the York County, Pennsylvania MPO”;

(5) in item number 820 by striking “Conduct” and all that follows through “interchange” and inserting “Conduct a transportation needs study and make improvements to I-75 interchanges in the Grayling area”;

(6) in item number 897 by striking “Upgrade” and all that follows through “interchange” and inserting “Engineering and construction of a new access road to a development near Interstate 57 and 167th Street in Country Club Hills”;

(7) in item number 1121 by striking “Construct” and all that follows through “Douglaston Parkway” and inserting “Provide landscaping along both sides of the Grand Central Parkway from 188th Street to 172nd Street”;

(8) in item 1225 by striking “Construct SR 9 bypass” and inserting “Study, design, and construct transportation solutions for SR 9 corridor”; and

(9) in item number 1447 strike “Extend” and all that follows through “Valparaiso” and insert “Design and construction of interchange at I-65 and 109th Avenue, Crown Point”.

SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.

The Secretary shall make grants of \$1,000,000 for fiscal years 2005 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, authorized by section 358(b)(2) of Public Law 104-59, created for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety.

SEC. 1824. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

“(E) The appropriate metropolitan planning organization shall redetermine conformity for existing transportation plans and programs not later than 2 years after the date on which the Administrator

“(i) finds a motor vehicle emissions budget in a submitted implementation plan to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003); or

“(ii) approves an implementation plan under section 110(k) or promulgates an implementation plan under section 110(c) that establishes a motor vehicle emissions budget where there was no prior budget or that establishes a budget that significantly varies from any motor vehicle emissions budget in effect pursuant to an adequacy determination in accordance with section 93.118(e)(4) of title 40,

Code of Federal Regulations (as in effect on October 1, 2003) or as part of an implementation plan approved or promulgated under section 110.”.

(b) FREQUENCY OF CONFORMITY DETERMINATION UPDATES.—Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4)) is amended follows:

(1) By striking “one year after the date of enactment of the Clean Air Act Amendments of 1990” and inserting “one year after the date of enactment of the Transportation Equity Act: A Legacy for Users” .

(2) In subparagraph (B) by amending clause (ii) to read as follows:

“(ii) provide that conformity determinations for transportation plans and programs be determined every 4 years in areas designated as nonattainment or redesignated to attainment (unless a metropolitan planning organization as designated in section 5213(b) of title 49, United States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E)).”.

(c) TIME HORIZON FOR CONFORMITY DETERMINATIONS IN NON-ATTAINMENT AREAS.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraph at the end thereof:

“(7) TIME HORIZON FOR DETERMINATIONS.—Each conformity determination required under this section for a transportation plan under section 5213(g) of title 49 of the United States Code shall require a demonstration of conformity during the period ending on either the final year of the transportation plan or, at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling air pollution within the area covered by the transportation plan on the later of the following dates (hereinafter in this paragraph referred to as the ‘final transportation conformity date’):

“(A) The tenth year of the transportation plan.

“(B) The attainment date set forth in the applicable implementation plan for the air pollutant concerned.

“(C) The year after the completion of a regionally significant project, if the project will be programmed in the transportation improvement program or requires approval before the subsequent conformity determination.

Such conformity determination shall be accompanied by a regional emissions analysis for any years of the transportation plan that extend beyond such final conformity date. In the case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect October 1, 2003), or has approved the revision, the demonstration of conformity (at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans

or controlling pollution within the area covered by the transportation plan) and the metropolitan planning organization shall be required to extend only through the last year of the implementation plan required under section 175A(b).”

(d) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.— Subsection 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the end the following new paragraph:

“(8)(A) Transportation control measures that are specified in an implementation plan may be replaced in the implementation plan with substitute transportation control measures if

“(i) the substitute measures achieve equivalent or greater emission reductions than the control measures to be replaced, as determined by the Administrator,

“(ii) the substitute measures utilize an emissions impact analysis that is consistent with the current methodology used for evaluating replaced control measures in the implementation plan;

“(iii) the substitute control measures are implemented not later than the date on which such emission reductions are necessary to achieve the purpose of the implementation plan;

“(iv) the substitute control measures were developed with reasonable public notice and the opportunity for comments; and

“(v) the metropolitan planning organization finds that adequate funding is included in the transportation improvement program to ensure timely implementation of the substitute control measures.

“(B) After the requirements of paragraph (A) are met, a State may adopt the substitute measures in the applicable implementation plan within a reasonable period of time.

“(C) The substitution of a transportation control measure in accordance with this paragraph shall not be contingent on the existence of any provision in the applicable implementation plan that expressly permits such substitution.

“(D) The substitution of a transportation control measure in accordance with this paragraph shall not require—

“(i) a new conformity determination for the transportation plan, or

“(ii) a revision of the applicable implementation plan.

“(E) A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted.

“(F) Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.

Transportation control measures may be added to an implementation plan subject to subparagraphs (B), (C), and (D), on the same basis as if such measures were substitute transportation control measures if such measures do not increase emissions for which limitations have been established in an implementation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).”

(e) **LAPSE OF CONFORMITY.**—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraphs at the end thereof:

“(9) **LAPSE OF CONFORMITY.**—If a conformity determination required under this subsection for a transportation plan under section 5213(g) of title 49 of the United States Code or a transportation improvement program under section 5213(h) of title 49 of the United States Code is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other measures sufficient to correct such failures, the transportation plan shall lapse.

“(10) **LAPSE.**—The term ‘lapse’ means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.”.

SEC. 1825. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

A community is deemed to be eligible to participate in the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) if the community—

- (1) is listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on March 8, 2004; or
- (2) was determined to be eligible participate in such program by the National Marine Fisheries Service on April 19, 1999.

SEC. 1826. METROPOLITAN REGIONAL FREIGHT AND PASSENGER TRANSPORTATION STUDY.

(a) **IN GENERAL.**—The Secretary shall enter into an agreement with a partnership comprised of 2 institutions of higher learning to study metropolitan regional freight and passenger transportation and system-wide performance utilizing an interdisciplinary technique of supply chain management, geographic information systems, and urban/suburban planning and management.

(b) **CONTENTS OF STUDY.**—The study under this section shall include, at a minimum, evaluations of—

- (1) best practices for regional transportation operations and management;
- (2) relationships among truck trip generation and economic activities;
- (3) spatial analysis of the distribution of economic activity and transportation investments;
- (4) congestion mitigation and management of air quality through the concentration of modeling and technology;
- (5) supply chain management and geographic information systems; and
- (6) infrastructure management and renewal.

(c) **FEDERAL SHARE.**—The Federal share of the cost of the study under this section shall be 100 percent.

(d) **FUNDING.**—Of the amounts made available to carry out section 1305 for each of fiscal years 2005 through 2009, \$1,800,000 shall be made available to carry out this section.

SEC. 1827. INTERMODAL TRANSPORTATION FACILITY EXPANSION.

Any Federal and non-Federal share provided for the Port of Anchorage for an intermodal transportation marine facility or for access to that facility shall be transferred to and administered by the Administrator of the Maritime Administration.

SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.

(a) DEFINITION.—Section 101(a) of title 23, United States Code, as amended by section 1202 of this Act, is further amended by adding at the end the following:

“(40) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term ‘advanced truck stop electrification system’ means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.”.

(b) ELIGIBILITY UNDER STP.—Section 133(b)(6) of such title is amended by inserting “, including advanced truck stop electrification systems” before the period at the end.

(c) ELIGIBILITY UNDER CMAQ.—Section 149(b)(4) of such title is amended by inserting “, including advanced truck stop electrification systems,” after “facility or program”.

SEC. 1829. TECHNOLOGY.

States are encouraged to consider using a non-destructive technology able to detect cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.

Page 395, line 16, strike “All” and all that follows through the period on line 18 and insert the following: “All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are used for motorcycle training and safety programs.”.

Page 396, line 20, before “to carry” insert “incorporated in that State”.

At the end of title II, insert the following (and conform the table of contents accordingly):

SEC. 2011. DRUG IMPAIRED DRIVING ENFORCEMENT.

(a) SHORT TITLE.—This section may be cited as the “Drug Impaired Driving Research and Prevention Act”.

