

108TH CONGRESS
2D SESSION

H. R. 5183

AN ACT

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Transpor-
 5 tation Extension Act of 2004, Part V”.

6 **SEC. 2. ADVANCES.**

7 (a) IN GENERAL.—

8 (1) APPORTIONMENT RATIO.—Except as pro-
 9 vided in paragraph (2), the Secretary of Transpor-
 10 tation shall apportion funds made available under
 11 section 1101(l) of the Transportation Equity Act for
 12 the 21st Century (112 Stat. 111; 118 Stat. 876), as
 13 amended by this section, to each State in the ratio
 14 that—

15 (A) the State’s total fiscal year 2004 obli-
 16 gation authority for funds apportioned for the
 17 Federal-aid highway program; bears to

18 (B) all States’ total fiscal year 2004 obli-
 19 gation authority for funds apportioned for the
 20 Federal-aid highway program.

21 (2) EXCEPTION.—The ratios determined under
 22 this subsection shall be subject to the same adjust-
 23 ments as the adjustments made under section 105(f)
 24 of title 23, United States Code.

25 (b) PROGRAMMATIC DISTRIBUTIONS.—

1 (1) PROGRAMS.—Of the funds to be appor-
2 tioned to each State under subsection (a), the Sec-
3 retary shall ensure that the State is apportioned an
4 amount of the funds, determined under paragraph
5 (2), for the Interstate maintenance program, the
6 National Highway System program, the bridge pro-
7 gram, the surface transportation program, the con-
8 gestion mitigation and air quality improvement pro-
9 gram, the recreational trails program, the Appa-
10 lachian development highway system program, and
11 the minimum guarantee.

12 (2) IN GENERAL.—The amount that each State
13 shall be apportioned under this subsection for each
14 item referred to in paragraph (1) shall be deter-
15 mined by multiplying—

16 (A) the amount apportioned to the State
17 under subsection (a); by

18 (B) the ratio that—

19 (i) the amount of funds apportioned
20 for the item to the State for fiscal year
21 2004; bears to

22 (ii) the total of the amount of funds
23 apportioned for the items to the State for
24 fiscal year 2004.

1 (3) ADMINISTRATION OF FUNDS.—Funds au-
2 thorized by the amendment made under subsection
3 (d) shall be administered as if the funds had been
4 apportioned, allocated, deducted, or set aside, as the
5 case may be, under title 23, United States Code; ex-
6 cept that the deductions and set-asides in the fol-
7 lowing sections of such title shall not apply to such
8 funds: sections 104(a)(1)(A), 104(a)(1)(B),
9 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1),
10 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

11 (4) SPECIAL RULES FOR MINIMUM GUAR-
12 ANTEE.—In carrying out the minimum guarantee
13 under section 105(c) of title 23, United States Code,
14 with funds apportioned under this section for the
15 minimum guarantee, the \$2,800,000,000 set forth in
16 paragraph (1) of such section 105(c) shall be treated
17 as being \$1,866,666,667 and the aggregate of
18 amounts apportioned to the States under this sec-
19 tion for the minimum guarantee shall be treated, for
20 purposes of such section 105(c), as amounts made
21 available under section 105 of such title.

22 (5) EXTENSION OF OFF-SYSTEM BRIDGE SET-
23 ASIDE.—Section 144(g)(3) of title 23, United States
24 Code, is amended by inserting after “2004” the fol-

1 lowing: “and in the period of October 1, 2004,
2 through May 31, 2005,”.

3 (c) REPAYMENT FROM FUTURE APPORTION-
4 MENTS.—

5 (1) IN GENERAL.—The Secretary shall reduce
6 the amount that would be apportioned, but for this
7 section, to a State for programs under chapter 1 of
8 title 23, United States Code, for fiscal year 2005,
9 under a multiyear law reauthorizing the Federal-aid
10 highway program enacted after the date of enact-
11 ment of this Act by the amount that is apportioned
12 to each State under subsection (a) and section 5(c)
13 for each such program.

14 (2) PROGRAM CATEGORY RECONCILIATION.—
15 The Secretary may establish procedures under which
16 funds apportioned under subsection (a) for a pro-
17 gram category for which funds are not authorized
18 under a law described in paragraph (1) may be re-
19 stored to the Federal-aid highway program.

