

Calendar No. 121

105TH CONGRESS
1ST Session

S. 1048

[Report No. 105-55]

A BILL

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

JULY 22, 1997

Read twice and placed on the calendar

Calendar No. 121105TH CONGRESS
1ST SESSION**S. 1048****[Report No. 105-55]**

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IN THE SENATE OF THE UNITED STATES

JULY 22, 1997

Mr. SHELBY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Transportation and Related Agencies for
6 the fiscal year ending September 30, 1998, and for other
7 purposes, namely:

1 TITLE I
2 DEPARTMENT OF TRANSPORTATION
3 OFFICE OF THE SECRETARY
4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of the Secretary,
6 \$66,703,000, of which not to exceed \$40,000 shall be
7 available as the Secretary may determine for allocation
8 within the Department for official reception and represen-
9 tation expenses and not to exceed \$10,567,000 shall be
10 available for rental of headquarters space, related services
11 assessed by the General Services Administration, and for
12 department wide facility security enhancements: *Provided*,
13 That notwithstanding any other provision of law, there
14 may be credited to this appropriation up to \$1,000,000
15 in funds received in user fees: *Provided further*, That none
16 of the funds appropriated in this Act or otherwise made
17 available may be used to maintain custody of airline tariffs
18 that are already available for public and departmental ac-
19 cess at no cost; to secure them against detection, alter-
20 ation, or tampering; and open to inspection by the Depart-
21 ment.

22 OFFICE OF CIVIL RIGHTS

23 For necessary expenses of the Office of Civil Rights,
24 \$5,574,000.

1 these funds may be used for business opportunities related
2 to any mode of 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
8 replacement only; payments pursuant to section 156 of
9 Public Law 97-377, as amended (42 U.S.C. 402 note),
10 and section 229(b) of the Social Security Act (42 U.S.C.
11 429(b)); and recreation and welfare; \$2,431,700,000, of
12 which \$25,000,000 shall be derived from the Oil Spill Li-
13 ability Trust Fund: *Provided*, That the number of aircraft
14 on hand at any one time shall not exceed 221, exclusive
15 of aircraft and parts stored to meet future attrition: *Pro-*
16 *vided further*, That none of the funds appropriated in this
17 or any other Act shall be available for pay or administra-
18 tive expenses in connection with shipping commissioners
19 in the United States: *Provided further*, That none of the
20 funds provided in this Act shall be available for expenses
21 incurred for yacht documentation under 46 U.S.C. 12109,
22 except to the extent fees are collected from yacht owners
23 and credited to this appropriation: *Provided further*, That
24 the Commandant shall reduce both military and civilian
25 employment levels for the purpose of complying with Exec-

1 utive Order No. 12839: *Provided further*, That notwith-
2 standing any other provision of law, none of the funds ap-
3 propriated by this Act or any other Act for the Coast
4 Guard shall be used for protection and maintenance of
5 Governors Island, New York.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

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

20 ENVIRONMENTAL COMPLIANCE AND RESTORATION

21 For necessary expenses to carry out the Coast
22 Guard's environmental compliance and restoration func-
23 tions under chapter 19 of title 14, United States Code,
24 \$21,000,000, to remain available until expended.

1 appropriation funds received from State and local govern-
2 ments, other public authorities, private sources, and for-
3 eign countries, for expenses incurred for research, develop-
4 ment, testing, and 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 Ad-
14 ministration, not otherwise provided for, including oper-
15 ations and research activities related to commercial space
16 transportation, administrative expenses for research and
17 development, establishment of air navigation facilities and
18 the operation (including leasing) and maintenance of air-
19 craft, and carrying out the provisions of subchapter I of
20 chapter 471 of title 49, United States Code, or other pro-
21 visions of law authorizing the obligation of funds for simi-
22 lar programs of airport and airway development or im-
23 provement, lease or purchase of passenger motor vehicles
24 for replacement only, in addition to amounts made avail-
25 able by Public Law 104-264, \$5,325,900,000, of which

1 \$1,901,628,000 shall be derived from the Airport and Air-
2 way Trust Fund: *Provided*, That there may be credited
3 to this appropriation funds received from States, counties,
4 municipalities, foreign authorities, other public authori-
5 ties, and private sources, for expenses incurred in the pro-
6 vision of agency services, including receipts for the mainte-
7 nance and operation of air navigation facilities, and for
8 issuance, renewal or modification of certificates, including
9 airman, aircraft, and repair station certificates, or for
10 tests related thereto, or for processing major repair or al-
11 teration forms: *Provided further*, That funds may be used
12 to enter into a grant agreement with a nonprofit standard-
13 setting organization to assist in the development of avia-
14 tion safety standards: *Provided further*, That none of the
15 funds in this Act shall be available for new applicants for
16 the second career training program: *Provided further*,
17 That none of the funds in this Act shall be available for
18 paying premium pay under 5 U.S.C. 5546(a) to any Fed-
19 eral Aviation Administration employee unless such em-
20 ployee actually performed work during the time cor-
21 responding to such premium pay: *Provided further*, That
22 none of the funds in this Act may be obligated or expended
23 to operate a manned auxiliary flight service station in the
24 contiguous United States: *Provided further*, That none of
25 the funds derived from the Airport and Airway Trust

1 Fund may be used to support the operations and activities
2 of the Associate Administrator for Commercial Space
3 Transportation: *Provided further*, That up to \$5,000 of
4 funds appropriated under this heading may be used for
5 activities under the Aircraft Purchase Loan Guarantee
6 Program.

7 FACILITIES AND EQUIPMENT

8 (AIRPORT AND AIRWAY TRUST FUND)

9 For necessary expenses, not otherwise provided for,
10 for acquisition, establishment, and improvement by con-
11 tract or purchase, and hire of air navigation and experi-
12 mental facilities and equipment as authorized under part
13 A of subtitle VII of title 49, United States Code, including
14 initial acquisition of necessary sites by lease or grant; en-
15 gineering and service testing, including construction of
16 test facilities and acquisition of necessary sites by lease
17 or grant; and construction and furnishing of quarters and
18 related accommodations for officers and employees of the
19 Federal Aviation Administration stationed at remote local-
20 ities where such accommodations are not available; and
21 the purchase, lease, or transfer of aircraft from funds
22 available under this head; to be derived from the Airport
23 and Airway Trust Fund, \$1,889,004,883, of which
24 \$1,669,894,883 shall remain available until September 30,
25 2000, and of which \$219,110,000 shall remain available

1 until September 30, 1998: *Provided*, That there may be
 2 credited to this appropriation funds received from States,
 3 counties, municipalities, other public authorities, and pri-
 4 vate sources, for expenses incurred in the establishment
 5 and modernization of air navigation facilities.