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

(1) CONTROLLED SUBSTANCE.—The term “controlled substance” includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812(e)).

(2) INHALANT.—The term “inhalant” means a household or commercial product that can be used by inhaling for intoxicating effect.

(3) DRUG RECOGNITION EXPERT.—The term “drug recognition expert” means an individual trained in a specific evaluation procedure that enables the person to determine whether an individual is under the influence of drugs and then to determine the type of drug causing the observable impairment.

(c) MODEL STATUTE.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall develop and provide to the States a model statute relating to drug impaired driving which incorporates the provisions described in this section.

(2) MANDATORY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section shall include, at a minimum, a provision that the crime of drug impaired driving is committed when a person operates a motor vehicle—

(A) while any unlawful detectable amount of a controlled substance is present in the person's body, as measured in the person's blood, urine, saliva, or other bodily substance; or

(B) due to the unlawful presence of a controlled substance or a controlled substance in combination with alcohol or an inhalant, or both, in the person's body, the person's mental or physical faculties are affected to a noticeable or perceptible degree.

(3) DISCRETIONARY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section may include the following:

(A) Sanctions for refusing to submit to a test for the unlawful presence of a controlled substance in a person's body which are equivalent to sanctions for a positive test result.

(B) A graduated system of penalties for repeat offenses of drug impaired driving, including, at a minimum, that a third or subsequent offense within a 10-year period shall be a felony punishable by imprisonment for more than a year.

(C) Authorization for States to suspend or revoke the license of any driver upon receiving a record of the driver's conviction of driving a motor vehicle while under the unlawful influence of a controlled substance.

(D) Provisions that require a sentence of imprisonment imposed for any drug impaired driving offense be served consecutively, not concurrently, from a sentence imposed for any other criminal act; except that a sentence imposed for the same act of impaired driving may be imposed concurrently if the additional conviction was based on an alternate theory of culpability for the same act.

(d) RESEARCH AND DEVELOPMENT.—Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

“(5) New technology to detect drug use.

“(6) Research and development to improve testing technology, including toxicology lab resources and field test mechanisms to enable States to process toxicology evidence in a more timely manner.

“(7) Determining per se unlawful impairment levels for controlled substances (as defined in section 2011 of the Transportation Equity Act: A Legacy for Users) and the compound effects of alcohol and controlled substances on impairment to facilitate enforcement of per se drug impaired driving laws. Research under this paragraph shall be carried out in collabora-

tion with the National Institute on Drug Abuse of the National Institutes of Health.”.

(e) GOALS FOR TRAINING.—Section 403 of such title is amended by adding at the end the following:

“(g) TRAINING GOALS.—For the purpose of enhancing the States’ ability to detect, enforce, and prosecute drug impaired driving laws, the Secretary shall—

“(1) establish and carry out programs to enhance police and prosecutor training efforts for enforcement of laws relating to drug impaired driving and for development of programs to improve enforcement of such laws; and

“(2) ensure that drug impaired driving enforcement training or drug recognition expert programs, or both, exist in all 50 States and the District of Columbia by December 31, 2006.”.

(f) DUTIES.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and annually thereafter, the Secretary shall transmit to Congress a report on the progress being made in carrying out this Act, including the amendments made by this Act.

(2) CONTENTS.—The Secretary shall include in the report an assessment of the status of drugged impaired driving laws in the United States—

(A) new research and technologies in the area of drug impaired driving enforcement;

(B) a description of the extent of the problem of driving under the influence of an illegal drug in each State and any available information relating thereto, including a description of any laws relating to the problem of driving under the influence of an illegal drug; and

(C) recommendations for addressing the problem of driving under the influence of an illegal drug.

(h) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, for fiscal years 2004 through 2009, the Secretary shall use, at a minimum, \$1,200,000 per fiscal year to carry out drug impaired driving traffic safety programs, including the provisions of this section and the amendments made by this section.

In section 5308(c)(2)(A) of title 49, United States Code, as proposed to be inserted by section 3009 of the bill (pages 422 and 423), strike clause (iii) and insert the following:

“(iii) 1.2 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under subpart 2 of such part;

Page 426, line 13, strike “transit supportive policies,” and insert “and transit supportive policies”.

In section 5309 of title 49, United States Code, as proposed to be amended by section 3010(d) of the bill, redesignate paragraph (2)

of subsection (k) as paragraph (4) (page 447), move such redesignated paragraph to the end of subsection (m) (page 450), and strike “(1) CONSIDERATIONS.—” in such subsection (k) (page 447, line 9).

Page 450, line 10, after the period insert the following: “Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), \$10,000,000 shall be available in each of fiscal years 2004 through 2009 for ferry boats or ferry terminal facilities.”

Page 482, lines 14 and 15, strike “10 persons per square mile or fewer” and insert “10 or fewer persons per square mile in other than urbanized areas of the State”.

Page 500, line 10, strike “(b) and (c)” and insert “(b), (c), and (d)”.

Page 501, strike line 3 and all that follows through line 15.

In section 3037(b)(4), strike “extensions”.

In section 3037(b)(15)—

- (1) strike “Phase II” and insert “Foothill”; and
- (2) strike “Claremont” and insert “Montclair”.

In section 3037(b)—

- (1) in paragraph (37) strike “MUNI” and insert “Muni”; and
- (2) after paragraph (36) insert the following (and redesignate subsequent paragraphs accordingly):

(37) San Diego—Mid Coast Extension.

In section 3037(b), after paragraph (38), relating to Santa Clara Valley Transit Authority, insert the following (and redesignate subsequent paragraphs accordingly):

(39) Tampa Bay—Regional Rail.

In section 3037(c)(2), strike “Albuquerque-Santa Fe” and insert “Belen-Santa Fe”.

In section 3037(c), strike paragraph (9) and insert the following (and redesignate subsequent paragraphs accordingly):

- (9) Austin—Rapid Bus Project.
- (10) Austin—Regional Commuter Rail.

In section 3037(c), after paragraph (20), relating to Charles Town-Ranson, West Virginia, insert the following (and redesignate subsequent paragraphs accordingly):

(21) Central Phoenix—East Valley Corridor LRT Extensions.

In section 3037(c), after paragraph (34), relating to Corpus Christi, insert the following (and redesignate subsequent paragraphs accordingly):

(35) Dallas Area Rapid Transit—Dallas Central Business District.

In section 3037(c), after paragraph (38) relating to Denver—Gold Line Extension to Arvada, insert the following (and redesignate subsequent paragraphs accordingly):

- (39) Denver—United States Route 36 Transit Corridor.
- (40) Denver—North Metro Corridor to Thornton.
- (41) Denver—East Corridor to DIA Airport.

In section 3037(c)(44), relating to Fort Worth, strike “Extension” and insert “Extensions”.

In section 3037(c)(106), strike “Extension to City of Lake Oswego” and insert “Extensions”.

In section 3037(c), after paragraph (114), relating to Sacramento—Downtown, insert the following (and redesignate subsequent paragraphs accordingly):

- (115) Salt Lake City—Draper to Sandy LRT Extension.
- (116) Salt Lake City—TRAX Capacity Improvements.

(117) Salt Lake City—West Valley City LRT Extension.

In section 3037(c)(119), strike “Geary” and insert “MUNI Geary”.

In section 3037(c), after paragraph (123), relating to Seattle, insert the following (and redesignate subsequent paragraphs accordingly):

(124) Seattle—Link LRT Extensions.

(125) Seattle—Sound Transit Commuter Rail.

(126) Seattle—Sound Transit Regional Express Bus.

In section 3037(c), after paragraph (138), relating to Tri-Rail Florida East Coast, insert the following (and redesignate subsequent paragraphs accordingly):

(139) Tri-Rail Jupiter Extension.

In section 3037(c), after paragraph (141), relating to Vancouver, insert the following (and redesignate subsequent paragraphs accordingly):

(142) Virginia Beach—Bus Rapid Transit.

In section 3037(c), after paragraph (142), relating to Virginia Railway Express, insert the following (and redesignate subsequent paragraphs accordingly):

(143) Washington State Ferries and Ferry Facilities.