20 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
21 Section 1101 of the Transportation Equity Act for the
22 21st Century (112 Stat. 111–115; 117 Stat. 1118; 118
23 Stat. 876) is amended by adding at the end the following:
24 “(l) ADVANCE AUTHORIZATION FOR FISCAL YEAR
25 2005.—

1 “(1) IN GENERAL.—There shall be available
2 from the Highway Trust Fund (other than the Mass
3 Transit Account) to carry out section 2(a) of the
4 Surface Transportation Extension Act of 2004, Part
5 V \$22,685,936,000 for the period of October 1,
6 2004, through May 31, 2005.

7 “(2) SPECIAL RULE.—Funds apportioned under
8 section 2(a) of the Surface Transportation Exten-
9 sion Act of 2004, Part V shall be subject to a limita-
10 tion on obligations for Federal-aid highways and
11 highway safety construction programs.

12 “(3) CONTRACT AUTHORITY.—Funds made
13 available by this subsection shall be available for ob-
14 ligation in the same manner as if such funds were
15 apportioned under chapter 1 of title 23, United
16 States Code.”.

17 (e) LIMITATION ON OBLIGATIONS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 upon enactment of an Act making appropriations for
20 the Department of Transportation for fiscal year
21 2005 (other than an Act or resolution making con-
22 tinuing appropriations), the Secretary shall dis-
23 tribute $\frac{8}{12}$ of the obligation limitation for Federal-
24 aid highways and highway safety construction pro-

grams provided by such Act according to the provisions of such Act.

(2) EXCEPTIONS.—

(A) DETERMINATION OF AMOUNTS.—Any instruction in such Act that would require the distribution or reservation of obligation limitation prior to distributing the remainder of the obligation limitation to the States shall be executed as if the program, project, or activity for which obligation limitation is so distributed or reserved was authorized at an amount equivalent to the greater of—

(i) the amount authorized for such program, project, or activity in this Act; or

(ii) 8/12 of the amount provided for or limitation set on such program, project, or activity in the Act making appropriations for the Department of Transportation for fiscal year 2005.

(B) MINIMUM GUARANTEE.—Obligations for the period October 1, 2004, through May 31, 2005, shall not exceed the obligation limitation distributed by this subsection, except that this limitation shall not apply to \$426,000,000

1 in obligations for minimum guarantee for such
2 period.

3 (3) TIME PERIOD FOR OBLIGATIONS.—After
4 May 31, 2005, no funds shall be obligated for any
5 Federal-aid highway program project until the date
6 of enactment of a multiyear law reauthorizing the
7 Federal-aid highway program enacted after the date
8 of enactment of this Act.

9 (4) TREATMENT OF OBLIGATIONS.—Any obliga-
10 tion of obligation authority distributed under this
11 subsection shall be considered to be an obligation for
12 Federal-aid highways and highway safety construc-
13 tion programs for fiscal year 2005 for the purposes
14 of any obligation limitation set in an Act making ap-
15 propriations for the Department of Transportation
16 for fiscal year 2005.

17 **SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.**

18 (a) IN GENERAL.—In addition to any other authority
19 of a State to transfer funds, for fiscal year 2005, a State
20 may transfer any funds apportioned to the State for any
21 program under section 104(b) (including amounts appor-
22 tioned under section 104(b)(3) or set aside, made avail-
23 able, or suballocated under section 133(d)) or section 144
24 of title 23, United States Code, before, on, or after the
25 date of enactment of this Act, that are subject to any limi-

1 tation on obligations, and that are not obligated, to any
2 other of those programs.

3 (b) TREATMENT OF TRANSFERRED FUNDS.—Any
4 funds transferred to another program under subsection (a)
5 shall be subject to the provisions of the program to which
6 the funds are transferred, except that funds transferred
7 to a program under section 133 (other than subsections
8 (d)(1) and (d)(2)) of title 23, United States Code, shall
9 not be subject to section 133(d) of that title.

10 (c) RESTORATION OF APPORTIONMENTS.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of enactment of a multiyear law reauthor-
13 izing the Federal-aid highway program enacted after
14 the date of enactment of this Act, the Secretary of
15 Transportation shall restore any funds that a State
16 transferred under subsection (a) for any project not
17 eligible for the funds but for this section to the pro-
18 gram category from which the funds were trans-
19 ferred.

20 (2) PROGRAM CATEGORY RECONCILIATION.—

21 The Secretary may establish procedures under which
22 funds transferred under subsection (a) from a pro-
23 gram category for which funds are not authorized
24 may be restored to the Federal-aid highway pro-
25 gram.

1 (3) LIMITATION ON STATUTORY CONSTRUC-
 2 TION.—No provision of law, except a statute enacted
 3 after the date of enactment of this Act that ex-
 4 pressly limits the application of this subsection, shall
 5 impair the authority of the Secretary to restore
 6 funds pursuant to this subsection.