6 RESEARCH, ENGINEERING, AND DEVELOPMENT

7 (AIRPORT AND AIRWAY TRUST FUND)

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

20 GRANTS-IN-AID FOR AIRPORTS

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (AIRPORT AND AIRWAY TRUST FUND)

23 For liquidation of obligations incurred for grants-in-
 24 aid for airport planning and development, and for noise
 25 compatibility planning and programs as authorized under
 26 subchapter I of chapter 471 and subchapter I of chapter

1 475 of title 49, United States Code, and under other law
2 authorizing such obligations, \$1,600,000,000, to be de-
3 rived from the Airport and Airway Trust Fund and to re-
4 main available until expended: *Provided*, That none of the
5 funds in this Act shall be available for the planning or
6 execution of programs the obligations for which are in ex-
7 cess of \$1,700,000,000 in fiscal year 1998 for grants-in-
8 aid for airport planning and development, and noise com-
9 patibility planning and programs, notwithstanding section
10 47117(h) of title 49, United States Code: *Provided further*,
11 That discretionary funds available for noise planning and
12 mitigation shall not exceed \$200,000,000 and discre-
13 tionary funds available for the military airport program
14 shall not exceed \$26,000,000.

15 GRANTS-IN-AID FOR AIRPORTS

16 (AIRPORT AND AIRWAY TRUST FUND)

17 (RESCISSION OF CONTRACT AUTHORIZATION)

18 Of the unobligated balances authorized under 49
19 U.S.C. 48103 as amended, \$286,000,000 are rescinded.

20 AVIATION INSURANCE REVOLVING FUND

21 The Secretary of Transportation is hereby authorized
22 to make such expenditures and investments, within the
23 limits of funds available pursuant to 49 U.S.C. 44307, and
24 in accordance with section 104 of the Government Cor-
25 poration Control Act, as amended (31 U.S.C. 9104), as
26 may be necessary in carrying out the program for aviation

1 insurance activities under chapter 443 of title 49, United
2 States Code.

3 AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

4 Except as specifically provided elsewhere in this Act,
5 none of the funds in this Act shall be available for activi-
6 ties under this heading during fiscal year 1998.

7 FEDERAL HIGHWAY ADMINISTRATION

8 LIMITATION ON GENERAL OPERATING EXPENSES

9 Necessary expenses for administration, operation, in-
10 cluding motor carrier safety program operations, and re-
11 search of the Federal Highway Administration not to ex-
12 ceed \$558,440,000 shall be paid in accordance with law
13 from appropriations made available by this Act to the Fed-
14 eral Highway Administration together with advances and
15 reimbursements received by the Federal Highway Admin-
16 istration: *Provided*, That \$245,687,000 of the amount pro-
17 vided herein shall remain available until September 30,
18 2000.

19 HIGHWAY-RELATED SAFETY GRANTS

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in carrying out
23 the provisions of title 23, United States Code, section 402
24 administered by the Federal Highway Administration, to
25 remain available until expended, \$4,000,000 to be derived
26 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 obliga-
12 tions for which are in excess of \$21,800,000,000 for Fed-
13 eral-aid highways and highway safety construction pro-
14 grams for fiscal 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 high-
20 ways, including the National Scenic and Recreational
21 Highway as authorized by 23 U.S.C. 148, not otherwise
22 provided, including reimbursements for sums expended
23 pursuant to the provisions of 23 U.S.C. 308,
24 \$20,850,000,000 or so much thereof as may be available
25 in and derived from the Highway Trust Fund, to remain
26 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, \$8,000,000 as authorized
5 by section 108 of title 23, United States Code.

6 MOTOR CARRIER SAFETY GRANTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (HIGHWAY TRUST FUND)

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

16 NATIONAL HIGHWAY TRAFFIC SAFETY

17 ADMINISTRATION

18 OPERATIONS AND RESEARCH

19 For expenses necessary to discharge the functions of
20 the Secretary with respect to traffic and highway safety
21 under part C of subtitle VI of title 49, United States Code,
22 and chapter 301 of title 49, United States Code,
23 \$74,760,000, to remain available until September 30,
24 1999: *Provided*, That none of the funds appropriated by
25 this Act may be obligated or expended to plan, finalize,
26 or implement any rulemaking to add to section 575.104

1 of title 49 of the Code of Federal Regulations any require-
 2 ment pertaining to a grading standard that is different
 3 from the three grading standards (treadwear, traction,
 4 and temperature resistance) already in effect.

5 OPERATIONS AND RESEARCH

6 (HIGHWAY TRUST FUND)

7 For expenses necessary to discharge the functions of
 8 the Secretary with respect to traffic and highway safety
 9 under 23 U.S.C. 403 and section 2006 of the Intermodal
 10 Surface Transportation Efficiency Act of 1991 (Public
 11 Law 102–240), to be derived from the Highway Trust
 12 Fund, \$71,740,000, to remain available until September
 13 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 chap-
 20 ter 303 of title 49, United States Code, to remain available
 21 until expended, \$186,000,000, to be derived from the
 22 Highway Trust Fund: *Provided*, That, notwithstanding
 23 subsection 2009(b) of the Intermodal Surface Transpor-
 24 tation Efficiency Act of 1991, none of the funds in this
 25 Act shall be available for the planning or execution of pro-
 26 grams the total obligations for which, in fiscal year 1998,