In item 15 of the table contained in section 3038, strike “Gettysburt” and insert “Gettysburg”.

In item number 25 of such table, strike “\$750,000.00” and insert “\$2,850,000.00”.

In item number 26 of such table, strike “\$750,000.00” and insert “\$2,850,000.00”.

In item 85 of such table, strike “Pasadena” and all that follows through “centers” and insert “Pasadena to Montclair, CA Gold Line Light Rail Foothill Extension intermodal centers”.

In item 97 of such table, strike “\$1,750,000.00” and insert “\$3,750,000.00”.

In item 98 of such table, strike “vehabilitation” and insert “rehabilitation”.

In item 132 of such table, strike “Gold Line phase II rail project” and insert “light rail Foothill Extension”.

In item 162 of such table, after “Construct” insert “Foothill Transit”.

At the end of such table, add the following:

Project	FY 05	FY 06	FY 07
356. Jesup, GA - Historic depot and bus station rehabilitation	\$320,000.00	\$330,000.00	\$350,000.00
357. Renaissance Square, NY - Intermodal center, below grade transit center with association joint development, including community college and performing arts center	\$2,240,000.00	\$2,310,000.00	\$2,450,000.00

Project	FY 05	FY 06	FY 07
358. Boysville of Michigan - Vans purchase	\$1,075,200.00	\$1,108,800.00	\$1,176,000.00

In section 3039(b), strike “4 nonprofit” and insert “4 geographically diverse nonprofit”.

In section 3039(c)(1), strike “transit operations” and insert “transit bus operations”.

Redesignate section 3040 as section 1829, move such redesignated section from title III to the end of subtitle H of title I, redesignate subsequent sections of title III accordingly, and conform the table of contents accordingly.

In section 3042(a)(1), strike “For carrying out” and insert the following:

(A) IN GENERAL.—For carrying out

In section 3042(a)(1), redesignate subparagraphs (A) through (F) as clauses (i) through (vi), respectively, move such clauses 2 ems to the right, and after clause (vi) (as so redesignated) insert the following:

(B) PUBLIC TRANSPORTATION NATIONAL SECURITY STUDY.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and evaluation of the value major public transportation systems in the United States serving the 38 urbanized areas that have a population of more than 1,000,000 individuals provide to the Nation’s security and the ability of such systems to accommodate the evacuation, egress or ingress of people to or from critical locations in times of emergency.

(ii) ALTERNATIVE ROUTES.—For each system described in clause (i) the study shall identify—

(I) potential alternative routes for evacuation using other transportation modes such as highway, air, marine, and pedestrian activities; and

(II) transit routes that, if disrupted, do not have sufficient transit alternatives available.

(iii) REPORT.—Not later than 24 months after the date of entry into the agreement, the Academy shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a final report on the results of the study and evaluation, together with such recommendations as the Academy considers appropriate.

(iv) FUNDING.—Of the amounts made available under section 5338(d) of title 49, United States Code, \$250,000 shall be available for each of fiscal years 2005 and 2006 to carry out this subparagraph.

At the end of title III, insert the following and conform the table of contents accordingly:

SEC. 3045. COOPERATIVE PROCUREMENT.

(a) REVIEW OF COOPERATIVE PROCUREMENT; AUTHORITY TO INCREASE FEDERAL SHARE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall undertake a 30-day review of efforts to use cooperative procurement to determine whether benefits are sufficient to formally incorporate cooperative procurement into the mass transit program. In particular the Secretary shall review the progress made under the pilot program authorized under section 166 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 5397 note; 118 Stat. 309), based on experience to date in the pilot program and any available reports to Congress submitted under such section 166. The Secretary shall also consider information gathered from grantees about cooperative procurement, whether or not related to the pilot program.

(2) NOTIFICATION OF CONGRESS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the results of the review required under paragraph (1), including a finding of sufficient benefit or insufficient benefit and the reasons for that finding.

In subparagraph (V) that is proposed to be inserted in section 31102(b)(1) of title 49, United States Code, by section 4102(a)(6) of the bill, strike “placing out of service” and insert “prohibiting the operation of”.

In section 4120(e), strike “2004.”.

In section 4121(a), after “mellitus” insert “who are applying for an exemption from the physical qualification standards”.

In section 4121(a), strike “qualify” and insert “be exempted from the physical qualification standards”.

In section 4122(c), strike “2004.”.

In section 4128, insert at the end the following:

(f) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—Section 31136 of title 49, United States Code, is amended by adding at the end the following:

“(g) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary, or an employee of the Department of Transportation designated by the Secretary, may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials to inspect intermodal equipment.”.

(g) JURISDICTION OVER EQUIPMENT PROVIDERS.—Section 31132(1) of such title is amended by inserting after “towed vehicle” the following: “(including intermodal equipment, including trailers, chassis and associated devices, commonly used for the transportation of intermodal freight via highway)”.

In section 4208(a)(1), insert after “challenge” the following: “duplicate or fraudulent”.

At the end of title IV, insert the following (and conform the table of contents of the bill accordingly):

SEC. 4212. APPLICABILITY TO HOUSEHOLD GOODS MOTOR CARRIERS.

(a) **IN GENERAL.**—The provisions of title 49, United States Code, and this Act (including any amendments made by this Act) relating to the transportation of household goods shall only apply to household goods motor carriers.

(b) **HOUSEHOLD GOODS MOTOR CARRIER DEFINED.**—In this section, the term “household goods motor carrier” means a motor carrier as defined in section 13102(12) of title 49, United States Code, which, in the ordinary course of its business of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates, inventorying, protective packing and unpacking of individual items, and loading and unloading at personal residences.

Title V, after section 5102, insert the following:

SEC. 5103. FINDINGS.

The Congress finds the following:

(1) Research and development are critical to developing and maintaining a transportation system that meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

(2) Federally sponsored surface transportation research and development has produced many successes. The development of rumble strips has increased safety; research on materials has increased the lifespan of pavements, saving money and reducing the disruption caused by construction; and Geographic Information Systems have improved the management and efficiency of transit fleets.

(3) Despite these important successes, the Federal surface transportation research and development investment represents less than one percent of overall government spending on surface transportation.

(4) While Congress increased funding for overall transportation programs by about 40 percent in the Transportation Equity Act for the 21st Century, funding for transportation research and development remained relatively flat.

(5) The Federal investment in research and development should be balanced between short-term applied and long-term fundamental research and development. The investment should also cover a wide range of research areas, including research on materials and construction, research on operations, research on transportation trends and human factors, and research addressing the institutional barriers to deployment of new technologies.

(6) Therefore, Congress finds that it is in the United States interest to increase the Federal investment in transportation research and development, and to conduct research in critical research gaps, in order to ensure that the transportation system meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

Title V, section 5201(b) of the bill in the matter proposed to be inserted in section 502(a) of title 23, United States Code, strike paragraphs (5) through (7) and insert the following:

“(5) **STAKEHOLDER INPUT.**—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan plan-

ning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

“(6) COMPETITION AND PEER REVIEW.—Except as otherwise provided in this Act, the Secretary shall award all grants, contracts, and cooperative agreements for research and development under this Act based on open competition and peer review of proposals.

“(7) PERFORMANCE REVIEW AND EVALUATION.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measures shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.”

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(d)(1) of title 23, United States Code, strike “a national research agenda for the program” and insert “the national research agenda as set forth in the Transportation Research Board Special Report 268 as described in subsection (e)”.

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(e) of title 23, United States Code, insert at the end the following:

“(8) CONTENTS.—The program established under subsection (d)(1) shall carry out research and development called for in the Transportation Research Board Special Report 268, entitled ‘Surface Transportation Environmental Research: A Long-Term Strategy’, published in 2002, which included the following research and development areas:

“(1) Human Health.

“(2) Ecology and Natural Systems.

“(3) Environmental and Social Justice.

“(4) Emerging Technologies.

“(5) Land Use.

“(6) Planning and Performance Measures.

Title V, section 5204(b) of the bill, in the matter proposed to be inserted in section 503(c)(2)(A) of title 23, United States Code, after “materials,” insert “recycled materials (including taconite tailings and foundry sand),”

Title V, section 5205(a)(2) of the bill, strike “\$10,000,000” and insert “\$8,500,000”.

