

***In the Senate of the United States,***

*July 30, 1997.*

*Resolved*, That the bill from the House of Representatives (H.R. 2169) entitled “An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of Transportation and Related Agencies for the*
- 4 *fiscal year ending September 30, 1998, and for other pur-*
- 5 *poses, namely:*







1 *used for business opportunities related to any mode of*  
2 *transportation.*

3 **COAST GUARD**

4 **OPERATING EXPENSES**

5 *For necessary expenses for the operation and mainte-*  
6 *nance of the Coast Guard, not otherwise provided for; pur-*  
7 *chase of not to exceed five passenger motor vehicles for re-*  
8 *placement only; payments pursuant to section 156 of Public*  
9 *Law 97-377, as amended (42 U.S.C. 402 note), and section*  
10 *229(b) of the Social Security Act (42 U.S.C. 429(b)); and*  
11 *recreation and welfare; \$2,435,400,000, of which*  
12 *\$25,000,000 shall be derived from the Oil Spill Liability*  
13 *Trust Fund: Provided, That the number of aircraft on hand*  
14 *at any one time shall not exceed 221, exclusive of aircraft*  
15 *and parts stored to meet future attrition: Provided further,*  
16 *That none of the funds appropriated in this or any other*  
17 *Act shall be available for pay or administrative expenses*  
18 *in connection with shipping commissioners in the United*  
19 *States: Provided further, That none of the funds provided*  
20 *in this Act shall be available for expenses incurred for yacht*  
21 *documentation under 46 U.S.C. 12109, except to the extent*  
22 *fees are collected from yacht owners and credited to this*  
23 *appropriation: Provided further, That the Commandant*  
24 *shall reduce both military and civilian employment levels*  
25 *for the purpose of complying with Executive Order No.*

1 12839: *Provided further, That notwithstanding any other*  
2 *provision of law, none of the funds appropriated by this*  
3 *Act or any other Act for the Coast Guard shall be used for*  
4 *protection and maintenance of Governors Island, New York.*

5 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

6 *For necessary expenses of acquisition, construction,*  
7 *renovation, and improvement of aids to navigation, shore*  
8 *facilities, vessels, and aircraft, including equipment related*  
9 *thereto, \$412,300,000, of which \$20,000,000 shall be derived*  
10 *from the Oil Spill Liability Trust Fund; of which*  
11 *\$214,700,000 shall be available to acquire, repair, renovate*  
12 *or improve vessels, small boats and related equipment, to*  
13 *remain available until September 30, 2002; \$26,400,000*  
14 *shall be available to acquire new aircraft and increase avia-*  
15 *tion capability, to remain available until September 30,*  
16 *2000; \$51,200,000 shall be available for other equipment,*  
17 *to remain available until September 30, 2000; \$73,000,000*  
18 *shall be available for shore facilities and aids to navigation*  
19 *facilities, to remain available until September 30, 2000;*  
20 *and \$47,000,000 shall be available for personnel compensa-*  
21 *tion and benefits and related costs, to remain available*  
22 *until September 30, 1999: Provided, That funds received*  
23 *from the sale of HU-25 aircraft shall be credited to this*  
24 *appropriation for the purpose of acquiring new aircraft*  
25 *and increasing aviation capacity: Provided further, That*

1 *the Commandant may dispose of surplus real property by*  
2 *sale or lease and the proceeds of such sale or lease shall*  
3 *be credited to this appropriation: Provided further, That*  
4 *not more than \$9,000,000 shall be credited as offsetting col-*  
5 *lections to this account, to be available for the purposes of*  
6 *this account: Provided further, That the amount herein ap-*  
7 *propriated from the General Fund shall be reduced by such*  
8 *amount: Provided further, That any proceeds from the sale*  
9 *or lease of Coast Guard surplus real property in excess of*  
10 *\$9,000,000 shall be retained and remain available until ex-*  
11 *pended, but shall not be available for obligation until Octo-*  
12 *ber 1, 1998: Provided further, That the Secretary, acting*  
13 *through the Commandant, may enter into a long-term Use*  
14 *Agreement with the City of Unalaska for dedicated pier*  
15 *space on the municipal dock necessary to support Coast*  
16 *Guard enforcement vessels when such vessels call on the Port*  
17 *of Dutch Harbor, Alaska.*

18 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

19 *For necessary expenses to carry out the Coast Guard's*  
20 *environmental compliance and restoration functions under*  
21 *chapter 19 of title 14, United States Code, \$21,000,000, to*  
22 *remain available until expended.*



1 *funds received from State and local governments, other pub-*  
2 *lic authorities, private sources, and foreign countries, for*  
3 *expenses incurred for research, development, testing, and*  
4 *evaluation.*

5 *BOAT SAFETY*

6 *(AQUATIC RESOURCES TRUST FUND)*

7 *For payment of necessary expenses incurred for rec-*  
8 *reational boating safety assistance under Public Law 92-*  
9 *75, as amended, \$35,000,000, to be derived from the Boat*  
10 *Safety Account and to remain available until expended.*

11 *FEDERAL AVIATION ADMINISTRATION*

12 *OPERATIONS*

13 *For necessary expenses of the Federal Aviation Admin-*  
14 *istration, not otherwise provided for, including operations*  
15 *and research activities related to commercial space trans-*  
16 *portation, administrative expenses for research and develop-*  
17 *ment, establishment of air navigation facilities and the op-*  
18 *eration (including leasing) and maintenance of aircraft,*  
19 *and carrying out the provisions of subchapter I of chapter*  
20 *471 of title 49, United States Code, or other provisions of*  
21 *law authorizing the obligation of funds for similar pro-*  
22 *grams of airport and airway development or improvement,*  
23 *lease or purchase of passenger motor vehicles for replace-*  
24 *ment only, in addition to amounts made available by Pub-*  
25 *lic Law 104-264, \$5,325,900,000, of which \$1,901,628,000*

1 *shall be derived from the Airport and Airway Trust Fund:*  
2 *Provided, That there may be credited to this appropriation*  
3 *funds received from States, counties, municipalities, foreign*  
4 *authorities, other public authorities, and private sources,*  
5 *for expenses incurred in the provision of agency services,*  
6 *including receipts for the maintenance and operation of air*  
7 *navigation facilities, and for issuance, renewal or modifica-*  
8 *tion of certificates, including airman, aircraft, and repair*  
9 *station certificates, or for tests related thereto, or for proc-*  
10 *essing major repair or alteration forms: Provided further,*  
11 *That funds may be used to enter into a grant agreement*  
12 *with a nonprofit standard-setting organization to assist in*  
13 *the development of aviation safety standards: Provided fur-*  
14 *ther, That none of the funds in this Act shall be available*  
15 *for new applicants for the second career training program:*  
16 *Provided further, That none of the funds in this Act shall*  
17 *be available for paying premium pay under 5 U.S.C.*  
18 *5546(a) to any Federal Aviation Administration employee*  
19 *unless such employee actually performed work during the*  
20 *time corresponding to such premium pay: Provided further,*  
21 *That none of the funds in this Act may be obligated or ex-*  
22 *pended to operate a manned auxiliary flight service station*  
23 *in the contiguous United States: Provided further, That*  
24 *none of the funds derived from the Airport and Airway*  
25 *Trust Fund may be used to support the operations and ac-*

1 *tivities of the Associate Administrator for Commercial*  
2 *Space Transportation: Provided further, That up to \$5,000*  
3 *of funds appropriated under this heading may be used for*  
4 *activities under the Aircraft Purchase Loan Guarantee Pro-*  
5 *gram.*

6 *FACILITIES AND EQUIPMENT*

7 *(AIRPORT AND AIRWAY TRUST FUND)*

8 *For necessary expenses, not otherwise provided for, for*  
9 *acquisition, establishment, and improvement by contract or*  
10 *purchase, and hire of air navigation and experimental fa-*  
11 *cilities and equipment as authorized under part A of sub-*  
12 *title VII of title 49, United States Code, including initial*  
13 *acquisition of necessary sites by lease or grant; engineering*  
14 *and service testing, including construction of test facilities*  
15 *and acquisition of necessary sites by lease or grant; and*  
16 *construction and furnishing of quarters and related accom-*  
17 *modations for officers and employees of the Federal Avia-*  
18 *tion Administration stationed at remote localities where*  
19 *such accommodations are not available; and the purchase,*  
20 *lease, or transfer of aircraft from funds available under this*  
21 *head; to be derived from the Airport and Airway Trust*  
22 *Fund, \$1,889,004,883, of which \$1,669,894,883 shall re-*  
23 *main available until September 30, 2000, and of which*  
24 *\$219,110,000 shall remain available until September 30,*  
25 *1998: Provided, That there may be credited to this appro-*

1 *priation funds received from States, counties, municipali-*  
2 *ties, other public authorities, and private sources, for ex-*  
3 *penses incurred in the establishment and modernization of*  
4 *air navigation facilities.*