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

22 FEDERAL RAILROAD ADMINISTRATION

23 OFFICE OF THE ADMINISTRATOR

24 For necessary expenses of the Federal Railroad Ad-
25 ministration, not otherwise provided for, \$19,800,000, of

1 which \$1,339,000 shall remain available until expended:
2 *Provided*, That none of the funds in this Act shall be avail-
3 able for the planning or execution of a program making
4 commitments to guarantee new loans under the Emer-
5 gency Rail Services Act of 1970, as amended, and no new
6 commitments to guarantee loans under section 211(a) or
7 211(h) of the Regional Rail Reorganization Act of 1973,
8 as amended, shall be made: *Provided further*, That, as part
9 of the Washington Union Station transaction in which the
10 Secretary assumed the first deed of trust on the property
11 and, where the Union Station Redevelopment Corporation
12 or any successor is obligated to make payments on such
13 deed of trust on the Secretary's behalf, including pay-
14 ments on and after September 30, 1988, the Secretary
15 is authorized to receive such payments directly from the
16 Union Station Redevelopment Corporation, credit them to
17 the appropriation charged for the first deed of trust, and
18 make payments on the first deed of trust with those funds:
19 *Provided further*, That such additional sums as may be
20 necessary for payment on the first deed of trust may be
21 advanced by the Administrator from unobligated balances
22 available to the Federal Railroad Administration, to be re-
23 imbursed from payments received from the Union Station
24 Redevelopment Corporation.

1 RAILROAD SAFETY

2 For necessary expenses in connection with railroad
3 safety, not otherwise provided for, \$57,067,000, of which
4 \$5,400,000 shall remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 funds appropriated under this heading are available for
7 the reimbursement of out-of-state travel and per diem
8 costs incurred by employees of State governments directly
9 supporting the Federal railroad safety program, including
10 regulatory development and compliance-related activities.

11 RAILROAD RESEARCH AND DEVELOPMENT

12 For necessary expenses for railroad research and de-
13 velopment, \$24,906,000, to remain available until ex-
14 pended.

15 NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

16 For necessary expenses related to Northeast Corridor
17 improvements authorized by title VII of the Railroad Revi-
18 talization and Regulatory Reform Act of 1976, as amend-
19 ed (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909,
20 \$273,450,000, to remain available until September 30,
21 1999, of which \$23,450,000 shall be for the Pennsylvania
22 Station Redevelopment Project.

1 RAILROAD REHABILITATION AND IMPROVEMENT
2 PROGRAM

3 The Secretary of Transportation is authorized to
4 issue to the Secretary of the Treasury notes or other obli-
5 gations pursuant to section 512 of the Railroad Revitaliza-
6 tion and Regulatory Reform Act of 1976 (Public Law 94-
7 210), as amended, in such amounts and at such times as
8 may be necessary to pay any amounts required pursuant
9 to the guarantee of the principal amount of obligations
10 under sections 511 through 513 of such Act, such author-
11 ity to exist as long as any such guaranteed obligation is
12 outstanding: *Provided*, That no new loan guarantee com-
13 mitments shall be made during fiscal year 1998.

14 NEXT GENERATION HIGH-SPEED RAIL

15 For necessary expenses for Next Generation High-
16 Speed Rail studies, corridor planning, development, dem-
17 onstration, and implementation, \$26,000,000, to remain
18 available until expended: *Provided*, That funds under this
19 head may be made available for grants to States for high-
20 speed rail corridor design, feasibility studies, environ-
21 mental analyses, and track and signal improvements.

22 ALASKA RAILROAD REHABILITATION

23 To enable the Secretary of Transportation to make
24 grants to the Alaska Railroad, \$17,000,000 shall be for

1 capital rehabilitation and improvements benefiting its pas-
2 senger operations.

3 RHODE ISLAND RAIL DEVELOPMENT

4 For the costs associated with construction of a third
5 track on the Northeast Corridor between Davisville and
6 Central Falls, Rhode Island, with sufficient clearance to
7 accommodate double stack freight cars, \$10,000,000, to
8 be matched by the State of Rhode Island or its designee
9 on a dollar-for-dollar basis and to remain available until
10 expended: *Provided*, That as a condition of accepting such
11 funds, the Providence and Worcester (P&W) Railroad
12 shall enter into an agreement with the Secretary to reim-
13 burse Amtrak and/or the Federal Railroad Administra-
14 tion, on a dollar-for-dollar basis, up to the first
15 \$13,000,000 in damages resulting from the legal action
16 initiated by the P&W Railroad under its existing contracts
17 with Amtrak relating to the provision of vertical clearances
18 between Davisville and Central Falls in excess of those re-
19 quired for present freight operations.

20 GRANTS TO THE NATIONAL RAILROAD PASSENGER

21 CORPORATION

22 To enable the Secretary of Transportation to make
23 grants to the National Railroad Passenger Corporation
24 authorized by 49 U.S.C. 24104, \$344,000,000, to remain
25 available until expended, to be available for operating

1 losses and for mandatory passenger rail service payments:
2 *Provided*, That none of the funds herein appropriated shall
3 be used for lease or purchase of passenger motor vehicles
4 or for the hire of vehicle operators for any officer or em-
5 ployee, other than the president of the Corporation, ex-
6 cluding the lease of passenger motor vehicles for those of-
7 ficers or employees while in official travel status: *Provided*
8 *further*, That, subject to the enactment of the Revenue
9 Reconciliation Act of 1997, and the adjustment of the dis-
10 cretionary limit as provided in section 1653(b)(2)(F) to
11 enable appropriations to be made from the Intercity Pas-
12 senger Rail Fund in accordance with section 9901(c) of
13 the Internal Revenue Code, \$641,000,000, to remain
14 available until expended, to finance qualified expenses of
15 the National Railroad Passenger Corporation and each
16 non-Amtrak State, as defined in section 9901(d) of such
17 Code: *Provided further*, That amounts available for obliga-
18 tion from the Intercity Passenger Rail Fund shall be with-
19 held until the enactment of a subsequent appropriations
20 Act releasing such funds for obligation.

21 FEDERAL TRANSIT ADMINISTRATION

22 ADMINISTRATIVE EXPENSES

23 For necessary administrative expenses of the Federal
24 Transit Administration for carrying out programs author-
25 ized by chapter 53 of title 49, United States Code,

1 \$22,000,000 for activities under National Planning and
2 Research (49 U.S.C. 5314); \$3,000,000 for National
3 Transit Institute (49 U.S.C. 5315).