7 (d) GUIDANCE.—The Secretary may issue guidance
 8 for use in carrying out this section.

9 (e) PROHIBITION OF TRANSFERS.—Notwithstanding
 10 any other provision of this section, no funds may be trans-
 11 ferred by a State under subsection (a)—

12 (1) from amounts apportioned to the State for
 13 the congestion mitigation and air quality improve-
 14 ment program; and

15 (2) from amounts apportioned to the State for
 16 the surface transportation program and that are
 17 subject to any of paragraphs (1), (2), and (3)(A)(i)
 18 of section 133(d) of title 23, United States Code.

19 **SEC. 4. ADMINISTRATIVE EXPENSES.**

20 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
 21 There shall be available from the Highway Trust Fund
 22 (other than the Mass Transit Account) for administrative
 23 expenses of the Federal-aid highway program
 24 \$234,682,667 for fiscal year 2005.

1 (b) CONTRACT AUTHORITY.—Funds made available
2 by this section shall be available for obligation in the same
3 manner as if such funds were apportioned under chapter
4 1 of title 23, United States Code, and shall be subject
5 to a limitation on obligations for Federal-aid highways and
6 highway safety construction programs; except that such
7 funds shall remain available until expended.

8 **SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

9 (a) AUTHORIZATION OF APPROPRIATIONS UNDER
10 TITLE I OF TEA21.—

11 (1) FEDERAL LANDS HIGHWAYS.—

12 (A) INDIAN RESERVATION ROADS.—Sec-
13 tion 1101(a)(8)(A) of the Transportation Eq-
14 uity Act for the 21st Century (112 Stat. 112;
15 118 Stat. 877) is amended—

16 (i) by inserting before the period at
17 the end the following: “and \$183,333,333
18 for the period of October 1, 2004, through
19 May 31, 2005”; and

20 (ii) by adding at the end the fol-
21 lowing: “The minimum amount made
22 available for such period that the Sec-
23 retary, in cooperation with the Secretary of
24 the Interior, shall reserve for Indian res-
25 ervation road bridges under section

1 202(d)(4) of title 23, United States Code,
2 shall be \$8,666,667 instead of
3 \$13,000,000.”.

4 (B) PUBLIC LANDS HIGHWAYS.—Section
5 1101(a)(8)(B) of such Act (112 Stat. 112; 118
6 Stat. 878) is amended by inserting before the
7 period at the end the following: “and
8 \$164,000,000 for the period of October 1,
9 2004, through May 31, 2005”.

10 (C) PARK ROADS AND PARKWAYS.—Sec-
11 tion 1101(a)(8)(C) of such Act (112 Stat. 112;
12 118 Stat. 878) is amended by inserting before
13 the period at the end the following: “and
14 \$110,000,000 for the period of October 1,
15 2004, through May 31, 2005”.

16 (D) REFUGE ROADS.—Section
17 1101(a)(8)(D) of such Act (112 Stat. 112; 118
18 Stat. 878) is amended by inserting before the
19 period at the end the following: “and
20 \$13,333,333 for the period of October 1, 2004,
21 through May 31, 2005”.

22 (2) NATIONAL CORRIDOR PLANNING AND DE-
23 VELOPMENT AND COORDINATED BORDER INFRA-
24 STRUCTURE PROGRAMS.—Section 1101(a)(9) of such
25 Act (112 Stat. 112; 118 Stat. 878) is amended by

1 inserting before the period at the end the following:

2 “and \$93,333,333 for the period of October 1, 2004,
3 through May 31, 2005”.

4 (3) CONSTRUCTION OF FERRY BOATS AND
5 FERRY TERMINAL FACILITIES.—

6 (A) IN GENERAL.—Section 1101(a)(10) of
7 such Act (112 Stat. 113; 118 Stat. 878) is
8 amended by inserting before the period at the
9 end the following: “and \$25,333,333 for the pe-
10 riod of October 1, 2004, through May 31,
11 2005”.

12 (B) SET ASIDE FOR ALASKA, NEW JERSEY,
13 AND WASHINGTON.—To carry out section 1064
14 of the Intermodal Surface Transportation Effi-
15 ciency Act of 1991 (23 U.S.C. 129 note; 105
16 Stat. 2005; 112 Stat. 185; 118 Stat. 878), of
17 funds made available by the amendment made
18 by subparagraph (A)—

19 (i) \$6,666,667 shall be available for
20 section 1064(d)(2);

21 (ii) \$3,333,333 shall be available for
22 section 1064(d)(3); and

23 (iii) \$3,333,333 shall be available for
24 section 1064(d)(4).