5 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

6 *(AIRPORT AND AIRWAY TRUST FUND)*

7 *For necessary expenses, not otherwise provided for, for*  
8 *research, engineering, and development, as authorized*  
9 *under part A of subtitle VII of title 49, United States Code,*  
10 *including construction of experimental facilities and acqui-*  
11 *sition of necessary sites by lease or grant, \$214,250,000, to*  
12 *be derived from the Airport and Airway Trust Fund and*  
13 *to remain available until September 30, 2000: Provided,*  
14 *That there may be credited to this appropriation funds re-*  
15 *ceived from States, counties, municipalities, other public*  
16 *authorities, and private sources, for expenses incurred for*  
17 *research, engineering, and development.*

18 *GRANTS-IN-AID FOR AIRPORTS*

19 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

20 *(AIRPORT AND AIRWAY TRUST FUND)*

21 *For liquidation of obligations incurred for grants-in-*  
22 *aid for airport planning and development, and for noise*  
23 *compatibility planning and programs as authorized under*  
24 *subchapter I of chapter 471 and subchapter I of chapter*  
25 *475 of title 49, United States Code, and under other law*  
26 *authorizing such obligations, \$1,600,000,000, to be derived*

1 *from the Airport and Airway Trust Fund and to remain*  
2 *available until expended: Provided, That none of the funds*  
3 *in this Act shall be available for the planning or execution*  
4 *of programs the obligations for which are in excess of*  
5 *\$1,700,000,000 in fiscal year 1998 for grants-in-aid for air-*  
6 *port planning and development, and noise compatibility*  
7 *planning and programs, notwithstanding section 47117(h)*  
8 *of title 49, United States Code: Provided further, That dis-*  
9 *cretionary funds available for noise planning and mitiga-*  
10 *tion shall not exceed \$200,000,000 and discretionary funds*  
11 *available for the military airport program shall not exceed*  
12 *\$26,000,000.*

13 *GRANTS-IN-AID FOR AIRPORTS*

14 *(AIRPORT AND AIRWAY TRUST FUND)*

15 *(RESCISSION OF CONTRACT AUTHORIZATION)*

16 *Of the unobligated balances authorized under 49*  
17 *U.S.C. 48103 as amended, \$190,000,000 are rescinded.*

18 *AVIATION INSURANCE REVOLVING FUND*

19 *The Secretary of Transportation is hereby authorized*  
20 *to make such expenditures and investments, within the lim-*  
21 *its of funds available pursuant to 49 U.S.C. 44307, and*  
22 *in accordance with section 104 of the Government Corpora-*  
23 *tion Control Act, as amended (31 U.S.C. 9104), as may*  
24 *be necessary in carrying out the program for aviation in-*  
25 *surance activities under chapter 443 of title 49, United*  
26 *States Code.*

1        *AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM*

2        *Except as specifically provided elsewhere in this Act,*  
3 *none of the funds in this Act shall be available for activities*  
4 *under this heading during fiscal year 1998.*

5        *FEDERAL HIGHWAY ADMINISTRATION*

6        *LIMITATION ON GENERAL OPERATING EXPENSES*

7        *Necessary expenses for administration, operation, in-*  
8 *cluding motor carrier safety program operations, and re-*  
9 *search of the Federal Highway Administration not to exceed*  
10 *\$558,440,000 shall be paid in accordance with law from*  
11 *appropriations made available by this Act to the Federal*  
12 *Highway Administration together with advances and reim-*  
13 *bursements received by the Federal Highway Administra-*  
14 *tion: Provided, That \$245,687,000 of the amount provided*  
15 *herein shall remain available until September 30, 2000.*

16        *HIGHWAY-RELATED SAFETY GRANTS*

17        *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

18        *(HIGHWAY TRUST FUND)*

19        *For payment of obligations incurred in carrying out*  
20 *the provisions of title 23, United States Code, section 402*  
21 *administered by the Federal Highway Administration, to*  
22 *remain available until expended, \$4,000,000 to be derived*  
23 *from the Highway Trust Fund.*

1        *APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM*

2        *For carrying out the provisions of section 1069(y) of*  
3 *Public Law 102-240, relating to construction of, and im-*  
4 *provements to, corridors of the Appalachian Development*  
5 *Highway System, \$300,000,000 to remain available until*  
6 *expended.*

7                                *FEDERAL-AID HIGHWAYS*

8                                *(LIMITATION ON OBLIGATIONS)*

9                                *(HIGHWAY TRUST FUND)*

10        *None of the funds in this Act shall be available for*  
11 *the implementation or execution of programs the obligations*  
12 *for which are in excess of \$21,800,000,000 for Federal-aid*  
13 *highways and highway safety construction programs for fis-*  
14 *cal year 1998.*

15                                *FEDERAL-AID HIGHWAYS*

16                                *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

17                                *(HIGHWAY TRUST FUND)*

18        *For carrying out the provisions of title 23, United*  
19 *States Code, that are attributable to Federal-aid highways,*  
20 *including the National Scenic and Recreational Highway*  
21 *as authorized by 23 U.S.C. 148, not otherwise provided, in-*  
22 *cluding reimbursements for sums expended pursuant to the*  
23 *provisions of 23 U.S.C. 308, \$20,850,000,000 or so much*  
24 *thereof as may be available in and derived from the High-*  
25 *way Trust Fund, to remain available until expended.*

1 *RIGHT-OF-WAY REVOLVING FUND*2 *(LIMITATION ON DIRECT LOANS)*3 *(HIGHWAY TRUST FUND)*

4 *For the cost of direct loans to be repaid with other*  
5 *than Federal funds, \$8,000,000 as authorized by section 108*  
6 *of title 23, United States Code.*

7 *MOTOR CARRIER SAFETY GRANTS*8 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*9 *(HIGHWAY TRUST FUND)*

10 *For payment of obligations incurred in carrying out*  
11 *49 U.S.C. 31102, \$85,000,000, to be derived from the High-*  
12 *way Trust Fund and to remain available until expended:*  
13 *Provided, That none of the funds in this Act shall be avail-*  
14 *able for the implementation or execution of programs the*  
15 *obligations for which are in excess of \$84,300,000 for*  
16 *“Motor Carrier Safety Grants”.*

17 *NATIONAL HIGHWAY TRAFFIC SAFETY*18 *ADMINISTRATION*19 *OPERATIONS AND RESEARCH*

20 *For expenses necessary to discharge the functions of the*  
21 *Secretary with respect to traffic and highway safety under*  
22 *part C of subtitle VI of title 49, United States Code, and*  
23 *chapter 301 of title 49, United States Code, \$74,760,000,*  
24 *to remain available until September 30, 1999: Provided,*  
25 *That none of the funds appropriated by this Act may be*  
26 *obligated or expended to plan, finalize, or implement any*

1 *rulemaking to add to section 575.104 of title 49 of the Code*  
2 *of Federal Regulations any requirement pertaining to a*  
3 *grading standard that is different from the three grading*  
4 *standards (treadwear, traction, and temperature resistance)*  
5 *already in effect.*

6 *OPERATIONS AND RESEARCH*

7 *(HIGHWAY TRUST FUND)*

8 *For expenses necessary to discharge the functions of the*  
9 *Secretary with respect to traffic and highway safety under*  
10 *23 U.S.C. 403 and section 2006 of the Intermodal Surface*  
11 *Transportation Efficiency Act of 1991 (Public Law 102–*  
12 *240), to be derived from the Highway Trust Fund,*  
13 *\$71,740,000, to remain available until September 30, 1999.*

14 *HIGHWAY TRAFFIC SAFETY GRANTS*

15 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

16 *(LIMITATION ON OBLIGATIONS)*

17 *(HIGHWAY TRUST FUND)*

18 *For payment of obligations incurred carrying out the*  
19 *provisions of 23 U.S.C. 153, 402, 408, and 410, and chapter*  
20 *303 of title 49, United States Code, to remain available*  
21 *until expended, \$186,000,000, to be derived from the High-*  
22 *way Trust Fund: Provided, That, notwithstanding sub-*  
23 *section 2009(b) of the Intermodal Surface Transportation*  
24 *Efficiency Act of 1991, none of the funds in this Act shall*  
25 *be available for the planning or execution of programs the*  
26 *total obligations for which, in fiscal year 1998, are in excess*

1 of \$187,000,000 for programs authorized under 23 U.S.C.  
2 402, 410, and chapter 303 of title 49, U.S.C., of which  
3 \$150,700,000 shall be for “State and community highway  
4 safety grants”, \$2,300,000 shall be for the “National Driver  
5 Register”, and \$34,000,000 shall be for section 410 “Alco-  
6 hol-impaired driving counter-measures programs”: Pro-  
7 vided further, That none of these funds shall be used for  
8 construction, rehabilitation or remodeling costs, or for office  
9 furnishings and fixtures for State, local, or private build-  
10 ings or structures: Provided further, That not to exceed  
11 \$4,948,000 of the funds made available for section 402 may  
12 be available for administering “State and community high-  
13 way safety grants”: Provided further, That not to exceed  
14 \$150,000 of the funds made available for section 402 may  
15 be available for administering the highway safety grants  
16 authorized by section 1003(a)(7) of Public Law 102–240:  
17 Provided further, That not to exceed \$500,000 of the funds  
18 made available for section 410 “Alcohol-impaired driving  
19 counter-measures programs” shall be available for technical  
20 assistance to the States.