4 TRUST FUND SHARE OF EXPENSES

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 49 U.S.C. 5338(a), \$2,310,000,000, to remain available
9 until expended and to be derived from the Highway Trust
10 Fund: *Provided*, That \$2,310,000,000 shall be paid from
11 the Mass Transit Account of the Highway Trust Fund to
12 the Federal Transit Administration's formula grants ac-
13 count.

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 obliga-
19 tions for which are in excess of \$2,000,000,000 in fiscal
20 year 1998 for grants under the contract authority in 49
21 U.S.C. 5338(b): *Provided*, That there shall be available for
22 fixed guideway modernization, \$780,000,000; there shall
23 be available for the replacement, rehabilitation, and pur-
24 chase of buses and related equipment and the construction
25 of bus-related facilities, \$440,000,000; and, notwithstand-
26 ing any other provision of law, except for fixed guideway

1 modernization projects, \$6,345,000 made available under
2 Public Law 104–205 under “Federal Transit Administra-
3 tion, Discretionary Grants”, for the Alaska-Hollis to
4 Ketchikan ferry project shall be made available for new
5 fixed guideway systems together with the \$780,000,000
6 made available for new fixed guideway systems in this Act,
7 to be available as follows:

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

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

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

14 \$46,200,000 for the Boston Piers-MOS–2
15 project;

16 \$2,000,000 for the Boston urban ring project;

17 \$8,000,000 for the Burlington-Essex, Vermont
18 commuter rail project;

19 \$800,000 for the Canton-Akron-Cleveland com-
20 muter rail project;

21 \$3,000,000, for the Charleston monobeam rail
22 project;

23 \$500,000 for the Cincinnati Northeast/North-
24 ern Kentucky rail line project;

- 1 \$5,000,000 for the Clark County Nevada RTC
2 fixed guideway project;
- 3 \$14,000,000 for the DART North Central light
4 rail extension project;
- 5 \$30,000,000 for the Denver Southwest Corridor
6 project;
- 7 \$50,000,000 for the New York East Side access
8 project;
- 9 \$12,000,000 for the Florida Tri-County com-
10 muter rail project;
- 11 \$4,000,000 for the Galveston rail trolley system
12 project;
- 13 \$2,000,000 for the Griffin light rail project;
- 14 \$51,100,000 for the Houston Regional Bus
15 project;
- 16 \$1,500,000 for the Indianapolis northeast cor-
17 ridor project;
- 18 \$3,000,000 for the Jackson, Mississippi Inter-
19 modal Corridor;
- 20 \$51,000,000 for the Los Angeles MOS-3
21 project;
- 22 \$35,000,000 for the MARC Commuter Rail Im-
23 provements project;
- 24 \$1,000,000 for the Memphis, Tennessee Re-
25 gional 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/Hills-
20 boro Extension project;
- 21 \$2,000,000 for the Roaring Fork Valley rail
22 project;
- 23 \$20,300,000 for the Sacramento LRT Exten-
24 sion project;

1 \$84,000,000 for the Salt Lake City South LRT
2 project,
3 \$8,000,000 for the Salt Lake City regional
4 commuter 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
8 commuter rail project;
9 \$30,000,000 for the St. Louis-St. Clair Exten-
10 sion 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
16 Administration, \$2,350,000,000, to be derived from the
17 Highway Trust Fund and to remain available until ex-
18 pended.

19 WASHINGTON METROPOLITAN AREA TRANSIT

20 AUTHORITY

21 For necessary expenses to carry out section 14 of
22 Public Law 96-184 and Public Law 101-551,
23 \$160,000,000, to remain available until expended.

1 RESEARCH AND SPECIAL PROGRAMS

2 ADMINISTRATION

3 RESEARCH AND SPECIAL PROGRAMS

4 For expenses necessary to discharge the functions of
5 the Research and Special Programs Administration,
6 \$28,450,000, of which \$574,000 shall be derived from the
7 Pipeline Safety Fund, and of which \$4,950,000 shall re-
8 main available until September 30, 2000: *Provided*, That
9 up to \$1,200,000 in fees collected under 49 U.S.C.
10 5108(g) shall be deposited in the general fund of the
11 Treasury as offsetting receipts: *Provided further*, That
12 there may be credited to this appropriation, to be available
13 until expended, funds received from States, counties, mu-
14 nicipalities, other public authorities, and private sources
15 for expenses incurred for training, for reports publication
16 and dissemination, and for expenses incurred in perform-
17 ance of hazardous materials exemptions and approvals
18 functions.

19 PIPELINE SAFETY

20 (PIPELINE SAFETY FUND)

21 For expenses necessary to conduct the functions of
22 the pipeline safety program, for grants-in-aid to carry out
23 a pipeline safety program, as authorized by 49 U.S.C.
24 60107, and to discharge the pipeline program responsibil-
25 ities of the Oil Pollution Act of 1990, \$33,000,000, of

1 which \$3,000,000 shall be derived from the Oil Spill Li-
2 ability Trust Fund and shall remain available until Sep-
3 tember 30, 2000; and of which \$30,000,000 shall be de-
4 rived from the Pipeline Safety Fund, of which
5 \$14,839,000 shall remain available until September 30,
6 2000: *Provided*, That of these amounts, \$1,500,000 shall
7 be available for grants to States for the development and
8 establishment of one-call notification systems and shall be
9 derived from amounts previously collected under 49
10 U.S.C. 60301, and that an additional \$500,000 in
11 amounts previously collected under 49 U.S.C. 60301 is
12 available to conduct general functions of the pipeline safe-
13 ty program.