Title V, strike 5205(d) of the bill and insert the following:

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—Section 504 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following new subsection:

“(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathe-

matics through curriculum development and other activities related to transportation.

“(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

“(A) internships that offer students experience in the transportation field;

“(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

“(C) developing relevant curriculum that uses examples and problems related to transportation.

“(3) APPLICATION AND REVIEW PROCEDURES.—

“(A) IN GENERAL.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used and a description of how the funds will be used to serve the purposes described in paragraph (2).

“(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

“(C) ELIGIBILITY.—Local education agencies and State education agencies, which may partner with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

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

“(A) the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

“(B) the term ‘local educational agency’ has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

“(C) the term ‘State educational agency’ has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, \$500,000 for 2004 and \$1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(d) of title 23, United States Code.

Title V, section 5209, redesignate subsections (b) and (c) as subsections (c) and (d).

Title V, section 5209, after subsection (a) insert the following:

(b) PROGRAMMATIC EVALUATIONS.—Within 3 years after the first research and development project grants, cooperative agreements, or contracts are awarded under this section, the Comptroller General shall review the program under this section, and recommend improvements. The review shall assess the degree to which projects funded under this section have addressed the research and development topics identified in the Transportation Research Board Spe-

cial Report 260, including identifying those topics which have not yet been addressed.

Title V, section 5205 of the bill, in the matter proposed to be inserted in section 504 of title 23, United States Code, redesignate subsections (f) and (g) as subsections (g) and (h), respectively.

Title V, section 5205 of the bill, insert after subsection (e) the following:

(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—Section 504 of title 23, United States Code, is amended by inserting after subsection (e) the following:

“(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to institutions of higher education that in partnership with industry or State Departments of Transportation will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

“(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

“(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

“(B) providing for practical experience and on-the-job training;

“(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

“(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

“(E) programs or curricula in nontraditional departments which train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

“(F) industry or a State’s Department of Transportation commitment to the program.

“(3) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, \$1,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out this subsection.

“(4) LIMITATIONS.—The amount of a grant under this subsection shall not exceed \$250,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal no more than 75 percent of a grantee’s program costs.”.

Title V, subtitle B, is amended by adding at the end the following:

SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

(a) AMENDMENT.—Section 508 of title 23, United States Code, is amended to read as follows:

“§ 508. Transportation research and development strategic planning

“(a) IN GENERAL.—

“(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Research and Development Act of 2004, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

“(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

“(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

“(i) reducing congestion and improving mobility;

“(ii) promoting safety;

“(iii) promoting security;

“(iv) protecting and enhancing the environment;

“(v) preserving the existing transportation system;

and

“(vi) improving the durability and extending the life of transportation infrastructure;

“(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

“(C) for each research and development topic, describe—

“(i) the anticipated annual funding levels for the period covered by the strategic plan; and

“(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

“(3) CONSIDERATIONS.—In developing the strategic plan, the Secretary shall ensure that the plan—

“(A) reflects input from a wide range of stakeholders;

“(B) includes and integrates the research and development programs of all the Department’s operating administrations, including aviation, transit, rail, and maritime; and

“(C) takes into account how research and development by other Federal, State, private sector, and not-for-profit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

“(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

“(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

“(B) the amount of funding spent in each topic area;

“(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

“(D) any amendments to the strategic plan.

“(b) The Secretary shall submit to Congress an annual report, along with the President’s annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

“(c) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

“(1) strategic plan under section 508;

“(2) performance plan required under section 1115 of title 31;

and

“(3) program performance report required under section 1116 of title 31,

with respect to transportation research and development.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item related to section 508 and inserting the following:

“508. Transportation research and development strategic planning.”.

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(e)(C)(ii) of title 49, United States Code, insert “and” after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C)(iii) of title 49, United States Code, strike “; and” and insert the following: “who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.”.

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(f)(2)(B)(ii) of title 49, United States Code, insert “and” after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B)(iii) of title 49, United States Code, strike “; and” and insert the following: “who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.”.

Title V, strike section 5501 and insert the following:

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.

Section 111 of title 49, United States Code, is amended to read as follows:

“§ 111. Bureau of Transportation Statistics

“(a) ESTABLISHMENT.—There is established in the Department of Transportation a Bureau of Transportation Statistics.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

“(3) REPORTING.—The Director shall report directly to the Secretary.

“(4) TERM.—The term of the Director shall be 5 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

“(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary’s senior advisor on data and statistics, and shall be responsible for carrying out the following duties:

“(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.

“(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau’s data programs and to improve the coordination of information collection efforts with other Federal agencies.

“(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.

“(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

“(5) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

“(A) productivity in various parts of the transportation sector;

“(B) traffic flows for all modes of transportation;

“(C) other elements of the Intermodal Transportation Database established under subsection (g);

“(D) travel times and measures of congestion;

“(E) vehicle weights and other vehicle characteristics;

“(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode, and goods movement;

“(G) transportation costs for passenger travel and goods movement;

“(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;

“(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

“(J) safety and security for travelers, vehicles, and transportation systems;

“(K) consequences of transportation for the human and natural environment;

“(L) the extent, connectivity, and condition of the transportation system, building on the National Transportation Atlas Database developed under subsection (g); and

“(M) transportation-related variables that influence the domestic economy and global competitiveness.

“(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

“(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

“(8) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

“(d) INFORMATION NEEDS ASSESSMENT.—

“(1) IN GENERAL.—Within 60 days after the date of the enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall enter into an arrangement with the National Research Council to develop and publish a National Transportation Information Needs Assessment (referred to in this subsection as the ‘Assessment’). The Assessment shall be transmitted to the Secretary and the Congress not later than 24 months after such arrangement is entered into.

“(2) CONTENT.—The Assessment shall—

“(A) identify, in priority order, transportation data that is not being collected by the Bureau, Department of Transportation operating administrations, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local level and to fulfill the requirements of subsection (c)(5);

“(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is a higher priority than data currently being collected;

“(C) identify any data the Bureau or other Federal, State, and local entities is collecting that is not needed;

“(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, and local entities should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

“(E) estimate the cost of implementing any recommendations.

“(3) CONSULTATION.—In developing the Assessment, the National Research Council shall consult with the Department’s Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

“(4) REPORT TO CONGRESS.—Not later than 6 months after the National Research Council transmits the Assessment under paragraph (1), the Secretary shall transmit a report to Congress that describes—

“(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

“(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

“(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

“(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

“(E) any findings of the Assessment under paragraph (1) with which the Secretary disagrees, and why; and

“(F) any proposed statutory changes needed to implement the findings of the Assessment under paragraph (1).

“(e) INTERMODAL TRANSPORTATION DATA BASE.—

“(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

“(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

“(3) CONTENTS.—The data base shall include—

“(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

“(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

“(C) information on the location and connectivity of transportation facilities and services; and

“(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

“(f) NATIONAL TRANSPORTATION LIBRARY.—

“(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

“(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(8).

“(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

“(g) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

“(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

“(A) transportation networks;

“(B) flows of people, goods, vehicles, and craft over the networks; and

“(C) social, economic, and environmental conditions that affect or are affected by the networks.

“(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

“(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than \$500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than \$10,000.

“(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

“(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

“(2) demonstration programs by States, local governments, and metropolitan planning organizations to harmonize data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

“(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

“(4) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

“(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to authorize the Bureau to require any other department or agency to collect data; or

“(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

“(k) PROHIBITION ON CERTAIN DISCLOSURES.—

“(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

“(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

“(B) use the information provided under subsection (c) for a nonstatistical purpose; or

“(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

“(2) COPIES OF REPORTS.—

“(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

“(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

“(i) shall be immune from legal process; and

“(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

“(l) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items re-

ferred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

“(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

“(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

“(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

“(n) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

“(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—

“(1) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

“(2) FUNCTION.—It shall be the function of the Advisory Council established under this subsection to—

“(A) advise the Director of the Bureau of Transportation Statistics on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau of Transportation Statistics and the Department of Transportation;

“(B) provide input to and review the report to Congress under subsection (d)(4); and

“(C) advise the Director on methods to encourage harmonization and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

“(3) MEMBERSHIP.—The Advisory Council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

“(4) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for one additional 3-year term.