21 *FEDERAL RAILROAD ADMINISTRATION*

22 *OFFICE OF THE ADMINISTRATOR*

23 *For necessary expenses of the Federal Railroad Admin-*  
24 *istration, not otherwise provided for, \$19,800,000, of which*  
25 *\$1,339,000 shall remain available until expended: Provided,*

1 *That none of the funds in this Act shall be available for*  
2 *the planning or execution of a program making commit-*  
3 *ments to guarantee new loans under the Emergency Rail*  
4 *Services Act of 1970, as amended, and no new commitments*  
5 *to guarantee loans under section 211(a) or 211(h) of the*  
6 *Regional Rail Reorganization Act of 1973, as amended,*  
7 *shall be made: Provided further, That, as part of the Wash-*  
8 *ington Union Station transaction in which the Secretary*  
9 *assumed the first deed of trust on the property and, where*  
10 *the Union Station Redevelopment Corporation or any suc-*  
11 *cessor is obligated to make payments on such deed of trust*  
12 *on the Secretary's behalf, including payments on and after*  
13 *September 30, 1988, the Secretary is authorized to receive*  
14 *such payments directly from the Union Station Redevelop-*  
15 *ment Corporation, credit them to the appropriation charged*  
16 *for the first deed of trust, and make payments on the first*  
17 *deed of trust with those funds: Provided further, That such*  
18 *additional sums as may be necessary for payment on the*  
19 *first deed of trust may be advanced by the Administrator*  
20 *from unobligated balances available to the Federal Railroad*  
21 *Administration, to be reimbursed from payments received*  
22 *from the Union Station Redevelopment Corporation.*

23

*RAILROAD SAFETY*

24

*For necessary expenses in connection with railroad*  
25 *safety, not otherwise provided for, \$57,067,000, of which*

1 \$5,400,000 shall remain available until expended: Provided,  
2 That notwithstanding any other provision of law, funds ap-  
3 propriated under this heading are available for the reim-  
4 bursement of out-of-state travel and per diem costs incurred  
5 by employees of State governments directly supporting the  
6 Federal railroad safety program, including regulatory de-  
7 velopment and compliance-related activities.

8 *RAILROAD RESEARCH AND DEVELOPMENT*

9 *For necessary expenses for railroad research and devel-*  
10 *opment, \$24,906,000, to remain available until expended.*

11 *NORTHEAST CORRIDOR IMPROVEMENT PROGRAM*

12 *For necessary expenses related to Northeast Corridor*  
13 *improvements authorized by title VII of the Railroad Revi-*  
14 *talization and Regulatory Reform Act of 1976, as amended*  
15 *(45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, \$273,450,000,*  
16 *to remain available until September 30, 1999, of which*  
17 *\$23,450,000 shall be for the Pennsylvania Station Redevel-*  
18 *opment Project.*

19 *RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM*

20 *The Secretary of Transportation is authorized to issue*  
21 *to the Secretary of the Treasury notes or other obligations*  
22 *pursuant to section 512 of the Railroad Revitalization and*  
23 *Regulatory Reform Act of 1976 (Public Law 94-210), as*  
24 *amended, in such amounts and at such times as may be*  
25 *necessary to pay any amounts required pursuant to the*

1 *guarantee of the principal amount of obligations under sec-*  
2 *tions 511 through 513 of such Act, such authority to exist*  
3 *as long as any such guaranteed obligation is outstanding:*  
4 *Provided, That no new loan guarantee commitments shall*  
5 *be made during fiscal year 1998.*

6 *NEXT GENERATION HIGH-SPEED RAIL*

7 *For necessary expenses for Next Generation High-*  
8 *Speed Rail studies, corridor planning, development, dem-*  
9 *onstration, and implementation, \$26,000,000, to remain*  
10 *available until expended: Provided, That funds under this*  
11 *head may be made available for grants to States for high-*  
12 *speed rail corridor design, feasibility studies, environmental*  
13 *analyses, and track and signal improvements.*

14 *ALASKA RAILROAD REHABILITATION*

15 *To enable the Secretary of Transportation to make*  
16 *grants to the Alaska Railroad, \$17,000,000 shall be for cap-*  
17 *ital rehabilitation and improvements benefiting its pas-*  
18 *senger operations.*

19 *RHODE ISLAND RAIL DEVELOPMENT*

20 *For the costs associated with construction of a third*  
21 *track on the Northeast Corridor between Davisville and*  
22 *Central Falls, Rhode Island, with sufficient clearance to ac-*  
23 *commodate double stack freight cars, \$10,000,000, to be*  
24 *matched by the State of Rhode Island or its designee on*  
25 *a dollar-for-dollar basis and to remain available until ex-*

1 *pended: Provided, That as a condition of accepting such*  
2 *funds, the Providence and Worcester (P&W) Railroad shall*  
3 *enter into an agreement with the Secretary to reimburse*  
4 *Amtrak and/or the Federal Railroad Administration, on a*  
5 *dollar-for-dollar basis, up to the first \$13,000,000 in dam-*  
6 *ages resulting from the legal action initiated by the P&W*  
7 *Railroad under its existing contracts with Amtrak relating*  
8 *to the provision of vertical clearances between Davisville*  
9 *and Central Falls in excess of those required for present*  
10 *freight operations.*

11 *GRANTS TO THE NATIONAL RAILROAD PASSENGER*

12 *CORPORATION*

13 *To enable the Secretary of Transportation to make*  
14 *grants to the National Railroad Passenger Corporation au-*  
15 *thorized by 49 U.S.C. 24104, \$344,000,000, to remain*  
16 *available until expended, to be available for operating losses*  
17 *and for mandatory passenger rail service payments: Pro-*  
18 *vided, That none of the funds herein appropriated shall be*  
19 *used for lease or purchase of passenger motor vehicles or*  
20 *for the hire of vehicle operators for any officer or employee,*  
21 *other than the president of the Corporation, excluding the*  
22 *lease of passenger motor vehicles for those officers or employ-*  
23 *ees while in official travel status: Provided further, That,*  
24 *subject to the enactment of the Revenue Reconciliation Act*  
25 *of 1997, and the adjustment of the discretionary limit as*

1 *provided in section 1653(b)(2)(F) to enable appropriations*  
2 *to be made from the Intercity Passenger Rail Fund in ac-*  
3 *cordance with section 9901(c) of the Internal Revenue Code,*  
4 *\$641,000,000, to remain available until expended, to fi-*  
5 *nance qualified expenses of the National Railroad Passenger*  
6 *Corporation and each non-Amtrak State, as defined in sec-*  
7 *tion 9901(d) of such Code: Provided further, That amounts*  
8 *available for obligation from the Intercity Passenger Rail*  
9 *Fund shall be withheld until the enactment of a subsequent*  
10 *appropriations Act releasing such funds for obligation.*

11 *FEDERAL TRANSIT ADMINISTRATION*

12 *ADMINISTRATIVE EXPENSES*

13 *For necessary administrative expenses of the Federal*  
14 *Transit Administration for carrying out programs author-*  
15 *ized by chapter 53 of title 49, United States Code,*  
16 *\$41,497,000, together with advances and reimbursements*  
17 *received by the Federal Transit Administration: Provided,*  
18 *That none of the funds in this Act shall be available for*  
19 *the execution of contracts under section 5327(c) of title 49,*  
20 *United States Code, in an aggregate amount that exceeds*  
21 *\$15,000,000.*

22 *FORMULA GRANTS*

23 *For necessary expenses to carry out 49 U.S.C. 5307,*  
24 *5310(a)(2), 5311, and 5336, to remain available until ex-*  
25 *pended, \$190,000,000: Provided, That no more than*

1 \$2,400,000,000 of budget authority shall be available for  
2 these purposes.

3 *UNIVERSITY TRANSPORTATION CENTERS*

4 *For necessary expenses for university transportation*  
5 *centers as authorized by 49 U.S.C. 5317(b), to remain*  
6 *available until expended, \$6,000,000.*

7 *TRANSIT PLANNING AND RESEARCH*

8 *For necessary expenses for transit planning and re-*  
9 *search as authorized by 49 U.S.C. 5303, 5311, 5313, 5314,*  
10 *and 5315, to remain available until expended, \$77,250,000,*  
11 *of which \$39,500,000 shall be for activities under Metropoli-*  
12 *tan Planning (49 U.S.C. 5303); \$4,500,000 for activities*  
13 *under Rural Transit Assistance (49 U.S.C. 5311(b)(2));*  
14 *\$8,250,000 for activities under State Planning and Re-*  
15 *search (49 U.S.C. 5313(b)); \$22,000,000 for activities under*  
16 *National Planning and Research (49 U.S.C. 5314);*  
17 *\$3,000,000 for National Transit Institute (49 U.S.C. 5315):*  
18 *Provided, That within the funds made available under this*  
19 *heading, \$500,000 may be made available to the Colorado*  
20 *Department of Transportation to study the metropolitan*  
21 *planning process and organization in the Denver metropoli-*  
22 *tan area. The study shall be based on a scope of work agreed*  
23 *to by Douglas County (on behalf of selected Denver regional*  
24 *county governments and municipal governments), the Den-*  
25 *ver Regional Council of Governments, and the Colorado De-*