14 EMERGENCY PREPAREDNESS GRANTS

15 (EMERGENCY PREPAREDNESS FUND)

16 For necessary expenses to carry out 49 U.S.C.
17 5127(c), \$200,000, to be derived from the Emergency
18 Preparedness Fund, to remain available until September
19 30, 2000: *Provided*, That none of the funds made available
20 by 49 U.S.C. 5116(i) and 5127(d) shall be made available
21 for obligation by individuals other than the Secretary of
22 Transportation, or his designee.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

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

8 SURFACE TRANSPORTATION BOARD

9 SALARIES AND EXPENSES

10 For necessary expenses of the Surface Transpor-
11 tation Board, including services authorized by 5 U.S.C.
12 3109, \$12,300,000: *Provided*, That \$3,100,000 in fees col-
13 lected in fiscal year 1998 by the Surface Transportation
14 Board pursuant to 31 U.S.C. 9701 shall be made available
15 to this appropriation in fiscal year 1998: *Provided further*,
16 That any fees received in excess of \$3,100,000 in fiscal
17 year 1998 shall remain available until expended, but shall
18 not be available for obligation until October 1, 1998.

19 TITLE II

20 RELATED AGENCIES

21 ARCHITECTURAL AND TRANSPORTATION

22 BARRIERS COMPLIANCE BOARD

23 SALARIES AND EXPENSES

24 For expenses necessary for the Architectural and
25 Transportation Barriers Compliance Board, as authorized

1 by section 502 of the Rehabilitation Act of 1973, as
2 amended, \$3,640,000: *Provided*, That, notwithstanding
3 any other provision of law, there may be credited to this
4 appropriation funds received for publications and training
5 expenses.

6 NATIONAL TRANSPORTATION SAFETY BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the National Transpor-
9 tation Safety Board, including hire of passenger motor ve-
10 hicles and aircraft; services as authorized by 5 U.S.C.
11 3109, but at rates for individuals not to exceed the per
12 diem rate equivalent to the rate for a GS-18; uniforms,
13 or allowances therefor, as authorized by law (5 U.S.C.
14 5901-5902) \$49,700,000, of which not to exceed \$2,000
15 may be used for official reception and representation ex-
16 penses.

17 EMERGENCY FUND

18 For necessary expenses of the National Transpor-
19 tation Safety Board for accident investigations, including
20 hire of passenger motor vehicles and aircraft; services as
21 authorized by 5 U.S.C. 3109, but at rates for individuals
22 not to exceed the per diem rate equivalent to the rate for
23 a GS-18; uniforms, or allowances therefor, as authorized
24 by law (5 U.S.C. 5901-5902), \$1,000,000 to remain avail-
25 able until expended.

1 TITLE III
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 301. During the current fiscal year applicable
5 appropriations to the Department of Transportation shall
6 be available for maintenance and operation of aircraft;
7 hire of passenger motor vehicles and aircraft; purchase of
8 liability insurance for motor vehicles operating in foreign
9 countries on official department business; and uniforms,
10 or allowances therefor, as authorized by law (5 U.S.C.
11 5901–5902).

12 SEC. 302. Such sums as may be necessary for fiscal
13 year 1998 pay raises for programs funded in this Act shall
14 be absorbed within the levels appropriated in this Act or
15 previous appropriations Acts.

16 SEC. 303. Funds appropriated under this Act for ex-
17 penditures by the Federal Aviation Administration shall
18 be available (1) except as otherwise authorized by title
19 VIII of the Elementary and Secondary Education Act of
20 1965, 20 U.S.C. 7701, et seq., for expenses of primary
21 and secondary schooling for dependents of Federal Avia-
22 tion Administration personnel stationed outside the con-
23 tinental United States at costs for any given area not in
24 excess of those of the Department of Defense for the same
25 area, when it is determined by the Secretary that the

1 schools, if any, available in the locality are unable to pro-
2 vide adequately for the education of such dependents, and
3 (2) for transportation of said dependents between schools
4 serving the area that they attend and their places of resi-
5 dence when the Secretary, under such regulations as may
6 be prescribed, determines that such schools are not acces-
7 sible by public means of transportation on a regular basis.

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

13 SEC. 305. None of the funds in this Act shall be avail-
14 able for salaries and expenses of more than one hundred
15 seven political and Presidential appointees in the Depart-
16 ment of Transportation: *Provided*, That none of the per-
17 sonnel covered by this provision may be assigned on tem-
18 porary detail outside the Department of Transportation.

19 SEC. 306. None of the funds in this Act shall be used
20 for the planning or execution of any program to pay the
21 expenses of, or otherwise compensate, non-Federal parties
22 intervening in regulatory or adjudicatory proceedings
23 funded in this Act.

24 SEC. 307. None of the funds appropriated in this Act
25 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-
2 tions, unless expressly so provided herein.

3 SEC. 308. The Secretary of Transportation may enter
4 into grants, cooperative agreements, and other trans-
5 actions with any person, agency, or instrumentality of the
6 United States, any unit of State or local government, any
7 educational institution, and any other entity in execution
8 of the Technology Reinvestment Project authorized under
9 the Defense Conversion, Reinvestment and Transition As-
10 sistance Act of 1992 and related legislation: *Provided*,
11 That the authority provided in this section may be exer-
12 cised without regard to section 3324 of title 31, United
13 States Code.

14 SEC. 309. The expenditure of any appropriation
15 under this Act for any consulting service through procure-
16 ment contract pursuant to section 3109 of title 5, United
17 States Code, shall be limited to those contracts where such
18 expenditures are a matter of public record and available
19 for public inspection, except where otherwise provided
20 under existing law, or under existing Executive Order is-
21 sued pursuant to existing law.

22 SEC. 310. (a) For fiscal year 1998 the Secretary of
23 Transportation shall distribute the obligation limitation
24 for Federal-aid highways by allocation in the ratio which
25 sums authorized to be appropriated for Federal-aid high-

1 ways that are apportioned or allocated to each State for
2 such fiscal year bear to the total of the sums authorized
3 to be appropriated for Federal-aid highways that are ap-
4 portioned or allocated to all the States for such fiscal year.