1 (4) NATIONAL SCENIC BYWAYS PROGRAM.—
2 Section 1101(a)(11) of the Transportation Equity
3 Act for the 21st Century (112 Stat. 113; 118 Stat.
4 878) is amended—

5 (A) by striking “and” the last place it ap-
6 pears; and

7 (B) by inserting before the period at the
8 end the following: “, and \$17,666,667 for the
9 period of October 1, 2004, through May 31,
10 2005”.

11 (5) VALUE PRICING PILOT PROGRAM.—Section
12 1101(a)(12) of such Act (112 Stat. 113; 118 Stat.
13 878) is amended by inserting before the period at
14 the end the following: “, and \$7,333,333 for the pe-
15 riod of October 1, 2004, through May 31, 2005”.

16 (6) HIGHWAY USE TAX EVASION PROJECTS.—
17 Section 1101(a)(14) of such Act (112 Stat. 113;
18 118 Stat. 878) is amended by inserting before the
19 period at the end the following: “and \$3,333,333 for
20 the period of October 1, 2004, through May 31,
21 2005”.

22 (7) COMMONWEALTH OF PUERTO RICO HIGH-
23 WAY PROGRAM.—

24 (A) IN GENERAL.—Section 1101(a)(15) of
25 such Act (112 Stat. 113; 118 Stat. 879) is

1 amended by inserting before the period at the
2 end the following: “and \$73,333,333 for the pe-
3 riod of October 1, 2004, through May 31,
4 2005”.

5 (B) CONFORMING AMENDMENT.—Section
6 1214(r)(1) of such Act (112 Stat. 209; 117
7 Stat. 1114) is amended by striking “2004” and
8 inserting “2005”.

9 (8) SAFETY GRANTS.—Section 1212(i)(1)(D) of
10 such Act (23 U.S.C. 402 note; 112 Stat. 196; 112
11 Stat. 840; 118 Stat. 879) is amended by inserting
12 before the period at the end the following: “and
13 \$333,333 for the period of October 1, 2004, through
14 May 31, 2005”.

15 (9) TRANSPORTATION AND COMMUNITY AND
16 SYSTEM PRESERVATION PILOT PROGRAM.—Section
17 1221(e)(1) of such Act (23 U.S.C. 101 note; 112
18 Stat. 223; 118 Stat. 879) is amended by inserting
19 before the period at the end the following: “and
20 \$16,666,667 for the period of October 1, 2004,
21 through May 31, 2005”.

22 (10) TRANSPORTATION INFRASTRUCTURE FI-
23 NANCE AND INNOVATION.—Section 188 of title 23,
24 United States Code, is amended—

25 (A) in subsection (a)(1)—

1 (i) by striking “and” at the end of
2 subparagraph (E);

3 (ii) by striking the period at the end
4 of subparagraph (F) and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(G) \$86,666,667 for the period of Octo-
9 ber 1, 2004, through May 31, 2005.”;

10 (B) in subsection (a)(2) by inserting after
11 “2004” the following: “and \$1,333,333 for the
12 period of October 1, 2004, through May 31,
13 2005”; and

14 (C) in subsection (c)—

15 (i) by striking “2004” and inserting
16 “2005”; and

17 (ii) by striking the period at the end
18 of the table and inserting the following:

“2005\$1,733,333,333.”.

19 (11) NATIONAL SCENIC BYWAYS CLEARING-
20 HOUSE.—Section 1215(b)(3) of the Transportation
21 Equity Act of the 21st Century (112 Stat. 210) is
22 amended by inserting before the period at the end
23 “and \$1,000,000 for the period of October 1, 2004,
24 through May 31, 2005”.

1 (b) AUTHORIZATION OF APPROPRIATIONS UNDER
2 TITLE V OF TEA21.—

3 (1) SURFACE TRANSPORTATION RESEARCH.—

4 Section 5001(a)(1) of the Transportation Equity Act
5 for the 21st Century (112 Stat. 419; 118 Stat. 879)
6 is amended—

7 (A) by striking “2003, and” and inserting
8 “2003,”; and

9 (B) by inserting after “2004” the fol-
10 lowing: “, and \$68,666,667 for the period of
11 October 1, 2004, through May 31, 2005”.