1 *partment of Transportation. Within 24 months of enact-*  
 2 *ment of this Act, the recommendations of this study will*  
 3 *be transmitted to the Senate and House Committees on Ap-*  
 4 *propriations.*

5 *TRUST FUND SHARE OF EXPENSES*

6 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

7 *(HIGHWAY TRUST FUND)*

8 *For payment of obligations incurred in carrying out*  
 9 *49 U.S.C. 5338(a), \$2,210,000,000, to remain available*  
 10 *until expended and to be derived from the Highway Trust*  
 11 *Fund: Provided, That \$2,210,000,000 shall be paid from the*  
 12 *Mass Transit Account of the Highway Trust Fund to the*  
 13 *Federal Transit Administration's formula grants account.*

14 *DISCRETIONARY GRANTS*

15 *(LIMITATION ON OBLIGATIONS)*

16 *(HIGHWAY TRUST FUND)*

17 *None of the funds in this Act shall be available for*  
 18 *the implementation or execution of programs the obligations*  
 19 *for which are in excess of \$2,008,000,000 in fiscal year 1998*  
 20 *for grants under the contract authority in 49 U.S.C.*  
 21 *5338(b): Provided, That there shall be available for fixed*  
 22 *guideway modernization, \$780,000,000; there shall be avail-*  
 23 *able for the replacement, rehabilitation, and purchase of*  
 24 *buses and related equipment and the construction of bus-*  
 25 *related facilities, \$440,000,000; and, notwithstanding any*  
 26 *other provision of law, except for fixed guideway mod-*

1 *ernization projects, \$6,345,000 made available under Public*  
2 *Law 104–205 under “Federal Transit Administration, Dis-*  
3 *cretionary Grants”, for the Alaska-Hollis to Ketchikan ferry*  
4 *project shall be made available for new fixed guideway sys-*  
5 *tems together with the \$788,000,000 made available for new*  
6 *fixed guideway systems in this Act, to be available as fol-*  
7 *lows:*

8           *\$44,600,000 for the Atlanta-North Springs*  
9           *project;*

10           *\$1,000,000 for the Austin Capital metro project;*

11           *\$34,500,000 for the BART San Francisco Air-*  
12           *port and San Jose Tasman extension projects;*

13           *\$46,200,000 for the Boston Piers-MOS–2 project;*

14           *\$2,000,000 for the Boston urban ring project;*

15           *\$8,000,000 for the Burlington-Essex, Vermont*  
16           *commuter rail project;*

17           *\$800,000 for the Canton-Akron-Cleveland com-*  
18           *muter rail project;*

19           *\$3,000,000, for the Charleston monobeam rail*  
20           *project;*

21           *\$500,000 for the Cincinnati Northeast/Northern*  
22           *Kentucky rail line project;*

23           *\$5,000,000 for the Clark County Nevada RTC*  
24           *fixed guideway project;*

- 1            *\$14,000,000 for the DART North Central light*  
2            *rail extension project;*
- 3            *\$30,000,000 for the Denver Southwest Corridor*  
4            *project;*
- 5            *\$50,000,000 for the New York East Side access*  
6            *project;*
- 7            *\$12,000,000 for the Florida Tri-County com-*  
8            *muter rail project;*
- 9            *\$4,000,000 for the Galveston rail trolley system*  
10           *project;*
- 11           *\$2,000,000 for the Griffin light rail project;*
- 12           *\$51,100,000 for the Houston Regional Bus*  
13           *project;*
- 14           *\$1,500,000 for the Indianapolis northeast cor-*  
15           *ridor project;*
- 16           *\$3,000,000 for the Jackson, Mississippi Inter-*  
17           *modal Corridor;*
- 18           *\$4,645,000 for the Little Rock, Arkansas Junc-*  
19           *tion Bridge project;*
- 20           *\$51,000,000 for the Los Angeles MOS-3 project;*
- 21           *\$35,000,000 for the MARC Commuter Rail Im-*  
22           *provements project;*
- 23           *\$1,000,000 for the Memphis, Tennessee Regional*  
24           *Rail Plan;*

1           \$500,000 for the Nassau Hub rail link EIS  
2 project;

3           \$64,000,000 for the New Jersey Urban Core/  
4 Hudson-Bergen LRT project;

5           \$27,000,000 for the New Jersey Urban Core/  
6 Secaucus project;

7           \$4,000,000 for the New Orleans Canal Street  
8 Corridor project;

9           \$14,000,000 for the North Carolina Research  
10 Triangle Park project;

11          \$6,000,000 for the Northern Indiana commuter  
12 rail project;

13          \$2,000,000 for the Oklahoma City, MAPS cor-  
14 ridor transit system;

15          \$31,800,000 for the Orlando Lynx light rail  
16 project;

17          \$8,000,000 for the Pittsburgh Airport busway  
18 project;

19          \$63,400,000 for the Portland-Westside/Hillsboro  
20 Extension project;

21          \$2,000,000 for the Roaring Fork Valley rail  
22 project;

23          \$20,300,000 for the Sacramento LRT Extension  
24 project;

1           \$84,000,000 for the Salt Lake City South LRT  
2     project;

3           \$8,000,000 for the Salt Lake City regional com-  
4     muter system project;

5           \$24,000,000 for the Seattle-Tacoma light rail  
6     and commuter rail project;

7           \$500,000 for the Springfield-Branson, MO com-  
8     muter rail project;

9           \$30,000,000 for the St. Louis-St. Clair Extension  
10    project.

11                           *MASS TRANSIT CAPITAL FUND*

12                   *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

13                           *(HIGHWAY TRUST FUND)*

14           *For payment of obligations incurred in carrying out*  
15 *49 U.S.C. 5338(b) administered by the Federal Transit Ad-*  
16 *ministration, \$2,350,000,000, to be derived from the High-*  
17 *way Trust Fund and to remain available until expended.*

18                   *WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY*

19           *For necessary expenses to carry out section 14 of Pub-*  
20 *lic Law 96-184 and Public Law 101-551, \$160,000,000,*  
21 *to remain available until expended.*

22                           *RESEARCH AND SPECIAL PROGRAMS*

23                                   *ADMINISTRATION*

24   *RESEARCH AND SPECIAL PROGRAMS*

25           *For expenses necessary to discharge the functions of the*  
26 *Research and Special Programs Administration,*

1 \$28,450,000, of which \$574,000 shall be derived from the  
2 Pipeline Safety Fund, and of which \$4,950,000 shall re-  
3 main available until September 30, 2000: Provided, That  
4 up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g)  
5 shall be deposited in the general fund of the Treasury as  
6 offsetting receipts: Provided further, That there may be  
7 credited to this appropriation, to be available until ex-  
8 pended, funds received from States, counties, municipali-  
9 ties, other public authorities, and private sources for ex-  
10 penses incurred for training, for reports publication and  
11 dissemination, and for expenses incurred in performance of  
12 hazardous materials exemptions and approvals functions.

13 *PIPELINE SAFETY*

14 *(PIPELINE SAFETY FUND)*

15 *For expenses necessary to conduct the functions of the*  
16 *pipeline safety program, for grants-in-aid to carry out a*  
17 *pipeline safety program, as authorized by 49 U.S.C. 60107,*  
18 *and to discharge the pipeline program responsibilities of*  
19 *the Oil Pollution Act of 1990, \$33,000,000, of which*  
20 *\$3,000,000 shall be derived from the Oil Spill Liability*  
21 *Trust Fund and shall remain available until September 30,*  
22 *2000; and of which \$30,000,000 shall be derived from the*  
23 *Pipeline Safety Fund, of which \$14,839,000 shall remain*  
24 *available until September 30, 2000: Provided, That of these*  
25 *amounts, \$1,500,000 shall be available for grants to States*

1 *for the development and establishment of one-call notifica-*  
2 *tion systems and shall be derived from amounts previously*  
3 *collected under 49 U.S.C. 60301, and that an additional*  
4 *\$500,000 in amounts previously collected under 49 U.S.C.*  
5 *60301 is available to conduct general functions of the pipe-*  
6 *line safety program.*

7 *EMERGENCY PREPAREDNESS GRANTS*

8 *(EMERGENCY PREPAREDNESS FUND)*

9 *For necessary expenses to carry out 49 U.S.C. 5127(c),*  
10 *\$200,000, to be derived from the Emergency Preparedness*  
11 *Fund, to remain available until September 30, 2000: Pro-*  
12 *vided, That none of the funds made available by 49 U.S.C.*  
13 *5116(i) and 5127(d) shall be made available for obligation*  
14 *by individuals other than the Secretary of Transportation,*  
15 *or his designee.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Office of Inspector Gen-*  
19 *eral to carry out the provisions of the Inspector General*  
20 *Act of 1978, as amended, \$38,900,000: Provided, That none*  
21 *of the funds under this heading shall be for the conduct of*  
22 *contract audits.*