“(B) Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Users shall serve until the end of their appointed terms.

“(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.”. Title V, strike section 5603(h) of the bill and insert the following:
(h) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a State highway department;

(B) a representative from a local highway department who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

(E) a private sector user of intelligent transportation system technologies;

(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

(G) an academic researcher who is a civil engineer;

(H) an academic researcher who is a social scientist with expertise in transportation issues;

(I) a representative from a not-for-profit group representing the intelligent transportation system industry;

(J) a representative from a public interest group concerned with safety;

(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

(L) members with expertise in planning, safety, and operations.

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and, if not, to determine the barriers to deployment; and

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

(4) REPORT.—Not later than February 1 of each year after the date of enactment of this Act, the Secretary shall transmit to the Congress, a report including—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of how the Secretary has implemented those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Title V, section 5605(b), insert after paragraph (1) the following (and redesignate subsequent paragraphs accordingly):

(2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

Title V, redesignate sections 5607 through 5609 as sections 5608 through 5610 (and conform the table of contents of the bill accordingly).

Title V, after section 5606, insert the following:

SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a road weather research and development program to—

(1) maximize use of available road weather information and technologies;

(2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and

(3) promote technology transfer of effective road weather scientific and technological advances.

(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.

(c) CONTENTS.—The program established under this section shall solely carry out research and development called for in the National Research Council's report entitled "A Research Agenda for Improving Road Weather Services". Such research and development includes—

(1) integrating existing observational networks and data management systems for road weather applications;

(2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;

(3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and

(4) integrating road weather technologies into an information infrastructure.

(d) ACTIVITIES.—In carrying out this section, the Secretary shall—

- (1) enable efficient technology transfer;
 - (2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and
 - (3) coordinate with transportation weather research programs in other modes, such as aviation.
- (e) FUNDING.—

(1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.

(2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.—Of the amounts made available by section 5101(a)(5), \$4,000,000 shall be available to carry out this section for each of fiscal years 2004 through 2009.

Title V, redesignate section 5609 as section 5610.

Title V, after section 5608, insert the following:

SEC. 5609. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish 3 centers for surface transportation excellence.

(b) GOALS.—The goals of the centers for surface transportation excellence are to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, rural safety, and project finance.

(c) ROLE OF CENTERS.—To achieve the goals set forth in subsection (b), the Secretary shall establish the 3 centers as follows:

(1) ENVIRONMENTAL EXCELLENCE.—To provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects.

(2) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess local community needs to improve access to mobile emergency treatment, and develop online and seminar training needs of rural transportation practitioners and policy-makers.

(3) PROJECT FINANCE.—To provide support to State transportation departments in the development of finance plans and project oversight tools and to develop and offer training in state of the art financing methods to advance projects and leverage funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts made available under section 5101(a)(1), the Secretary shall make available \$2,000,000 for each of fiscal years 2004 through 2009 to carry out this section.

(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1) the Secretary shall use such amounts as follows:

(A) 40 percent to establish the Center for Environmental Excellence.

(B) 30 percent to establish the Center for Excellence in Rural Safety.

(C) 30 percent to establish the Center for Excellence in Project Finance.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

(e) PROGRAM ADMINISTRATION.—

(1) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant to perform research or provide technical assistance under this section shall be selected on a competitive basis, to the maximum extent practicable.

(2) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan that describes—

(A) the activities to be undertaken; and

(B) how the work of the center is coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized by this title. Such plans shall be submitted to the Secretary by January 1, 2005 and each year thereafter.

In subsection (d) as proposed to be inserted in section 5213 of title 49, United States Code, by section 6001(a) of the bill (page 769), insert at the end the following:

“(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

In subsection (c) as proposed to be inserted in section 5214 of title 49, United States Code, by section 6001(a) of the bill (page 790), strike “The consent” and insert the following:

“(1) IN GENERAL.—The consent

In such subsection (c), insert at the end the following:

“(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

Page 772, lines 23 and 24, strike “no less frequently than every 4 years” and insert “periodically, according to a schedule that the Secretary determines to be appropriate”.

Page 773, at the end of line 2, insert the following:

The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

“(A) any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); and

“(B) any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and up-

date such plan every 4 years unless the metropolitan planning organization elects to update more frequently.

Page 788, at the end of line 25, insert the following: “Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

Page 802, before line 16, insert the following:

(c) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations that are consistent with the amendments made by this section relating to the Clean Air Act.

In section 6002, strike subsection (c) (page 818) and insert the following:

(c) EXISTING ENVIRONMENTAL REVIEW PROCESSES.—Nothing in this section shall be deemed to affect any existing environmental review process approved by the Secretary.

In section 7003 (pages 825 and 826), insert after paragraph (1) the following (and redesignate subsequent paragraphs of such section accordingly):

(2) in paragraph (8) by striking “national response team” each place it appears and inserting “National Response Team”;

In section 7019, strike subsection (b) on page 847 and insert the following:

(b) EMINENT HAZARDS.—Section 5122(b)(1)(B) is amended by striking “or ameliorate the” and inserting “or mitigate the”.

In section 7020(c) (page 848), strike “is amended” and all that follows through “(2) by adding” and insert “is amended by adding”.

Page 855, strike line 16 and all that follows through line 7 on page 856 and insert the following:

SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE HIGHWAY AND MASS TRANSIT CATEGORIES.

(a) LIMITS.—(1) Section 251(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subparagraph (A), by striking “\$31,834,000,000” and inserting “\$28,052,000,000”; and

(B) in subparagraph (B), by striking “\$1,462,000,000” and inserting “\$1,436,000,000” and by striking “\$6,629,000,000” and inserting “\$6,271,000,000”.

(2) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after “2005”, by redesignating the remaining portion of such paragraph as subparagraph (C) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

“(A) for the highway category: \$30,585,000,000 in outlays;

“(B) for the mass transit category: \$1,554,000,000 in new budget authority and \$6,787,000,000 in outlays; and”.

(3) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after “2006”, by redesignating the remaining portion of such paragraph as subparagraph (C) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

“(A) for the highway category: \$33,271,000,000 in outlays;

“(B) for the mass transit category: \$1,671,000,000 in new budget authority and \$7,585,000,000 in outlays; and”.

(4) Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating paragraphs (4) through (9) as paragraphs (7) through (12) and inserting after paragraph (3) the following new paragraphs:

“(4) with respect to fiscal year 2007—

“(A) for the highway category: \$35,248,000,000 in outlays; and

“(B) for the mass transit category: \$1,785,000,000 in new budget authority and \$8,110,000,000 in outlays;

“(5) with respect to fiscal year 2008—

“(A) for the highway category: \$36,587,000,000 in outlays; and

“(B) for the mass transit category: \$1,890,000,000 in new budget authority and \$8,517,000,000 in outlays; and

“(6) with respect to fiscal year 2009—

“(A) for the highway category: \$37,682,000,000 in outlays; and

“(B) for the mass transit category: \$2,017,000,000 in new budget authority and \$8,968,000,000 in outlays.”.

(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B), by—

(A) striking “the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003” and inserting “the Transportation Equity Act: A Legacy for Users”; and

(B) inserting before the period at the end the following new clauses:

“(v) 69-8158-0-7-401 (Motor Carrier Safety Grants).

“(vi) 69-8159-0-7-401 (Motor Carrier Safety Operations and Programs).”;

(2) in subparagraph (C), by—

(A) inserting “(and successor accounts)” after “budget accounts”; and

(B) striking “the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003 or for which appropriations are provided pursuant to authorizations contained in those Acts (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by the Transportation Equity Act for the 21st Century, shall not be included in this category)” and inserting “the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act”; and

(3) in subparagraph (D)(ii), by striking “section 8103 of the Transportation Equity Act for the 21st Century” and inserting “section 8103 of the Transportation Equity Act: A Legacy for Users”.

SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (B) through (E) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

“(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

“(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8103 of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

“(II) The estimated level of highway receipts for the purposes of this clause are—

“(aa) for fiscal year 2004, \$30,572,000,000;

“(bb) for fiscal year 2005, \$34,260,000,000;

“(cc) for fiscal year 2006, \$35,586,000,000;

“(dd) for fiscal year 2007, \$36,570,000,000;

“(ee) for fiscal year 2008, \$37,603,000,000; and

“(ff) for fiscal year 2009, \$38,651,000,000.

“(III) In this clause, the term ‘highway receipts’ means the governmental receipts credited to the highway account of the Highway Trust Fund.

“(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

“(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

“(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

“(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels

specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

“(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

“(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.”

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

- (1) for fiscal year 2004, \$34,309,000,000;
- (2) for fiscal year 2005, \$35,671,000,000;
- (3) for fiscal year 2006, \$36,719,000,000;
- (4) for fiscal year 2007, \$37,800,000,000;
- (5) for fiscal year 2008, \$38,913,000,000; and
- (6) for fiscal year 2009, \$40,061,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

- (1) for fiscal year 2004, \$7,266,000,000;
- (2) for fiscal year 2005, \$7,750,000,000;
- (3) for fiscal year 2006, \$8,266,000,000;
- (4) for fiscal year 2007, \$8,816,000,000;
- (5) for fiscal year 2008, \$9,403,000,000; and
- (6) for fiscal year 2009, \$10,029,000,000.

For purposes of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

SEC. 8104. ENFORCEMENT OF GUARANTEE.

Clause 3 of rule XXI of the Rules of the House of Representatives is amended—

(1) by striking “Transportation Equity Act for the 21st Century” and inserting “Transportation Equity Act: A Legacy for Users”; and

(2) by adding at the end the following: “For purposes of this clause, any obligation limitation relating to surface transportation projects under section 1602 of the Transportation Equity Act for the 21st Century and section 1702 of the Transportation Equity Act: A Legacy for Users shall be assumed to be administered on the basis of sound program management practices that are consistent with past practices of the administering agency permitting States to decide High Priority Project funding priorities within State program allocations.”

At the end of the bill, insert the following (and conform the table of contents of the bill accordingly):

TITLE IX—RAIL PROVISIONS

SEC. 9001. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.

(a) CORRIDOR DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

- (A) in the section heading, by striking “**PLANNING**” and inserting “**DEVELOPMENT**”;
- (B) in the heading of subsection (a), by striking “**PLANNING**” and inserting “**DEVELOPMENT**”;
- (C) by striking “corridor planning” each place it appears and inserting “corridor development”;
- (D) in subsection (b)(1)—
- (i) by inserting “, or if it is an activity described in subparagraph (M)” after “high-speed rail improvements”;
 - (ii) by striking “and” at the end of subparagraph (K);
 - (iii) by striking the period at the end of subparagraph (L) and inserting “; and”; and
 - (iv) by adding at the end the following new subparagraph:
“(M) the acquisition of locomotives, rolling stock, track, and signal equipment.”; and
- (E) in subsection (c)(2), by striking “planning” and inserting “development”.
- (2) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by striking “planning” and inserting “development”.
- (b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended to read as follows:

“§ 26104. Authorization of appropriations

- “(a) FISCAL YEARS 2005 THROUGH 2012.—There are authorized to be appropriated to the Secretary—
- “(1) \$70,000,000 for carrying out section 26101; and
 - “(2) \$30,000,000 for carrying out section 26102, for each of the fiscal years 2005 through 2012.
- “(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.”.

SEC. 9002. ALASKA RAILROAD.

- (a) GRANTS.—The Secretary shall make grants to the Alaska railroad for capital rehabilitation and improvements benefiting its passenger operations.
- (b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDDIE BERNICE JOHNSON OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, section 1103 of the bill—

- (1) redesignate subsections (c) and (b) as subsections (d) and (e), respectively; and
 - (2) insert after subsection (b) the following:
(c) REPORT.—Section 104(j) of title 23, United States Code, is amended by striking “submit to Congress a report” and inserting “transmit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet.”.
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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 1103, add the following:

(e) SUBTRACTION OF EARMARKS FROM SURFACE TRANSPORTATION PROGRAM FUNDING.—

(1) IN GENERAL.—Section 104(b)(3) of title 23, United States Code, is amended—

(A) in subparagraph (B) by striking “subparagraph (A)” and inserting “subparagraphs (A) and (C)”; and

(B) by adding at the end the following:

“(C) SUBTRACTION OF EARMARKS.—

“(i) IN GENERAL.—Amounts to be apportioned to a State under subparagraph (A) for each of fiscal years 2004 through 2009 shall be reduced by the aggregate amount made available to the State (and recipients in the State) out of the Highway Trust Fund for that fiscal year for projects described in sections 1702, 3037, and 3038 of the Transportation Equity Act: A Legacy for Users.

“(ii) EFFECT ON MINIMUM GUARANTEE.—In determining a State’s percentage return from the Highway Trust Fund (other than the Mass Transit Account) for purposes of section 105 for a fiscal year, the Secretary shall treat amounts subtracted under clause (i) for that fiscal year as amounts apportioned to the State for the surface transportation program for that fiscal year.

“(iii) REAPPORTIONMENT.—Amounts subtracted from a State for a fiscal year under this subparagraph shall be reapportioned among the States under the formula in subparagraph (A).”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 1105 of the bill, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 1106. FEDERAL SHARE PAYABLE.

Section 120(j)(1) of title 23, United States Code, is amended by striking the last sentence and inserting the following: “If such public, quasi-public, or private agency has built, improved, or maintained such facilities using Federal funds, the credit under this paragraph shall be reduced by a percentage equal to the percentage of the total cost of such activities that was derived from Federal funds. In the preceding sentence, the term ‘Federal funds’ does not include loans of Federal funds or other financial assistance that must be repaid to the Government.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHADEGG OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title I, add the following (and conform the table of contents of the bill accordingly):

SEC. 1125. ADDITION OF PARTICULATE MATTER AREAS TO CMAQ.

Section 104(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in the matter preceding clause (i) by striking “ozone or carbon monoxide” and inserting “ozone, carbon monoxide, or particulate matter (in this paragraph referred to as ‘PM–2.5 or PM–10’)” ;

(B) by striking clause (i) and inserting the following:

“(i) 1.0, if at the time of apportionment, the area is a maintenance area;”;

(C) in clause (vi) by striking “or” after the semicolon;

(D) in clause (vii)—

(i) by striking “area as described in section 149(b) for ozone” and inserting “area for ozone (as described in section 149(b)) or for PM–2.5 or PM–10”; and

(ii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(viii) 1.0 if, at the time of apportionment, any county that is not designated as a nonattainment or maintenance area under the 1-hour ozone standard is designated as nonattainment under the 8-hour ozone standard; or

“(ix) 1.2 if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone or carbon monoxide, but is an area designated as nonattainment under the PM–2.5 or PM–10 standard.”;

(2) by striking subparagraph (C) and inserting the following:

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi) or (viii) of subparagraph (B), shall be further multiplied by a factor of 1.2.”;

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(4) by inserting after subparagraph (C) the following:

“(D) ADDITIONAL ADJUSTMENT FOR PM–2.5 OR PM–10 AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone or carbon monoxide, or both, as described in section 149(b), any county within the area was also designated under the PM–2.5 or PM–10 standard as a nonattainment or maintenance area, the weighted nonattainment or maintenance area population of those counties shall be further multiplied by a factor of 1.2.”