12 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—

13 Section 5001(a)(2) of such Act (112 Stat. 419; 118
14 Stat. 879) is amended—

15 (A) by striking “2003, and” and inserting
16 “2003,”; and

17 (B) by inserting after “2004” the fol-
18 lowing: “, and \$33,333,333 for the period of
19 October 1, 2004, through May 31, 2005”.

20 (3) TRAINING AND EDUCATION.—Section
21 5001(a)(3) of such Act (112 Stat. 420; 118 Stat.
22 879) is amended—

23 (A) by striking “2003, and” and inserting
24 “2003,”; and

1 (B) by inserting after “2004” the fol-
2 lowing: “, and \$13,333,333 for the period of
3 October 1, 2004, through May 31, 2005”.

4 (4) BUREAU OF TRANSPORTATION STATIS-
5 TICS.—Section 5001(a)(4) of such Act (112 Stat.
6 420; 118 Stat. 879) is amended by inserting before
7 the period at the end the following: “, and
8 \$20,666,667 for the period of October 1, 2004,
9 through May 31, 2005”.

10 (5) ITS STANDARDS, RESEARCH, OPERATIONAL
11 TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of
12 such Act (112 Stat. 420; 118 Stat. 879) is
13 amended—

14 (A) by striking “2003, and” and inserting
15 “2003,”; and

16 (B) by inserting after “2004” the fol-
17 lowing: “, and \$73,333,333 for the period of
18 October 1, 2004, through May 31, 2005”.

19 (6) ITS DEPLOYMENT.—Section 5001(a)(6) of
20 such Act (112 Stat. 420; 118 Stat. 880) is
21 amended—

22 (A) by striking “2003, and” and inserting
23 “2003,”; and

1 (B) by inserting after “2004” the fol-
 2 lowing: “, and \$81,333,333 for the period of
 3 October 1, 2004, through May 31, 2005”.

4 (7) UNIVERSITY TRANSPORTATION RE-
 5 SEARCH.—Section 5001(a)(7) of such Act (112 Stat.
 6 420; 118 Stat. 880) is amended—

7 (A) by striking “2003, and” and inserting
 8 “2003,”; and

9 (B) by inserting after “2004” the fol-
 10 lowing: “, and \$17,666,667 for the period of
 11 October 1, 2004, through May 31, 2005”.

12 (c) METROPOLITAN PLANNING.—

13 (1) AUTHORIZATION OF CONTRACT AUTHOR-
 14 ITY.—There shall be available from the Highway
 15 Trust Fund (other than the Mass Transit Account)
 16 to carry out section 134 of title 23, United States
 17 Code, \$145,000,000 for the period of October 1,
 18 2004, through May 31, 2005.

19 (2) DISTRIBUTION OF FUNDS.—The Secretary
 20 shall distribute funds made available by this sub-
 21 section to the States in accordance with section
 22 104(f)(2) of title 23, United States Code.

23 (3) CONTRACT AUTHORITY.—Funds made
 24 available by this subsection shall be available for ob-
 25 ligation in the same manner as if such funds were

1 apportioned under chapter 1 of title 23, United
2 States Code, and shall be subject to a limitation on
3 obligations for Federal-aid highways and highway
4 safety construction programs.

5 (d) TERRITORIES.—Section 1101(d)(1) of the Trans-
6 portation Equity Act for the 21st Century (112 Stat. 111–
7 115; 117 Stat. 1116; 118 Stat. 880) is amended by insert-
8 ing after “2004” the following: “and \$24,266,667 for the
9 period of October 1, 2004, through May 31, 2005”.

10 (e) ALASKA HIGHWAY.—Section 1101(e)(1) of such
11 Act (117 Stat. 1116; 118 Stat. 880) is amended by insert-
12 ing after “2004” the following: “and \$12,533,333 for the
13 period of October 1, 2004, through May 31, 2005”.

14 (f) OPERATION LIFESAVER.—Section 1101(f)(1) of
15 such Act (117 Stat. 1117; 118 Stat. 880) is amended by
16 inserting after “2004” the following: “and \$333,333 for
17 the period of October 1, 2004, through May 31, 2005”.

18 (g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of
19 such Act (117 Stat. 1117; 118 Stat. 880) is amended by
20 inserting after “2004” the following: “and \$66,666,667
21 for the period of October 1, 2004, through May 31, 2005”.

22 (h) INTERSTATE MAINTENANCE.—Section
23 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880)
24 is amended by inserting after “2004” the following: “and

1 \$66,666,667 for the period of October 1, 2004, through
2 May 31, 2005”.