1            *SURFACE TRANSPORTATION BOARD*2                            *SALARIES AND EXPENSES*

3            *For necessary expenses of the Surface Transportation*  
4 *Board, including services authorized by 5 U.S.C. 3109,*  
5 *\$12,300,000: Provided, That \$3,100,000 in fees collected in*  
6 *fiscal year 1998 by the Surface Transportation Board pur-*  
7 *suant to 31 U.S.C. 9701 shall be made available to this*  
8 *appropriation in fiscal year 1998: Provided further, That*  
9 *any fees received in excess of \$3,100,000 in fiscal year 1998*  
10 *shall remain available until expended, but shall not be*  
11 *available for obligation until October 1, 1998.*

12                            *TITLE II*13                            *RELATED AGENCIES*14                            *ARCHITECTURAL AND TRANSPORTATION*15                            *BARRIERS COMPLIANCE BOARD*16                            *SALARIES AND EXPENSES*

17            *For expenses necessary for the Architectural and*  
18 *Transportation Barriers Compliance Board, as authorized*  
19 *by section 502 of the Rehabilitation Act of 1973, as amend-*  
20 *ed, \$3,640,000: Provided, That, notwithstanding any other*  
21 *provision of law, there may be credited to this appropria-*  
22 *tion funds received for publications and training expenses.*

1     *NATIONAL TRANSPORTATION SAFETY BOARD*2                     *SALARIES AND EXPENSES*

3             *For necessary expenses of the National Transportation*  
4 *Safety Board, including hire of passenger motor vehicles*  
5 *and aircraft; services as authorized by 5 U.S.C. 3109, but*  
6 *at rates for individuals not to exceed the per diem rate*  
7 *equivalent to the rate for a GS-18; uniforms, or allowances*  
8 *therefor, as authorized by law (5 U.S.C. 5901-5902)*  
9 *\$49,700,000, of which not to exceed \$2,000 may be used for*  
10 *official reception and representation expenses.*

11                     *EMERGENCY FUND*

12             *For necessary expenses of the National Transportation*  
13 *Safety Board for accident investigations, including hire of*  
14 *passenger motor vehicles and aircraft; services as authorized*  
15 *by 5 U.S.C. 3109, but at rates for individuals not to exceed*  
16 *the per diem rate equivalent to the rate for a GS-18; uni-*  
17 *forms, or allowances therefor, as authorized by law (5*  
18 *U.S.C. 5901-5902), \$1,000,000 to remain available until*  
19 *expended.*

20                     *TITLE III*21                     *GENERAL PROVISIONS*22                     *(INCLUDING TRANSFERS OF FUNDS)*

23             *SEC. 301. During the current fiscal year applicable*  
24 *appropriations to the Department of Transportation shall*  
25 *be available for maintenance and operation of aircraft; hire*

1 of passenger motor vehicles and aircraft; purchase of liabil-  
2 ity insurance for motor vehicles operating in foreign coun-  
3 tries on official department business; and uniforms, or al-  
4 lowances therefor, as authorized by law (5 U.S.C. 5901–  
5 5902).

6       *SEC. 302. Such sums as may be necessary for fiscal*  
7 *year 1998 pay raises for programs funded in this Act shall*  
8 *be absorbed within the levels appropriated in this Act or*  
9 *previous appropriations Acts.*

10       *SEC. 303. Funds appropriated under this Act for ex-*  
11 *penditures by the Federal Aviation Administration shall be*  
12 *available (1) except as otherwise authorized by title VIII*  
13 *of the Elementary and Secondary Education Act of 1965,*  
14 *20 U.S.C. 7701, et seq., for expenses of primary and second-*  
15 *ary schooling for dependents of Federal Aviation Adminis-*  
16 *tration personnel stationed outside the continental United*  
17 *States at costs for any given area not in excess of those*  
18 *of the Department of Defense for the same area, when it*  
19 *is determined by the Secretary that the schools, if any,*  
20 *available in the locality are unable to provide adequately*  
21 *for the education of such dependents, and (2) for transpor-*  
22 *tation of said dependents between schools serving the area*  
23 *that they attend and their places of residence when the Sec-*  
24 *retary, under such regulations as may be prescribed, deter-*

1 *mines that such schools are not accessible by public means*  
2 *of transportation on a regular basis.*

3 *SEC. 304. Appropriations contained in this Act for the*  
4 *Department of Transportation shall be available for services*  
5 *as authorized by 5 U.S.C. 3109, but at rates for individuals*  
6 *not to exceed the per diem rate equivalent to the rate for*  
7 *an Executive Level IV.*

8 *SEC. 305. None of the funds in this Act shall be avail-*  
9 *able for salaries and expenses of more than one hundred*  
10 *seven political and Presidential appointees in the Depart-*  
11 *ment of Transportation: Provided, That none of the person-*  
12 *nel covered by this provision may be assigned on temporary*  
13 *detail outside the Department of Transportation.*

14 *SEC. 306. None of the funds in this Act shall be used*  
15 *for the planning or execution of any program to pay the*  
16 *expenses of, or otherwise compensate, non-Federal parties*  
17 *intervening in regulatory or adjudicatory proceedings fund-*  
18 *ed in this Act.*

19 *SEC. 307. None of the funds appropriated in this Act*  
20 *shall remain available for obligation beyond the current fis-*  
21 *cal year, nor may any be transferred to other appropria-*  
22 *tions, unless expressly so provided herein.*

23 *SEC. 308. The Secretary of Transportation may enter*  
24 *into grants, cooperative agreements, and other transactions*  
25 *with any person, agency, or instrumentality of the United*

1 *States, any unit of State or local government, any edu-*  
2 *cational institution, and any other entity in execution of*  
3 *the Technology Reinvestment Project authorized under the*  
4 *Defense Conversion, Reinvestment and Transition Assist-*  
5 *ance Act of 1992 and related legislation: Provided, That*  
6 *the authority provided in this section may be exercised*  
7 *without regard to section 3324 of title 31, United States*  
8 *Code.*

9       *SEC. 309. The expenditure of any appropriation under*  
10 *this Act for any consulting service through procurement*  
11 *contract pursuant to section 3109 of title 5, United States*  
12 *Code, shall be limited to those contracts where such expendi-*  
13 *tures are a matter of public record and available for public*  
14 *inspection, except where otherwise provided under existing*  
15 *law, or under existing Executive Order issued pursuant to*  
16 *existing law.*

17       *SEC. 310. (a) For fiscal year 1998 the Secretary of*  
18 *Transportation shall distribute the obligation limitation for*  
19 *Federal-aid highways by allocation in the ratio which sums*  
20 *authorized to be appropriated for Federal-aid highways*  
21 *that are apportioned or allocated to each State for such fis-*  
22 *cal year bear to the total of the sums authorized to be appro-*  
23 *priated for Federal-aid highways that are apportioned or*  
24 *allocated to all the States for such fiscal year.*

1       (b) *Notwithstanding subsection (a), the Secretary*  
2 *shall—*

3           (1) *provide all States with authority sufficient to*  
4 *prevent lapses of sums authorized to be appropriated*  
5 *for Federal-aid highways that have been apportioned*  
6 *to a State;*

7           (2) *after August 1, 1998, revise a distribution of*  
8 *the funds made available under subsection (a) if a*  
9 *State will not obligate the amount distributed during*  
10 *that fiscal year and redistribute sufficient amounts to*  
11 *those States able to obligate amounts in addition to*  
12 *those previously distributed during that fiscal year*  
13 *giving priority to those States having large unobli-*  
14 *gated balances of funds apportioned under sections*  
15 *103(e)(4), 104, and 144 of title 23, United States*  
16 *Code, and under sections 1013(c) and 1015 of Public*  
17 *Law 102–240; and*

18           (3) *not distribute amounts authorized for admin-*  
19 *istrative expenses and funded from the administrative*  
20 *takedown authorized by section 104(a) of title 23,*  
21 *United States Code, the Federal lands highway pro-*  
22 *gram, the intelligent transportation systems program,*  
23 *and amounts made available under sections 1040,*  
24 *1047, 1064, 6001, 6005, 6006, 6023, and 6024 of*  
25 *Public Law 102–240, and 49 U.S.C. 5316, 5317, and*

1       5338: *Provided, That amounts made available under*  
2       *section 6005 of Public Law 102–240 shall be subject*  
3       *to the obligation limitation for Federal-aid highways*  
4       *and highway safety construction programs under the*  
5       *head “Federal-Aid Highways” in this Act.*

6       (c) *During the period August 2 through September 30,*  
7       *1998, the aggregate amount which may be obligated by all*  
8       *States shall not exceed 2.5 percent of the aggregate amount*  
9       *of funds apportioned or allocated to all States—*

10               (1) *under sections 104 and 144 of title 23, Unit-*  
11               *ed States Code, and 1013(c) and 1015 of Public Law*  
12               *102–240, and*

13               (2) *for highway assistance projects under section*  
14               *103(e)(4) of title 23, United States Code, which would*  
15               *not be obligated in fiscal year 1998 if the total*  
16               *amount of the obligation limitation provided for such*  
17               *fiscal year in this Act were utilized.*

18       (d) *Paragraph (c) shall not apply to any State which*  
19       *on or after August 1, 1998, has the amount distributed to*  
20       *such State under paragraph (a) for fiscal year 1998 reduced*  
21       *under paragraph (c)(2).*