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the matter proposed to be inserted by section 1208 of the bill as section 167(b)(4) of title 23, United States Code, strike “if the operators of such vehicles pay” in subparagraph (B) and all that follows through the period at the end of subparagraph (C) and insert the following:

if the agency—

“(i) establishes a program that addresses how those qualifying low emission and energy-efficient vehicles are selected and certified;

“(ii) establishes requirements for labeling qualifying low emission and energy-efficient vehicles (including procedures for enforcing those requirements);

“(iii) continuously monitors, evaluates, and reports to the Secretary on performance; and

“(iv) imposes such restrictions on the use on high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VITTER OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end section 1301(b)(1), add the following:

The Interstate Route 49 Corridor shall receive priority consideration under this paragraph.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I, add the following (and conform the table of contents accordingly):

SEC. 1408. RENTED OR LEASED MOTOR VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30106. Rented or leased motor vehicle safety and responsibility

“(a) IN GENERAL.—Provided that there is no negligence or criminal wrongdoing on the part of the owner of a motor vehicle, no such owner engaged in the trade or business of renting or leasing motor vehicles may be held liable under State law for harm caused by a person to himself or herself, another person, or to property, which results or arises from that person’s use, operation, or possession of a rented or leased motor vehicle, by reason of being the owner of such motor vehicle.

“(b) CONSTRUCTION.—Subsection (a) shall not apply if such owner does not maintain the required limits of financial responsibility for such vehicle, as required by State law in the State in which the vehicle is registered.

“(c) **APPLICABILITY AND EFFECTIVE DATE.**—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

“(d) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **MOTOR VEHICLE.**—The term ‘motor vehicle’ shall have the meaning given the term under section 13102(14) of this title.

“(2) **OWNER.**—The term ‘owner’ means a person who is—

“(A) a record or beneficial owner, lessor, or lessee of a motor vehicle;

“(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

“(C) a lessor, lessee, or bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession of such motor vehicle, under a lease, bailment, or otherwise.

“(3) **PERSON.**—The term ‘person’ means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

“(4) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by inserting after the item relating to section 30105 the following:

“30106. Rented or leased motor vehicle safety and responsibility.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHOCOLA OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 1819. ENGINE IDLING IN HEAVY-DUTY VEHICLES.

(a) **VERIFICATION.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall verify those idling reduction technologies with the potential for fuel savings and emissions reductions and publish a list of such technologies in the Federal Register.

(b) **VEHICLE WEIGHT EXEMPTION.**—Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(i) **VEHICLE WEIGHT EXEMPTION RELATING TO ENGINE IDLING IN HEAVY-DUTY VEHICLES.**—

“(1) **IN GENERAL.**—In order to promote reduction of fuel use and emissions due to engine idling, the maximum gross vehicle weight limit and the axle weight limit under subsection (a) for any motor vehicle equipped with an idling reduction technology

verified by the Environmental Protection Agency shall be increased by the Secretary of Transportation by an amount necessary to compensate for the additional weight of the idling reduction system, except that the weight increase shall be no greater than 400 pounds.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) IDLING REDUCTION TECHNOLOGY.—The term ‘idling reduction technology’ means a device or system of devices utilized to reduce long-duration idling of a vehicle.

“(B) HEAVY-DUTY VEHICLE.—The term ‘heavy-duty vehicle’ means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

“(C) LONG-DURATION IDLING.—The term ‘long-duration idling’ means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BAIRD OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Title I, at the end of subtitle H add the following:

SEC. 1819. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Buy America test required by Public Law 97-424 needs to be applied to an entire bridge project and not only to component parts of such project;

(2) the law clearly states that domestic materials must be used in Federal highway projects unless there is a finding that the inclusion of domestic materials will increase the cost of the overall project by more than 25 percent;

(3) uncertainty regarding how to apply Buy America laws for major bridge projects threatens the domestic bridge industry;

(4) the Nation’s unemployment rate continues to hover around 5.6 percent, steps are needed to protect American workers and the domestic bridge building industry; and

(5) the Buy America Act was designed to ensure that, when taxpayer money is spent on direct Federal Government procurement and infrastructure projects, these expenditures stimulate United States production and job creation.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 1819. NEW JERSEY REGULATIONS.

Nothing in Federal law or regulation shall be construed as preventing the State of New Jersey from prohibiting large single trucks or twin-trailer combinations from using highways on the Interstate System, the New Jersey Turnpike, and the Atlantic City

Expressway in the State of New Jersey, unless such trucks or combinations are traveling to a terminal or making pickups or deliveries on other roads in the State of New Jersey.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title I, add the following (and conform the table of contents of the bill accordingly):

SEC. 1819. LIMITATION ON PROJECTS AT LOS ANGELES INTERNATIONAL AIRPORT.

No funds may be provided for surface transportation projects that are planned or required to implement Alternative D of the Master Plan for Los Angeles International Airport or any other proposal to build a remote passenger check-in facility at Los Angeles International Airport.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the matter proposed to be added by section 2003(b)(6) of the bill, strike the closing quotation marks and the final period and insert the following:

“(J) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating the vehicle while under the influence of alcohol.”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WU OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the matter proposed to be inserted as section 5309(e) of title 49, United States Code, by section 3010(d) of the bill after “or entered into a full funding grant agreement” insert the following: or received an application for final design

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATOURETTE OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 3023(g) of the bill, redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively, and insert before paragraph (2) (as so redesignated) the following:

(1) IN GENERAL.—Section 5323(j) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) IN GENERAL.—Funds made available to carry out this chapter may only be used if—

“(A) in the case of a construction project—

“(i) the steel or iron used shall be of United States origin;

“(ii) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all

manufactured products shall be of United States origin; and

“(iii) labor costs related to on-site construction shall not be included in calculating the costs under clause (ii);

“(B) in the case of a system acquisition—

“(i) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all manufactured products shall be of United States origin; and

“(ii) labor costs related to installation and testing shall not be included in calculating the costs under clause (i);

“(C) in the case of a manufactured product—

“(i) more than 60 percent of the components and subcomponents shall be of United States origin;

“(ii) final assembly shall occur in the United States; and

“(iii) labor costs related to final assembly shall not be included in calculating the costs under clause (ii).

“(2) REGULATIONS.—The Secretary shall issue regulations to carry out this section.”

In section 3023(g)(2) (as so redesignated), strike “is amended” and all that follows through “following:” and insert “is amended by inserting after paragraph (2) the following:”

In section 3023(g)(3) (as so redesignated), strike “5323(j)(6) (as so redesignated)” and insert “5323(j)(5)”.

In section 3023(g)(4) (as so redesignated), redesignate the quoted paragraph (9) as paragraph (8).

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following (and conform the table of contents accordingly):

SEC. 3045. AIRPORT BUS REPLACEMENT AND FLEET EXPANSION PILOT PROGRAMS.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible entities for facilitating the use of natural gas buses at public airports through airport bus replacement and fleet expansion programs under this section.

(b) REQUIREMENTS.—Not later than 3 months after the date of enactment of this Act, the Secretary shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on management, transfer, and ultimate disposition of buses, including certification requirements to ensure compliance with this section.

(c) SOLICITATION.—Not later than 6 months after the date of enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only to a public agency responsible for bus service at a public airport.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be for the purposes described in paragraph (2), paragraph (3), or both.

(2) REPLACEMENT BUS GRANTS.—A grant under this section may be used for the acquisition of replacement buses pursuant to subsection (f).

(3) FLEET EXPANSION BUS GRANTS.—A grant under this section may be used for the acquisition of not more than 10 buses to expand a fleet of airport buses at any single airport.

(f) REPLACEMENT BUS GRANTS.—

(1) REPLACEMENT.—For each bus acquired under a replacement bus grant, 1 older model year bus shall be retired from active service and crushed as provided in paragraph (2).

(2) BUS ACQUISITION.—Buses acquired under a replacement bus grant shall be acquired in the following order:

(A) First, new buses will replace buses manufactured before model year 1977, and the older buses replaced shall be crushed.

(B) If all buses manufactured before model year 1977 owned or operated by the grant recipient have been replaced, additional new buses will replace diesel-powered buses manufactured before model year 1991, which shall either—

(i) be crushed; or

(ii) be exchanged by the grant recipient for buses manufactured before model year 1977 from another bus fleet, with that bus then being crushed.

Exchanges made under subparagraph (B)(ii) shall be made without profit or other economic benefit to the grant recipient.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants emphasizing the replacement of buses manufactured before model year 1977.