3 (i) RECREATIONAL TRAILS ADMINISTRATIVE
4 COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117;
5 118 Stat. 880) is amended by inserting after “2004” the
6 following: “and \$500,000 for the period of October 1,
7 2004, through May 31, 2005”.

8 (j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
9 NATION IN HIGH SPEED RAIL CORRIDORS.—Section
10 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 881)
11 is amended—

12 (1) by inserting before “; except” the following:
13 “and \$3,500,000 for the period of October 1, 2004,
14 through May 31, 2005”; and

15 (2) by inserting before “for eligible” the fol-
16 lowing: “and not less than \$166,667 instead of
17 \$250,000 shall be available for the period of October
18 1, 2004, through May 31, 2005,”.

19 (k) NONDISCRIMINATION.—Section 1101(k) of such
20 Act (117 Stat. 1118; 118 Stat. 881) is amended—

21 (1) in paragraph (1) by inserting after “2004”
22 the following: “and \$6,666,667 for the period of Oc-
23 tober 1, 2004, through May 31, 2005”; and

1 (2) in paragraph (2) by inserting after “2004”
2 the following: “and \$6,666,667 for the period of Oc-
3 tober 1, 2004, through May 31, 2005”.

4 (l) ADMINISTRATION OF FUNDS.—Funds authorized
5 by the amendments made by this section shall be adminis-
6 tered as if the funds had been apportioned, allocated, de-
7 ducted, or set aside, as the case may be, under title 23,
8 United States Code, except that the deductions under sec-
9 tions 104(a)(1)(A) and 104(a)(1)(B) of such title shall not
10 apply to funds made available by the amendment made
11 by subsection (a)(1) of this section.

12 (m) REDUCTION OF ALLOCATED PROGRAMS.—The
13 Secretary of Transportation shall reduce the amount that
14 would be made available, but for this section, for fiscal
15 year 2005 for allocation under a program, that is contin-
16 ued both by a multiyear law reauthorizing such program
17 enacted after the date of enactment of this Act and by
18 this section, by the amount made available for such pro-
19 gram by this section.

20 (n) PROGRAM CATEGORY RECONCILIATION.—The
21 Secretary may establish procedures under which funds al-
22 located under this section for fiscal year 2005 for a pro-
23 gram category for which funds are not authorized for fis-
24 cal year 2005 under a multiyear law reauthorizing the
25 Federal-aid highway program enacted after the date of en-

1 actment of this Act may be restored to the Federal-aid
 2 highway program.

3 **SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

4 (a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

5 (1) SEAT BELT SAFETY INCENTIVE GRANTS.—

6 Section 157 of title 23, United States Code, is
 7 amended—

8 (A) in subsection (a)(3) by striking
 9 “2002” and inserting “2003”;

10 (B) in subsection (a)(8)(B) by striking
 11 “2002” and inserting “2003”;

12 (C) in subsection (b) by striking “2003”
 13 and inserting “2005”;

14 (D) in subsection (c)(1) by striking
 15 “2003” and inserting “2004”;

16 (E) in subsection (c)(2) by striking
 17 “2003” and inserting “2004”;

18 (F) in subsection (f)(4) by striking “2003”
 19 and inserting “2004”;

20 (G) in subsection (g)(1)—

21 (i) by striking “and”; and

22 (ii) by inserting before the period at
 23 the end the following: “, and \$74,666,667
 24 for the period of October 1, 2004, through
 25 May 31, 2005”;

1 (H) in the heading to subsection (g)(3)(B)
2 by striking “2004” and inserting “2005”; and

3 (I) in subsection (g)(3)(B) by striking
4 “2004” and inserting “2005”.

5 (2) PREVENTION OF INTOXICATED DRIVER IN-
6 CENTIVE GRANTS.—Section 163(e)(1) of such title is
7 amended—

8 (A) by striking “and”; and

9 (B) by inserting before the period at the
10 end the following: “, and \$73,333,333 for the
11 period of October 1, 2004, through May 31,
12 2005”.

13 (b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Sec-
14 tion 2009(a)(1) of the Transportation Equity Act for the
15 21st Century (112 Stat. 337; 118 Stat. 886) is
16 amended—

17 (1) by striking “and”; and

18 (2) by inserting before the period at the end the
19 following: “, and \$110,000,000 for the period of Oc-
20 tober 1, 2004, through May 31, 2005”.

21 (c) HIGHWAY SAFETY RESEARCH AND DEVELOP-
22 MENT.—Section 2009(a)(2) of such Act (112 Stat. 337;
23 118 Stat. 886) is amended by inserting after “2004” the
24 following: “, and \$48,000,000 for the period of October
25 1, 2004, through May 31, 2005”.