22       SEC. 311. *The limitations on obligations for the pro-*  
23       *grams of the Federal Transit Administration shall not*  
24       *apply to any authority under 49 U.S.C. 5338, previously*  
25       *made available for obligation, or to any other authority pre-*

1 *viously made available for obligation under the discre-*  
2 *tionary grants program.*

3 *SEC. 312. None of the funds in this Act shall be used*  
4 *to implement section 404 of title 23, United States Code.*

5 *SEC. 313. None of the funds in this Act shall be avail-*  
6 *able to plan, finalize, or implement regulations that would*  
7 *establish a vessel traffic safety fairway less than five miles*  
8 *wide between the Santa Barbara Traffic Separation*  
9 *Scheme and the San Francisco Traffic Separation Scheme.*

10 *SEC. 314. Notwithstanding any other provision of law,*  
11 *airports may transfer, without consideration, to the Federal*  
12 *Aviation Administration (FAA) instrument landing sys-*  
13 *tems (along with associated approach lighting equipment*  
14 *and runway visual range equipment) which conform to*  
15 *FAA design and performance specifications, the purchase*  
16 *of which was assisted by a Federal airport-aid program,*  
17 *airport development aid program or airport improvement*  
18 *program grant. The FAA shall accept such equipment,*  
19 *which shall thereafter be operated and maintained by the*  
20 *FAA in accordance with agency criteria.*

21 *SEC. 315. None of the funds in this Act shall be avail-*  
22 *able to award a multiyear contract for production end*  
23 *items that (1) includes economic order quantity or long lead*  
24 *time material procurement in excess of \$10,000,000 in any*  
25 *one year of the contract or (2) includes a cancellation*

1 charge greater than \$10,000,000 which at the time of obliga-  
2 tion has not been appropriated to the limits of the Govern-  
3 ment's liability or (3) includes a requirement that permits  
4 performance under the contract during the second and sub-  
5 sequent years of the contract without conditioning such per-  
6 formance upon the appropriation of funds: Provided, That  
7 this limitation does not apply to a contract in which the  
8 Federal Government incurs no financial liability from not  
9 buying additional systems, subsystems, or components be-  
10 yond the basic contract requirements.

11 SEC. 316. For the purposes of funds made available  
12 under the heading, Formula Grants, the term "Capital  
13 Project" includes a project for—

14 (A)(i) acquisition, construction, supervision, or  
15 inspection of a facility or equipment, including in-  
16 spection thereof, for use in mass transportation; and

17 (ii) expenses incidental to the acquisition or con-  
18 struction (including designing, engineering, location  
19 survey, mapping, acquiring rights of way, associated  
20 pre-revenue startup costs, and environmental mitiga-  
21 tion), payments for rail trackage rights, Intelligent  
22 Transportation Systems, relocation assistance, acquir-  
23 ing replacement housing sites, and acquiring, con-  
24 structing, relocating, and rehabilitating replacement  
25 housing;

- 1           (B) *rehabilitating a bus;*  
2           (C) *remanufacturing a bus;*  
3           (D) *overhauling rail rolling stock;*  
4           (E) *preventive maintenance; and*  
5           (F) *financing the operating costs of equipment*  
6           *and facilities used in mass transportation in urban-*  
7           *ized areas with a population of less than 200,000.*

8           *SEC. 317. Notwithstanding any other provision of law,*  
9           *and except for fixed guideway modernization projects, funds*  
10           *made available by this Act under “Federal Transit Admin-*  
11           *istration, Discretionary grants” for projects specified in*  
12           *this Act or identified in reports accompanying this Act not*  
13           *obligated by September 30, 2000, shall be made available*  
14           *for other projects under 49 U.S.C. 5309.*

15           *SEC. 318. Notwithstanding any other provision of law,*  
16           *any funds appropriated before October 1, 1993, under any*  
17           *section of chapter 53 of title 49, United States Code, that*  
18           *remain available for expenditure may be transferred to and*  
19           *administered under the most recent appropriation heading*  
20           *for any such section.*

21           *SEC. 319. Funds received by the Federal Highway Ad-*  
22           *ministration, Federal Transit Administration, and Federal*  
23           *Railroad Administration from States, counties, municipali-*  
24           *ties, other public authorities, and private sources for ex-*  
25           *penses incurred for training may be credited respectively*

1 to the Federal Highway Administration’s “Limitation on  
2 General Operating Expenses” account, the Federal Transit  
3 Administration’s “Transit Planning and Research” ac-  
4 count, and to the Federal Railroad Administration’s “Rail-  
5 road Safety” account, except for State rail safety inspectors  
6 participating in training pursuant to 49 U.S.C. 20105.

7       SEC. 320. Notwithstanding 31 U.S.C. 3302, funds re-  
8 ceived by the Bureau of Transportation Statistics from the  
9 sale of data products, for necessary expenses incurred pur-  
10 suant to 49 U.S.C. 111 may be credited to the Federal-aid  
11 highways account for the purpose of reimbursing the Bu-  
12 reau for such expenses: Provided, That such funds shall not  
13 be subject to the obligation limitation for Federal-aid high-  
14 ways and highway safety construction.

15       SEC. 321. The Secretary of Transportation is author-  
16 ized to transfer funds appropriated in this Act to make  
17 rental payments to the General Services Administration in  
18 excess of the amounts provided in this Act: Provided, That  
19 prior to any such transfer, notification shall be provided  
20 to the House and Senate Committees on Appropriations.

21       SEC. 322. None of the funds in this Act shall, in the  
22 absence of express authorization by Congress, be used di-  
23 rectly or indirectly to pay for any personal service, adver-  
24 tisement, telegram, telephone, letter, printed or written mat-  
25 ter, or other device, intended or designed to influence in

1 *any manner a Member of Congress, to favor or oppose, by*  
2 *vote or otherwise, any legislation or appropriation by Con-*  
3 *gress, whether before or after the introduction of any bill*  
4 *or resolution proposing such legislation or appropriation:*  
5 *Provided, That this shall not prevent officers or employees*  
6 *of the Department of Transportation or related agencies*  
7 *funded in this Act from communicating to Members of Con-*  
8 *gress on the request of any Member or to Congress, through*  
9 *the proper official channels, requests for legislation or ap-*  
10 *propriations which they deem necessary for the efficient*  
11 *conduct of the public business.*

12 *SEC. 323. Not to exceed \$1,000,000 of the funds pro-*  
13 *vided in this Act for the Department of Transportation*  
14 *shall be available for the necessary expenses of advisory*  
15 *committees.*

16 *SEC. 324. Notwithstanding any other provision of law,*  
17 *the Secretary may use funds appropriated under this Act,*  
18 *or any subsequent Act, to administer and implement the*  
19 *exemption provisions of 49 CFR 580.6 and to adopt or*  
20 *amend exemptions from the disclosure requirements of 49*  
21 *CFR part 580 for any class or category of vehicles that the*  
22 *Secretary deems appropriate.*

23 *SEC. 325. No funds other than those appropriated to*  
24 *the Surface Transportation Board or fees collected by the*

1 *Board shall be used for conducting the activities of the*  
2 *Board.*

3 *SEC. 326. (a) COMPLIANCE WITH BUY AMERICAN*  
4 *ACT.—None of the funds made available in this Act may*  
5 *be expended by an entity unless the entity agrees that in*  
6 *expending the funds the entity will comply with the Buy*  
7 *American Act (41 U.S.C. 10a–10c).*

8 *(b) SENSE OF CONGRESS; REQUIREMENT REGARDING*  
9 *NOTICE.—*

10 *(1) PURCHASE OF AMERICAN-MADE EQUIPMENT*  
11 *AND PRODUCTS.—In the case of any equipment or*  
12 *product that may be authorized to be purchased with*  
13 *financial assistance provided using funds made avail-*  
14 *able in this Act, it is the sense of the Congress that*  
15 *entities receiving the assistance should, in expending*  
16 *the assistance, purchase only American-made equip-*  
17 *ment and products to the greatest extent practicable.*

18 *(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In*  
19 *providing financial assistance using funds made*  
20 *available in this Act, the head of each Federal agency*  
21 *shall provide to each recipient of the assistance a no-*  
22 *tice describing the statement made in paragraph (1)*  
23 *by the Congress.*

24 *(c) PROHIBITION OF CONTRACTS WITH PERSONS*  
25 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*

1 *If it has been finally determined by a court or Federal agen-*  
2 *cy that any person intentionally affixed a label bearing a*  
3 *“Made in America” inscription, or any inscription with*  
4 *the same meaning, to any product sold in or shipped to*  
5 *the United States that is not made in the United States,*  
6 *the person shall be ineligible to receive any contract or sub-*  
7 *contract made with funds made available in this Act, pur-*  
8 *suant to the debarment, suspension, and ineligibility proce-*  
9 *dures described in sections 9.400 through 9.409 of title 48,*  
10 *Code of Federal Regulations.*

11 *SEC. 327. Notwithstanding any other provision of law,*  
12 *receipts, in amounts determined by the Secretary, collected*  
13 *from users of fitness centers operated by or for the Depart-*  
14 *ment of Transportation shall be available to support the*  
15 *operation and maintenance of those facilities.*