(g) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the airport bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new natural gas airport buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the natural gas buses acquired, for necessary natural gas infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the natural gas buses acquired, for necessary natural gas infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide—

(A) in the case of a replacement bus acquired as described in subsection (f)(2)(A) to replace a bus manufactured before model year 1977, 10 percent of the total cost of the bus, but not more than \$10,000;

(B) in the case of a replacement bus acquired as described in subsection (f)(2)(B)(ii) to replace a diesel-powered bus manufactured before model year 1991 for exchange for a bus manufactured before model year 1977, 10 percent of the total cost of the bus, but not more than \$10,000; and

(C) in the case of a replacement bus acquired as described in subsection (f)(2)(B)(i) to replace a diesel-powered bus manufactured before model year 1991, 25 percent of the total cost of the bus, but not more than \$25,000.

(h) BUSES.—Funding under a grant made under this section may be used to acquire only new airport buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that are powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume.

(i) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of natural gas airport buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

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

(1) AIRPORT BUS.—The term “airport bus” means a bus operated by a public agency to provide transportation between the facilities of a public airport.

(2) ELIGIBLE ENTITIES.—The term “eligible entities” means the owners and operators of the 25 public airports in the United States with the most passenger boardings in the prior calendar year.

(3) PUBLIC AIRPORT.—The term “public airport” has the meaning such term has under section 47102 of title 49, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section—

(1) \$40,000,000 for fiscal year 2004;

(2) \$50,000,000 for fiscal year 2005;

(3) \$60,000,000 for fiscal year 2006;

(4) \$70,000,000 for fiscal year 2007; and

(5) \$80,000,000 for each of fiscal years 2008 and 2009.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACHUS OF ALABAMA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 4131, insert the following (and redesignate the subsequent section of subtitle A of title IV, and conform the table of contents, accordingly):

SEC. 4132. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IV, add the following (and conform the table of contents accordingly):

SEC. 4133. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

(a) AGRICULTURAL EXEMPTION.—Sec. 345(a)(1) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended to read as follows:

“(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.”.

(b) DEFINITIONS.—Section 345(e) of such Act of 1995 (109 Stat. 614) is amended by adding at the end the following:

“(7) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

“(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term ‘farm supplies for agricultural purposes’ means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EHLERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Title V, section 5203(d)(1) of the bill, in the matter proposed to be inserted in section 507 of title 23, United States Code, strike “a

national research agenda for the program” and insert “the national research agenda as set forth in the Transportation Research Board Special Report 268 as described in subsection (e)”.

Strike subsection (e) and insert the following:

“(e) CONTENTS.—The program established under subsection (d)(1) shall solely carry out research and development called for in the Transportation Research Board Special Report 268, entitled ‘Surface Transportation Environmental Research: A Long-Term Strategy’, published in 2002, which included the following research and development areas:

- “(1) Human Health.
- “(2) Ecology and Natural Systems.
- “(3) Environmental and Social Justice.
- “(4) Emerging Technologies.
- “(5) Land Use.
- “(6) Planning and Performance Measures.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRADLEY OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new section:

SECTION 1. VEHICLE WEIGHT LIMITATIONS.

(a) The next to the last sentence of section 127(a) of title 23, United States Code, is amended by striking “Interstate Route 95” and inserting “Interstate Routes 89, 93, and 95”.

(b)(1) IN GENERAL.—In consultation with the Secretary of Transportation, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by subsection (a), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$250,000 for fiscal year 2004 to carry out the study.

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

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert the following at the appropriate place:

SEC. ____ . STATE AUTHORITY.

Section 20153 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(k) STATE AUTHORITY.—

- “(1) IN GENERAL.—Upon application of the Governor of a State, a State may assume responsibility for determining the circumstances under which to require the sounding of a locomotive horn when a train approaches and enters upon public

highway-rail grade crossings, and for enforcing such requirements.

“(2) REVIEW.—The Secretary shall review any program established by a State pursuant to paragraph (1) every 5 years, and if the Secretary determines that the State program inadequately protects rail, vehicular, and pedestrian safety the Secretary shall, after providing the State with 24 months notice of such determination, implement regulations issued by the Secretary under this section in lieu of such State program.”.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Title I, amend section 1209 to read as follows (and conform the table of contents accordingly):

SEC. 1209. REPEAL.

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

Title I, strike sections 1603 and 1604 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1603. FAST FEES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, as amended by section 1208 of the bill, is amended by adding at the end the following:

“§ 168. FAST fees

“(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

“(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

“(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

“(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

“(3) a facility management plan that includes—

“(A) a plan for implementing the imposition of fees on the additional lanes;

“(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

“(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

“(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

“(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

“(2) all revenues from fees received from operation of FAST lanes shall be used only for—

“(A) debt service relating to the investment in FAST lanes;

“(B) reasonable return on investment of any private entity financing the project, as determined by the State;

“(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

“(i) is necessary to integrate existing lanes with the FAST lanes;

“(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

“(I) an existing FAST lane;

“(II) the Interstate System; or

“(III) a highway; and

“(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

“(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

“(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

“(4) use of FAST lanes shall be voluntary;

“(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

“(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

“(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

“(B) the results of each audit shall be submitted to the Secretary.

“(d) APPORTIONMENT.—

“(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within

a State shall be entitled to receive under or in accordance with this chapter.

“(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.”.

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 167, as added by section 1208 of the bill, the following:

“168. FAST fees.”.

(2) Section 301 of title 23, United States Code, is amended by inserting after “tunnels,” the following: “and except as provided in section 168.”.

SEC. 1604. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, as amended by section 1605 of this bill, is further amended by adding at the end the following:

“(j) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least \$50,000,000, to determine whether—

“(1) a toll facility for the project is feasible; and

“(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).”.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISAKSON OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

In section 1101(a) of the bill, strike paragraphs (1) through (3) and insert the following:

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, \$4,478,227,346 for fiscal year 2004, \$4,551,839,370 for fiscal year 2005, \$4,644,155,590 for fiscal year 2006, \$4,742,741,342 for fiscal year 2007, \$4,859,076,291 for fiscal year 2008, and \$4,966,297,676 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, \$5,373,872,608 for fiscal year 2004, \$5,462,206,628 for fiscal year 2005, \$5,572,986,299 for fiscal year 2006, \$5,691,289,610 for fiscal year 2007, \$5,830,891,142 for fiscal year 2008, and \$5,959,556,398 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, \$3,842,568,497 for fiscal year 2004, \$3,905,731,625 for fiscal year 2005, \$3,984,944,542 for fiscal year 2006, \$4,069,536,089 for fiscal year 2007, \$4,169,358,435 for fiscal year 2008, and \$4,261,359,876 for fiscal year 2009.

In section 1101(a) of the bill, strike paragraphs (5) and (6) and insert the following:

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title,

\$6,269,517,870 for fiscal year 2004, \$6,372,574,913 for fiscal year 2005, \$6,501,817,007 for fiscal year 2006, \$6,639,837,878 for fiscal year 2007, \$6,802,707,011 for fiscal year 2008, and \$6,952,816,137 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, \$1,522,597,463 for fiscal year 2004, \$1,547,652,365 for fiscal year 2005, \$1,579,013,023 for fiscal year 2006, \$1,612,531,852 for fiscal year 2007, \$1,652,086,163 for fiscal year 2008, and \$1,688,541,453 for fiscal year 2009.

In section 1104(a) of the bill, insert “and” at the end of paragraph (1).

In section 1104(a) of the bill, strike paragraph (2).

In section 1104(a)(3) of the bill, in the matter proposed to be inserted, insert “projects of national and regional significance,” after “highway safety improvement.”

In section 1104(b) of the bill, insert “and” at the end of paragraph (1).

In section 1104(b) of the bill, strike paragraph (2).

In section 1104(b)(3) of the bill, in the matter proposed to be inserted, insert “projects of national and regional significance,” after “highway safety improvement.”

At the end of subtitle G of title I, add the following (and conform the table of contents accordingly):

SEC. 1703. SPECIAL RULE.

For purposes of calculating the minimum guarantee allocation of a State for a fiscal year under section 105 of title 23, United States Code, the Secretary shall not include any amounts received by the State for the project numbered 911 in the table contained in section 1702 and \$17,000,000 of the amount received by the State for the project numbered 1061 in such table.