5 (b) Notwithstanding subsection (a), the Secretary
6 shall—

7 (1) provide all States with authority sufficient
8 to prevent lapses of sums authorized to be appro-
9 priated for Federal-aid highways that have been ap-
10 portioned to a State;

11 (2) after August 1, 1998, revise a distribution
12 of the funds made available under subsection (a) if
13 a State will not obligate the amount distributed dur-
14 ing that fiscal year and redistribute sufficient
15 amounts to those States able to obligate amounts in
16 addition to those previously distributed during that
17 fiscal year giving priority to those States having
18 large unobligated balances of funds apportioned
19 under sections 103(e)(4), 104, and 144 of title 23,
20 United States Code, and under sections 1013(c) and
21 1015 of Public Law 102–240; and

22 (3) not distribute amounts authorized for ad-
23 ministrative expenses and funded from the adminis-
24 trative takedown authorized by section 104(a) of
25 title 23, United States Code, the Federal lands high-

1 way program, the intelligent transportation systems
2 program, and amounts made available under sec-
3 tions 1040, 1047, 1064, 6001, 6005, 6006, 6023,
4 and 6024 of Public Law 102–240, and 49 U.S.C.
5 5316, 5317, and 5338: *Provided*, That amounts
6 made available under section 6005 of Public Law
7 102–240 shall be subject to the obligation limitation
8 for Federal-aid highways and highway safety con-
9 struction programs under the head “Federal-Aid
10 Highways” in this Act.

11 (c) During the period August 2 through September
12 30, 1998, the aggregate amount which may be obligated
13 by all States shall not exceed 2.5 percent of the aggregate
14 amount of funds apportioned or allocated to all States—

15 (1) under sections 104 and 144 of title 23,
16 United States Code, and 1013(c) and 1015 of Public
17 Law 102–240, and

18 (2) for highway assistance projects under sec-
19 tion 103(e)(4) of title 23, United States Code, which
20 would not be obligated in fiscal year 1998 if the
21 total amount of the obligation limitation provided for
22 such fiscal year in this Act were utilized.

23 (d) Paragraph (c) shall not apply to any State which
24 on or after August 1, 1998, has the amount distributed

1 to such State under paragraph (a) for fiscal year 1998
2 reduced under paragraph (c)(2).

3 SEC. 311. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation under the discre-
8 tionary grants program.

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

11 SEC. 313. None of the funds in this Act shall be avail-
12 able to plan, finalize, or implement regulations that would
13 establish a vessel traffic safety fairway less than five miles
14 wide between the Santa Barbara Traffic Separation
15 Scheme and the San Francisco Traffic Separation
16 Scheme.

17 SEC. 314. Notwithstanding any other provision of
18 law, airports may transfer, without consideration, to the
19 Federal Aviation Administration (FAA) instrument land-
20 ing systems (along with associated approach lighting
21 equipment and runway visual range equipment) which
22 conform to FAA design and performance specifications,
23 the purchase of which was assisted by a Federal airport-
24 aid program, airport development aid program or airport
25 improvement program grant. The FAA shall accept such

1 equipment, which shall thereafter be operated and main-
2 tained by the FAA in accordance with agency criteria.

3 SEC. 315. None of the funds in this Act shall be avail-
4 able to award a multiyear contract for production end
5 items that (1) includes economic order quantity or long
6 lead time material procurement in excess of \$10,000,000
7 in any one year of the contract or (2) includes a cancella-
8 tion charge greater than \$10,000,000 which at the time
9 of obligation has not been appropriated to the limits of
10 the Government's liability or (3) includes a requirement
11 that permits performance under the contract during the
12 second and subsequent years of the contract without con-
13 ditioning such performance upon the appropriation of
14 funds: *Provided*, That this limitation does not apply to a
15 contract in which the Federal Government incurs no fi-
16 nancial liability from not buying additional systems, sub-
17 systems, or components beyond the basic contract require-
18 ments.

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

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

1 (ii) expenses incidental to the acquisition or
2 construction (including designing, engineering, loca-
3 tion survey, mapping, acquiring rights of way, asso-
4 ciated pre-revenue startup costs, and environmental
5 mitigation), payments for rail trackage rights, Intel-
6 ligent Transportation Systems, relocation assistance,
7 acquiring replacement housing sites, and acquiring,
8 constructing, relocating, and rehabilitating replace-
9 ment housing;

10 (B) rehabilitating a bus;

11 (C) remanufacturing a bus;

12 (D) overhauling rail rolling stock;

13 (E) preventive maintenance; and

14 (F) financing the operating costs of equipment
15 and facilities used in mass transportation in urban-
16 ized areas with a population of less than 200,000.

17 SEC. 317. Notwithstanding any other provision of
18 law, and except for fixed guideway modernization projects,
19 funds made available by this Act under “Federal Transit
20 Administration, Discretionary grants” for projects speci-
21 fied in this Act or identified in reports accompanying this
22 Act not obligated by September 30, 2000, shall be made
23 available for other projects under 49 U.S.C. 5309.

24 SEC. 318. Notwithstanding any other provision of
25 law, any funds appropriated before October 1, 1993, under

1 any section of chapter 53 of title 49, United States Code,
2 that remain available for expenditure may be transferred
3 to and administered under the most recent appropriation
4 heading for any such section.

5 SEC. 319. Funds received by the Federal Highway
6 Administration, Federal Transit Administration, and Fed-
7 eral Railroad Administration from States, counties, mu-
8 nicipalities, other public authorities, and private sources
9 for expenses incurred for training may be credited respec-
10 tively to the Federal Highway Administration’s “Limita-
11 tion on General Operating Expenses” account, the Federal
12 Transit Administration’s “Transit Planning and Re-
13 search” account, and to the Federal Railroad Administra-
14 tion’s “Railroad Safety” account, except for State rail
15 safety inspectors participating in training pursuant to 49
16 U.S.C. 20105.

17 SEC. 320. Notwithstanding 31 U.S.C. 3302, funds re-
18 ceived by the Bureau of Transportation Statistics from the
19 sale of data products, for necessary expenses incurred pur-
20 suant to 49 U.S.C. 111 may be credited to the Federal-
21 aid highways account for the purpose of reimbursing the
22 Bureau for such expenses: *Provided*, That such funds shall
23 not be subject to the obligation limitation for Federal-aid
24 highways and highway safety construction.