1 (d) OCCUPANT PROTECTION INCENTIVE GRANTS.—
2 Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat.
3 886) is amended—

4 (1) by striking “and” the last place it appears;
5 and

6 (2) by inserting before the period at the end the
7 following: “, and \$13,333,333 for the period of Oc-
8 tober 1, 2004, through May 31, 2005”.

9 (e) ALCOHOL-IMPAIRED DRIVING COUNTER-
10 MEASURES INCENTIVE GRANTS.—

11 (1) EXTENSION OF PROGRAM.—Section 410 of
12 title 23, United States Code, is amended—

13 (A) in subsection (a)(3) by striking “7”
14 and inserting “8”; and

15 (B) in subsection (a)(4)(C) by striking
16 “and seventh” and inserting “, seventh, and
17 eighth”.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—
19 Section 2009(a)(4) of such Act (112 Stat. 337; 118
20 Stat. 886) is amended—

21 (A) by striking “and” the last place it ap-
22 pears; and

23 (B) by inserting before the period at the
24 end the following: “, and \$26,666,667 for the

1 period of October 1, 2004, through May 31,
2 2005”.

3 (f) NATIONAL DRIVER REGISTER.—Section
4 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 886)
5 is amended by inserting after “2004” the following: “, and
6 \$2,400,000 for the period of October 1, 2004, through
7 May 31, 2005”.

8 (g) ALLOCATIONS.—Section 2009(b) of such Act
9 (112 Stat. 338) is amended—

10 (1) in paragraph (1) by striking “2004” and in-
11 serting “2005”; and

12 (2) in paragraph (2) by striking “2004” and in-
13 serting “2005”.

14 (h) APPLICABILITY OF TITLE 23.—Section 2009(c)
15 of such Act (112 Stat. 338) is amended by striking
16 “2004” and inserting “2005”.

17 **SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY ADMINIS-**
18 **TRATION PROGRAM.**

19 (a) ADMINISTRATIVE EXPENSES.—

20 (1) IN GENERAL.—There shall be available
21 from the Highway Trust Fund (other than the Mass
22 Transit Account) for the Secretary of Transpor-
23 tation to pay administrative expenses of the Federal
24 Motor Carrier Safety Administration \$160,552,536

1 for the period of October 1, 2004, through May 31,
2 2005.

3 (2) USE OF FUNDS.—Funds authorized by this
4 subsection may be used for personnel costs; adminis-
5 trative infrastructure; rent; information technology;
6 and programs for research and technology, regu-
7 latory development, and other operating expenses
8 and similar matters. Such funds available may also
9 be used to make grants to, or enter into contracts
10 with, States, local governments, or other persons for
11 implementation of the Commercial Driver’s License
12 Improvement Grants and the Border Enforcement
13 Grants programs.

14 (b) MOTOR CARRIER SAFETY ASSISTANCE PRO-
15 GRAM.—Section 31104(a) of title 49, United States Code,
16 is amended by adding at the end the following:

17 “(8) Not more than \$112,512,329 for the pe-
18 riod of October 1, 2004, through May 31, 2005.”.

19 (c) INFORMATION SYSTEMS AND COMMERCIAL DRIV-
20 ER’S LICENSE GRANTS.—

21 (1) AUTHORIZATION OF APPROPRIATION.—Sec-
22 tion 31107(a) of such title is amended—

23 (A) by striking “and” at the end of para-
24 graph (4);

1 (B) by striking the period at the end of
2 paragraph (5) and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(6) \$13,315,068 for the period of October 1,
5 2004 through May 31, 2005.”.

6 (2) EMERGENCY CDL GRANTS.—From amounts
7 made available by section 31107(a) of title 49,
8 United States Code, for the period of October 1,
9 2004 through May 31, 2005, the Secretary of
10 Transportation may make grants of up to \$665,753
11 to a State whose commercial driver’s license pro-
12 gram may fail to meet the compliance requirements
13 of section 31311(a) of such title.

14 (d) CRASH CAUSATION STUDY.—There shall be avail-
15 able from the Highway Trust Fund (other than the Mass
16 Transit Account) for the Federal Motor Carrier Safety
17 Administration to continue the crash causation study re-
18 quired by section 224 of the Motor Carrier Safety Im-
19 provement Act of 1999 (49 U.S.C. 31100 note; 113 Stat.
20 1770–1771), \$665,753 for the period of October 1, 2004
21 through May 31, 2005.