16 *SEC. 328. Notwithstanding any other provision of law,*  
17 *of amounts made available under Federal Aviation Admin-*  
18 *istration “Operations”, the FAA shall provide personnel at*  
19 *Dutch Harbor, Alaska to provide real-time weather and*  
20 *runway observation and other such functions to help ensure*  
21 *the safety of aviation operations.*

22 *SEC. 329. Notwithstanding any other provision of law,*  
23 *an amount not to exceed 5 per centum of any discretionary*  
24 *appropriation (pursuant to the Balanced Budget and*  
25 *Emergency Deficit Control Act, as amended) which is avail-*

1 *able in this Act for the current fiscal year for the Depart-*  
2 *ment of Transportation may be transferred between such*  
3 *appropriations: Provided, That no such appropriation, ex-*  
4 *cept as otherwise specifically provided, shall be increased*  
5 *by more than 10 per centum by any such transfers: Pro-*  
6 *vided further, That any transfer pursuant to this section*  
7 *shall be treated as a reprogramming of funds.*

8       *SEC. 330. In addition to funds provided in this or any*  
9 *other Act, the Department of Transportation is authorized*  
10 *to receive and use funds resulting from fees charged to pro-*  
11 *viders of telecommunications services for using Federal*  
12 *property for the siting of mobile service antennas: Provided,*  
13 *That, in fiscal year 1998 and thereafter, all such payments*  
14 *received by the Department shall be credited to appropriate*  
15 *accounts contained in this Act for operations, salaries and*  
16 *other expenses.*

17       *SEC. 331. Notwithstanding 49 U.S.C. 41742, no essen-*  
18 *tial air service shall be provided to communities in the*  
19 *forty-eight contiguous States that are located fewer than*  
20 *seventy highway miles from the nearest large and medium*  
21 *hub airport, or that require a rate of subsidy per passenger*  
22 *in excess of \$200 unless such point is greater than two hun-*  
23 *dred and ten miles from the nearest large or medium hub*  
24 *airport.*

1        *SEC. 332. (a) IN GENERAL.—For purposes of the ex-*  
2 *ception set forth in section 29(a)(2) of the International Air*  
3 *Transportation Competition Act of 1979 (Public Law 96–*  
4 *192; 94 Stat. 35) and subsection (b) of this section, the term*  
5 *“passenger capacity of 56 passengers or less”, includes any*  
6 *aircraft, except aircraft exceeding gross aircraft weight of*  
7 *300,000 pounds, reconfigured to accommodate 56 or fewer*  
8 *passengers if the total number of passenger seats installed*  
9 *on the aircraft does not exceed 56.*

10        *(b) CITY OF DALLAS MAY PROHIBIT CERTAIN*  
11 *FLIGHTS USING RECONFIGURED AIRCRAFT.—If the city of*  
12 *Dallas, Texas, by a majority vote of all city council mem-*  
13 *bers, as owner of Love Field, approves within 60 days after*  
14 *the date of enactment of this Act a prohibition on any oper-*  
15 *ator from reconfiguring an aircraft, originally designed to*  
16 *contain more than 56 seats, to contain seats for 56 or fewer*  
17 *passengers in order to meet the passenger capacity require-*  
18 *ment for the exception provided by section 29(a)(2) of the*  
19 *International Air Transportation Competition Act of 1979*  
20 *(Public Law 96–192; 94 Stat. 35), then no such operator*  
21 *operating such an aircraft may conduct commercial pas-*  
22 *senger aircraft operations from Love Field, Texas, to a des-*  
23 *tination in a State that is not contiguous to the State of*  
24 *Texas. In no event shall the total number of passenger seats*

1 *installed on the aircraft exceed 56. In no event shall this*  
2 *section affect any other provision of law.*

3       *SEC. 333. Rebates, refunds, incentive payments, minor*  
4 *fees and other funds received by the Department from travel*  
5 *management centers, charge card programs, the subleasing*  
6 *of building space, and miscellaneous sources are to be cred-*  
7 *ited to appropriations of the Department and allocated to*  
8 *elements of the Department using fair and equitable criteria*  
9 *and such funds shall be available until December 31 of the*  
10 *next fiscal year.*

11       *SEC. 334. Notwithstanding any other provision of law,*  
12 *the Department of the Navy is directed to transfer the*  
13 *USNS EDENTON (ATS-1), currently in Inactive Ship*  
14 *status, to the United States Coast Guard.*

15       *SEC. 335. (a) FINDINGS.—The Congress finds that—*

16               *(1) Congress has the authority under article I,*  
17 *section 8 of the Constitution to regulate the air com-*  
18 *merce of the United States;*

19               *(2) section 47107 of title 49, United States Code,*  
20 *prohibits the diversion of certain revenue generated by*  
21 *a public airport as a condition of receiving a project*  
22 *grant;*

23               *(3) a grant recipient that uses airport revenues*  
24 *for purposes that are not airport related in a manner*

1 *inconsistent with chapter 471 of title 49, United*  
2 *States Code, illegally diverts airport revenues;*

3 *(4) illegal diversion of airport revenues under-*  
4 *mines the interest of the United States in promoting*  
5 *a strong national air transportation system;*

6 *(5) the policy of the United States that airports*  
7 *should be as self-sustaining as possible and that reve-*  
8 *nuces generated at airports should not be diverted from*  
9 *airport purposes was stated by Congress in 1982 and*  
10 *reaffirmed and strengthened in 1987, 1994, and 1996;*

11 *(6) certain airports are constructed on lands*  
12 *that may have belonged, at one time, to native Ameri-*  
13 *cans, native Hawaiians, or Alaskan natives;*

14 *(7) contrary to the prohibition against diverting*  
15 *airport revenues from airport purposes under section*  
16 *47107 of title 49, United States Code, certain pay-*  
17 *ments from airport revenues may have been made for*  
18 *the betterment of native Americans, native Hawai-*  
19 *ians, or Alaskan natives based upon the claims relat-*  
20 *ed to lands ceded to the United States;*

21 *(8) Federal law prohibits diversions of airport*  
22 *revenues obtained from any source whatsoever to*  
23 *occur in the future whether related to claims for peri-*  
24 *ods of time prior to or after the date of enactment of*  
25 *this Act; and*

1           (9) *because of the special circumstances sur-*  
2           *rounding such past diversions of airport revenues for*  
3           *the betterment of native Americans, native Hawai-*  
4           *ians, or Alaskan natives, it is in the national interest*  
5           *that amounts from airport revenues previously re-*  
6           *ceived by any entity for the betterment of native*  
7           *Americans, native Hawaiians, or Alaskan natives, as*  
8           *specified in subsection (b) of this section, should not*  
9           *be subject to repayment.*

10          (b) *TERMINATION OF REPAYMENT RESPONSIBILITY.—*  
11          *Notwithstanding the provisions of 47107 of title 49, United*  
12          *States Code, or any other provision of law, monies paid*  
13          *for claims related to ceded lands and diverted from airport*  
14          *revenues and received prior to April 1, 1996, by any entity*  
15          *for the betterment of native Americans, native Hawaiians,*  
16          *or Alaskan natives, shall not be subject to repayment.*

17          (c) *PROHIBITION ON FURTHER DIVERSION.—There*  
18          *shall be no further payment of airport revenues for claims*  
19          *related to ceded lands, whether characterized as operating*  
20          *expenses, rent, or otherwise, and whether related to claims*  
21          *for periods of time prior to or after the date of enactment*  
22          *of this Act.*

23          (d) *CLARIFICATION.—Nothing in this Act shall be con-*  
24          *strued to affect any existing statutes of the several States*  
25          *that define the obligations of such States to native Hawai-*

1 *ians, native Americans, or Alaskan natives in connection*  
2 *with ceded lands, except to make clear that airport revenues*  
3 *may not be used to satisfy any such obligations.*

4       *SEC. 336. LIMITATION ON FUNDS USED TO ENFORCE*  
5 *REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE*  
6 *OILS.—None of the funds made available in this Act may*  
7 *be used by the Coast Guard to issue, implement, or enforce*  
8 *a regulation or to establish an interpretation or guideline*  
9 *under the Edible Oil Regulatory Reform Act (Public Law*  
10 *104–55) or the amendments made by that Act that does not*  
11 *recognize and provide for, with respect to fats, oils, and*  
12 *greases (as described in that Act, or the amendments made*  
13 *by that Act) differences in—*

14               *(1) physical, chemical, biological, and other rel-*  
15               *evant properties; and*

16               *(2) environmental effects.*

17       *SEC. 337. Notwithstanding the provisions of any other*  
18 *law, rule or regulation, the Secretary of Transportation is*  
19 *authorized to allow the issuer of any preferred stock here-*  
20 *tofore sold to the Department to redeem or repurchase such*  
21 *stock upon the payment to the Department of an amount*  
22 *determined by the Secretary.*

23       *SEC. 338. Notwithstanding any provision of current*  
24 *law, requirement or agreement, for purposes of the redev-*  
25 *opment for non-aeronautical use of the Richards-Gebaur*