1 SEC. 321. The Secretary of Transportation is author-
2 ized to transfer funds appropriated in this Act to make
3 rental payments to the General Services Administration
4 in excess of the amounts provided in this Act: *Provided*,
5 That prior to any such transfer, notification shall be pro-
6 vided to the House and Senate Committees on Appropria-
7 tions.

8 SEC. 322. None of the funds in this Act shall, in the
9 absence of express authorization by Congress, be used di-
10 rectly or indirectly to pay for any personal service, adver-
11 tisement, telegram, telephone, letter, printed or written
12 matter, or other device, intended or designed to influence
13 in any manner a Member of Congress, to favor or oppose,
14 by vote or otherwise, any legislation or appropriation by
15 Congress, whether before or after the introduction of any
16 bill or resolution proposing such legislation or appropria-
17 tion: *Provided*, That this shall not prevent officers or em-
18 ployees of the Department of Transportation or related
19 agencies funded in this Act from communicating to Mem-
20 bers of Congress on the request of any Member or to Con-
21 gress, through the proper official channels, requests for
22 legislation or appropriations which they deem necessary
23 for the efficient conduct of the public business.

24 SEC. 323. Not to exceed \$1,000,000 of the funds pro-
25 vided in this Act for the Department of Transportation

1 shall be available for the necessary expenses of advisory
2 committees.

3 SEC. 324. Notwithstanding any other provision of
4 law, the Secretary may use funds appropriated under this
5 Act, or any subsequent Act, to administer and implement
6 the exemption provisions of 49 CFR 580.6 and to adopt
7 or amend exemptions from the disclosure requirements of
8 49 CFR part 580 for any class or category of vehicles
9 that the Secretary deems appropriate.

10 SEC. 325. No funds other than those appropriated
11 to the Surface Transportation Board or fees collected by
12 the Board shall be used for conducting the activities of
13 the Board.

14 SEC. 326. (a) COMPLIANCE WITH BUY AMERICAN
15 ACT.—None of the funds made available in this Act may
16 be expended by an entity unless the entity agrees that in
17 expending the funds the entity will comply with the Buy
18 American Act (41 U.S.C. 10a–10c).

19 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
20 ING NOTICE.—

21 (1) PURCHASE OF AMERICAN-MADE EQUIP-
22 MENT AND PRODUCTS.—In the case of any equip-
23 ment or product that may be authorized to be pur-
24 chased with financial assistance provided using
25 funds made available in this Act, it is the sense of

1 the Congress that entities receiving the assistance
2 should, in expending the assistance, purchase only
3 American-made equipment and products to the
4 greatest extent practicable.

5 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

6 In providing financial assistance using funds made
7 available in this Act, the head of each Federal agen-
8 cy shall provide to each recipient of the assistance
9 a notice describing the statement made in paragraph
10 (1) by the Congress.

11 (c) PROHIBITION OF CONTRACTS WITH PERSONS
12 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

13 If it has been finally determined by a court or Federal
14 agency that any person intentionally affixed a label bear-
15 ing a “Made in America” inscription, or any inscription
16 with the same meaning, to any product sold in or shipped
17 to the United States that is not made in the United
18 States, the person shall be ineligible to receive any con-
19 tract or subcontract made with funds made available in
20 this Act, pursuant to the debarment, suspension, and ineli-
21 gibility procedures described in sections 9.400 through
22 9.409 of title 48, Code of Federal Regulations.

23 SEC. 327. Notwithstanding any other provision of
24 law, receipts, in amounts determined by the Secretary, col-
25 lected from users of fitness centers operated by or for the

1 Department of Transportation shall be available to sup-
2 port the operation and maintenance of those facilities.

3 SEC. 328. Notwithstanding any other provision of
4 law, of amounts made available under Federal Aviation
5 Administration "Operations", the FAA shall provide per-
6 sonnel at Dutch Harbor, Alaska to provide real-time
7 weather and runway observation and other such functions
8 to help ensure the safety of aviation operations.

9 SEC. 329. Notwithstanding any other provision of
10 law, an amount not to exceed 5 per centum of any discre-
11 tionary appropriation (pursuant to the Balanced Budget
12 and Emergency Deficit Control Act, as amended) which
13 is available in this Act for the current fiscal year for the
14 Department of Transportation may be transferred be-
15 tween such appropriations: *Provided*, That no such appro-
16 priation, except as otherwise specifically provided, shall be
17 increased by more than 10 per centum by any such trans-
18 fers: *Provided further*, That any transfer pursuant to this
19 section shall be treated as a reprogramming of funds.

20 SEC. 330. In addition to funds provided in this or
21 any other Act, the Department of Transportation is au-
22 thorized to receive and use funds resulting from fees
23 charged to providers of telecommunications services for
24 using Federal property for the siting of mobile service an-
25 tennas: *Provided*, That, in fiscal year 1998 and thereafter,

1 all such payments received by the Department shall be
2 credited to appropriate accounts contained in this Act for
3 operations, salaries and other expenses.

4 SEC. 331. Notwithstanding 49 U.S.C. 41742, no es-
5 sential air service shall be provided to communities in the
6 forty-eight contiguous States that are located fewer than
7 seventy highway miles from the nearest large and medium
8 hub airport, or that require a rate of subsidy per pas-
9 senger in excess of \$200 unless such point is greater than
10 two hundred and ten miles from the nearest large or me-
11 dium hub airport.

12 SEC. 332. (a) IN GENERAL.—For purposes of the ex-
13 ception set forth in section 29(a)(2) of the International
14 Air Transportation Competition Act of 1979 (Public Law
15 96–192; 94 Stat. 35) and subsection (b) of this section,
16 the term “passenger capacity of 56 persons or less”, in-
17 cludes any aircraft, except aircraft exceeding gross aircraft
18 weight of 363,000 pounds, reconfigured to accommodate
19 56 or fewer passengers if the total number of passenger
20 seats installed on the aircraft does not exceed 56.