1 *Memorial Airport located in Kansas City, Missouri, and*  
2 *Bader Field in Atlantic City, New Jersey, the Federal Avia-*  
3 *tion Administration may grant the requests of Kansas City*  
4 *to close Richards-Gebaur and Atlantic City to close Bader*  
5 *Field as public airports; and may release those cities from*  
6 *the terms, conditions, reservations, or restrictions in sur-*  
7 *plus property conveyance/transfer documents and from con-*  
8 *ditions or assurances contained in FAA grant agreements*  
9 *or orders applicable to the airports that would otherwise*  
10 *prevent the closure of those airports and redevelopment of*  
11 *the facilities to non-aeronautical uses, unless the FAA deter-*  
12 *mines that the closure would adversely affect safety in air*  
13 *commerce, and is subject to the FAA and Kansas City and*  
14 *Atlantic City reaching satisfactory resolution of issues re-*  
15 *garding the Federal investments in the Richards-Gebaur*  
16 *Memorial Airport and Bader Field, respectively, and the*  
17 *treatment of the proceeds related to the disposition of the*  
18 *airport property.*

19       *SEC. 339. Out of the funds made available under this*  
20 *Act to the New York Metropolitan Transportation Authority*  
21 *through the Federal Transit Administration, the New York*  
22 *Metropolitan Transportation Authority shall perform a*  
23 *study to ascertain the costs and benefits of instituting an*  
24 *integrated fare system for commuters who use both the*  
25 *Metro North Railroad or the Long Island Rail Road and*

1 *New York City subway or bus systems. This study shall ex-*  
2 *amine creative proposals for improving the flow of pas-*  
3 *sengers between city transit systems and commuter rail sys-*  
4 *tems, including free transfers, discounts, congestion-pricing*  
5 *and other positive inducements. The study also must in-*  
6 *clude estimates of potential benefits to the environment, to*  
7 *energy conservation and to revenue enhancement through*  
8 *increased commuter rail and transit ridership, as well as*  
9 *other tangible benefits. A report describing the results of this*  
10 *study shall be submitted to the Senate Appropriations Com-*  
11 *mittee within 45 days of enactment of this Act.*

12       *SEC. 340. Subsection (d)(4) of 49 U.S.C. 31112 is*  
13 *amended by striking “September 30, 1997” and inserting*  
14 *“February 28, 1998”.*

15       *SEC. 341. Of funds made available under this Act for*  
16 *discretionary grants for replacement, rehabilitation, and*  
17 *purchase of buses and related equipment and the construc-*  
18 *tion of bus-related facilities, up to \$20,000,000 may be pro-*  
19 *vided to the State of Michigan and \$12,000,000 to the State*  
20 *of Illinois.*

21       *SEC. 342. PILOT RECORD SHARING. The Adminis-*  
22 *trator of the Federal Aviation Administration shall—*

23               *(1) work with air carriers conducting non-sched-*  
24               *uled operations under part 135 of the Federal Avia-*  
25               *tion Administration’s regulations (14 C.F.R. 135.1 et*

1       *seq.) to implement the requirements of section*  
2       *44936(f) of title 49, United States Code, effectively*  
3       *and expeditiously; and*

4               *(2) implement those requirements with respect to*  
5       *such air carriers not later than February 1, 1998, or*  
6       *sooner if, in working with such air carriers, the Ad-*  
7       *ministrator determines that the provisions of that sec-*  
8       *tion can be effectively implemented for such air car-*  
9       *riers.*

10       *SEC. 343. EXEMPTION AUTHORITY FOR AIR SERVICE*  
11       *TO SLOT-CONTROLLED AIRPORTS. Section 41714 of title 49,*  
12       *United States Code, is amended by adding at the end there-*  
13       *of the following:*

14               *“(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EX-*  
15       *EMPTION REQUESTS.—Within 120 days after receiving an*  
16       *application for an exemption under subsection (a)(2) to im-*  
17       *prove air service between a nonhub airport (as defined in*  
18       *section 41731(a)(4)) and a high density airport subject to*  
19       *the exemption authority under subsection (a), the Secretary*  
20       *shall grant or deny the exemption. The Secretary shall no-*  
21       *tify the United States Senate Committee on Commerce,*  
22       *Science, and Transportation and the United States House*  
23       *of Representatives Committee on Transportation and Infra-*  
24       *structure of the grant or denial within 14 calendar days*

1 *after the determination and state the reasons for the deter-*  
2 *mination.”.*

3       *SEC. 344. SENSE OF THE SENATE CONCERNING REAU-*  
4 *THORIZATION OF HIGHWAY AND MASS TRANSIT PRO-*  
5 *GRAMS. (a) FINDINGS.—The Senate finds that—*

6           *(1) on October 1, 1997, authorization for most of*  
7 *the programs authorized by the Intermodal Surface*  
8 *Transportation Efficiency Act of 1991 (Public Law*  
9 *102–240), including mass transit programs, will ex-*  
10 *pire;*

11           *(2) States, local governments, and the national*  
12 *economy depend on Federal investment in the trans-*  
13 *portation infrastructure of the United States;*

14           *(3) it is the duty of Congress to reauthorize the*  
15 *programs to ensure that the investment continues to*  
16 *flow and that there is no interruption of critical*  
17 *transportation services or construction; and*

18           *(4) the public and Congress should have a sub-*  
19 *stantial opportunity to review, comment on, and com-*  
20 *prehensively debate committee-reported proposals to*  
21 *reauthorize the programs well in advance of their ex-*  
22 *piration to ensure that the programs adequately re-*  
23 *fect the needs of the United States and the contribu-*  
24 *tions of the States.*

1           **(b) SENSE OF THE SENATE.**—*It is the sense of the Sen-*  
2 *ate that this Act should not be considered to be a substitute*  
3 *for a comprehensive measure reauthorizing highway and*  
4 *mass transit spending programs and should not be inter-*  
5 *preted to authorize or otherwise direct the distribution of*  
6 *funds to the States under expiring formulas under title 23*  
7 *or 49, United States Code, in fiscal year 1998.*

8           **SEC. 345. (a)** *As soon as practicable after the date of*  
9 *enactment of this Act, the Secretary of Transportation, act-*  
10 *ing for the Department of Transportation, may take receipt*  
11 *of such equipment and sites of the Ground Wave Emergency*  
12 *Network (referred to in this section as “GWEN”) as the Sec-*  
13 *retary of Transportation determines to be necessary for the*  
14 *establishment of a nationwide system to be known as the*  
15 *“Nationwide Differential Global Positioning System” (re-*  
16 *ferred to in this section as “NDGPS”).*

17           **(b)** *As soon as practicable after the date of enactment*  
18 *of this Act, the Secretary of Transportation may establish*  
19 *the NDGPS. In establishing the NDGPS, the Secretary of*  
20 *Transportation may—*

21                   **(1)** *if feasible, reuse GWEN equipment and sites*  
22 *transferred to the Department of Transportation*  
23 *under subsection (a);*

24                   **(2)** *to the maximum extent practicable, use con-*  
25 *tractor services to install the NDGPS;*

1           (3) *modify the positioning system operated by*  
2 *the Coast Guard at the time of the establishment of*  
3 *the NDGPS to integrate the reference stations made*  
4 *available pursuant to subsection (a);*

5           (4) *in cooperation with the Secretary of Com-*  
6 *merce, ensure that the reference stations referred to in*  
7 *paragraph (3) are compatible with, and integrated*  
8 *into, the Continuously Operating Reference Station*  
9 *(commonly referred to as “CORS”) system of the Na-*  
10 *tional Geodetic Survey of the Department of Com-*  
11 *merce; and*

12           (5) *in cooperation with the Secretary of Com-*  
13 *merce, investigate the use of the NDGPS reference sta-*  
14 *tions for the Global Positioning System Integrated*  
15 *Precipitable Water Vapor System of the National Oce-*  
16 *anic and Atmospheric Administration.*

17           (c) *The Secretary of Transportation may—*

18               (1) *manage and operate the NDGPS;*

19               (2) *ensure that the service of the NDGPS is pro-*  
20 *vided without the assessment of any user fee; and*

21               (3) *in cooperation with the Secretary of Defense,*  
22 *ensure that the use of the NDGPS is denied to any*  
23 *enemy of the United States.*

24           (d) *In any case in which the Secretary of Transpor-*  
25 *tation determines that contracting for the maintenance of*

1 *1 or more NDGPS reference stations is cost-effective, the*  
2 *Secretary of Transportation may enter into a contract to*  
3 *provide for that maintenance.*

4 *(e) The Secretary of Transportation may—*

5 *(1) in cooperation with appropriate representa-*  
6 *tives of private industries and universities and offi-*  
7 *cials of State governments—*

8 *(A) investigate improvements (including po-*  
9 *tential improvements) to the NDGPS;*

10 *(B) develop standards for the NDGPS; and*

11 *(C) sponsor the development of new applica-*  
12 *tions for the NDGPS; and*

13 *(2) provide for the continual upgrading of the*  
14 *NDGPS to improve performance and address the*  
15 *needs of—*

16 *(A) the Federal Government;*

17 *(B) State and local governments; and*

18 *(C) the general public.*

19 *This Act may be cited as the “Department of Trans-*  
20 *portation and Related Agencies Appropriations Act, 1998”.*

Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2169**

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**AMENDMENT**

HR 2169 EAS—2

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