21 (b) CITY OF DALLAS MAY PROHIBIT CERTAIN
22 FLIGHTS USING RECONFIGURED AIRCRAFT.—If the city
23 of Dallas, Texas, by a majority vote of all city council
24 members, as owner of Love Field, approves within 60 days
25 after the date of enactment of this Act a prohibition on

1 any operator from reconfiguring an aircraft, originally de-
2 signed to contain more than 56 seats, to contain seats for
3 56 or fewer passengers in order to meet the passenger ca-
4 pacity requirement for the exception provided by section
5 29(a)(2) of the International Air Transportation Competi-
6 tion Act of 1979 (Public Law 96–192; 94 Stat. 35), then
7 no such operator operating such an aircraft may conduct
8 commercial passenger aircraft operations from Love Field,
9 Texas, to a destination in a State that is not contiguous
10 to the State of Texas. In no event shall the total number
11 of passenger seats installed on the aircraft exceed 56. In
12 no event shall this section affect any other provision of
13 law.

14 SEC. 333. Rebates, refunds, incentive payments,
15 minor fees and other funds received by the Department
16 from travel management centers, charge card programs,
17 the subleasing of building space, and miscellaneous
18 sources are to be credited to appropriations of the Depart-
19 ment and allocated to elements of the Department using
20 fair and equitable criteria and such funds shall be avail-
21 able until December 31 of the next fiscal year.

22 SEC. 334. Notwithstanding any other provision of
23 law, the Department of the Navy is directed to transfer
24 the USNS EDENTON (ATS–1), currently in Inactive
25 Ship status, to the United States Coast Guard.

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

2 (1) Congress has the authority under article I,
3 section 8 of the Constitution to regulate the air com-
4 merce of the United States;

5 (2) section 47107 of title 49, United States
6 Code, prohibits the diversion of certain revenue gen-
7 erated by a public airport as a condition of receiving
8 a project grant;

9 (3) a grant recipient that uses airport revenues
10 for purposes that are not airport related in a man-
11 ner inconsistent with chapter 471 of title 49, United
12 States Code, illegally diverts airport revenues;

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

16 (5) the policy of the United States that airports
17 should be as self-sustaining as possible and that rev-
18 enues generated at airports should not be diverted
19 from airport purposes was stated by Congress in
20 1982 and reaffirmed and strengthened in 1987,
21 1994, and 1996;

22 (6) certain airports are constructed on lands
23 that may have belonged, at one time, to native
24 Americans, native Hawaiians, or Alaskan natives;

1 (7) contrary to the prohibition against diverting
2 airport revenues from airport purposes under section
3 47107 of title 49, United States Code, certain pay-
4 ments from airport revenues may have been made
5 for the betterment of native Americans, native Ha-
6 waiians, or Alaskan natives based upon the claims
7 related to lands ceded to the United States;

8 (8) Federal law prohibits diversions of airport
9 revenues obtained from any source whatsoever to
10 occur in the future whether related to claims for pe-
11 riods of time prior to or after the date of enactment
12 of this Act; and

13 (9) because of the special circumstances sur-
14 rounding such past diversions of airport revenues for
15 the betterment of native Americans, native Hawai-
16 ians, or Alaskan natives, it is in the national interest
17 that amounts from airport revenues previously re-
18 ceived by any entity for the betterment of native
19 Americans, native Hawaiians, or Alaskan natives, as
20 specified in subsection (b) of this section, should not
21 be subject to repayment.

22 (b) TERMINATION OF REPAYMENT RESPONSIBIL-
23 ITY.—Notwithstanding the provisions of 47107 of title 49,
24 United States Code, or any other provision of law, monies
25 paid for claims related to ceded lands and diverted from

1 airport revenues and received prior to April 1, 1996, by
2 any entity for the betterment of native Americans, native
3 Hawaiians, or Alaskan natives, shall not be subject to re-
4 payment.

5 (c) PROHIBITION ON FURTHER DIVERSION.—There
6 shall be no further payment of airport revenues for claims
7 related to ceded lands, whether characterized as operating
8 expenses, rent, or otherwise, and whether related to claims
9 for periods of time prior to or after the date of enactment
10 of this Act.

11 SEC. 336. LIMITATION ON FUNDS USED TO EN-
12 FORCE REGULATIONS REGARDING ANIMAL FATS AND
13 VEGETABLE OILS.—None of the funds made available in
14 this Act may be used by the Coast Guard to issue, imple-
15 ment, or enforce a regulation or to establish an interpreta-
16 tion or guideline under the Edible Oil Regulatory Reform
17 Act (Public Law 104–55) or the amendments made by
18 that Act that does not recognize and provide for, with re-
19 spect to fats, oils, and greases (as described in that Act,
20 or the amendments made by that Act) differences in—

- 21 (1) physical, chemical, biological, and other rel-
22 evant properties; and
23 (2) environmental effects.

24 SEC. 337. Notwithstanding the provisions of any
25 other law, rule or regulation, the Secretary of Transpor-

1 tation is authorized to allow the issuer of any preferred
2 stock heretofore sold to the Department to redeem or re-
3 purchase such stock upon the payment to the Department
4 of an amount determined by the Secretary.

5 SEC. 338. Notwithstanding any provision of current
6 law, requirement or agreement, for purposes of the rede-
7 velopment for non-aeronautical use of the Richards-
8 Gebaur Memorial Airport located in Kansas City, Mis-
9 souri, and Bader Field in Atlantic City, New Jersey, the
10 Federal Aviation Administration may grant the requests
11 of Kansas City to close Richards-Gebaur and Atlantic City
12 to close Bader Field as public airports; and may release
13 those cities from the terms, conditions, reservations, or re-
14 strictions in surplus property conveyance/transfer docu-
15 ments and from conditions or assurances contained in
16 FAA grant agreements or orders applicable to the airports
17 that would otherwise prevent the closure of those airports
18 and redevelopment of the facilities to non-aeronautical
19 uses, unless the FAA determines that the closure would
20 adversely affect safety in air commerce, and is subject to
21 the FAA and Kansas City and Atlantic City reaching sat-
22 isfactory resolution of issues regarding the Federal invest-
23 ments in the Richards-Gebaur Memorial Airport and
24 Bader Field, respectively, and the treatment of the pro-
25 ceeds related to the disposition of the airport property.

1 This Act may be cited as the “Department of Trans-
2 portation and Related Agencies Appropriations Act,
3 1998”.