22 (e) CONTRACT AUTHORITY.—Funds made available
23 by this section shall be available for obligation in the same
24 manner as if such funds were apportioned under chapter
25 1 of title 23, United States Code.

1 (f) RULE STAY.—The hours-of-service regulations
 2 applicable to property-carrying commercial drivers con-
 3 tained in the Final Rule published on April 28, 2003 (68
 4 Fed. Reg. 22456-22517), as amended on September 30,
 5 2003 (68 Fed. Reg. 56208-56212), and made applicable
 6 to motor carriers and drivers on January 4, 2004, shall
 7 be in effect until the earlier of—

8 (1) the effective date of a new final rule ad-
 9 dressing the issues raised by the July 16, 2004, de-
 10 cision of the United States Court of Appeals for the
 11 District of Columbia in *Public Citizen, et al. v. Fed-*
 12 *eral Motor Carrier Safety Administration* (No. 03-
 13 1165); or

14 (2) September 30, 2005.

15 **SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

16 (a) ALLOCATING AMOUNTS.—Section 5309(m) of
 17 title 49, United States Code, is amended—

18 (1) in the matter preceding subparagraph (A)
 19 of paragraph (1) by inserting “and for the period of
 20 October 1, 2004, through May 31, 2005” after
 21 “2004”;

22 (2) in paragraph (2)(B) by inserting after
 23 clause (ii) the following:

24 “(iii) OCTOBER 1, 2004 THROUGH MAY
 25 31, 2005.—Of the amounts made available

1 under paragraph (1)(B), \$6,933,333 shall
 2 be available for the period of October 1,
 3 2004, through May 31, 2005, for capital
 4 projects described in clause (i).”;

5 (3) in paragraph (3)(B) by inserting after
 6 “2004” the following: “(and \$2,000,000 shall be
 7 available for the period October 1, 2004, through
 8 May 31, 2005)”; and

9 (4) in paragraph (3)(C) by inserting after
 10 “2004)” the following: “, and \$33,333,333 shall be
 11 available for the period October 1, 2004, through
 12 May 31, 2005,”.

13 (b) APPORTIONMENT OF APPROPRIATIONS FOR
 14 FIXED GUIDEWAY MODERNIZATION.—The Secretary of
 15 Transportation shall determine the amount that each ur-
 16 banized area is to be apportioned for fixed guideway mod-
 17 ernization under section 5337 of title 49, United States
 18 Code, on a pro rata basis to reflect the partial fiscal year
 19 2005 funding made available by sections
 20 5338(b)(2)(A)(vii) and 5338(b)(2)(B)(vii) of such title.

21 (c) FORMULA GRANTS AUTHORIZATIONS.—Section
 22 5338(a) of such title is amended—

23 (1) in the heading to paragraph (2) by inserting
 24 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
 25 THROUGH MAY 31, 2005” after “2004”;

1 (2) by striking “and” at the end of paragraphs
2 (2)(A)(v) and (2)(B)(v);

3 (3) by striking the period at the end of para-
4 graphs (2)(A)(vi) and (2)(B)(vi) and inserting “;
5 and”;

6 (4) by adding at the end of paragraph (2)(A)
7 the following:

8 “(vii) \$2,201,760,000 for the period
9 of October 1, 2004, through May 31,
10 2005.”;

11 (5) by adding at the end in paragraph (2)(B)
12 the following:

13 “(vii) \$550,440,000 for the period of
14 October 1, 2004, through May 31, 2005.”;
15 and

16 (6) in paragraph (2)(C) by striking “2003” and
17 inserting the following: “2005 (other than for the
18 period of October 1, 2004, through May 31, 2005)”.

19 (d) ALLOCATION OF FORMULA GRANT FUNDS FOR
20 OCTOBER 1, 2004, THROUGH MAY 31, 2005.—Of the ag-
21 gregate of amounts made available by and appropriated
22 under section 5338(a)(2) of title 49, United States Code,
23 for the period of October 1, 2004, through May 31,
24 2005—

1 (1) \$3,233,300 shall be available to the Alaska
2 Railroad for improvements to its passenger oper-
3 ations under section 5307 of such title;

4 (2) \$33,333,333 shall be available for clean
5 fuels formula grants under section 5308 of such
6 title;

7 (3) \$65,064,001 shall be available to provide
8 transportation services to elderly individuals and in-
9 dividuals with disabilities under section 5310 of such
10 title;

11 (4) \$172,690,702 shall be available to provide
12 financial assistance for other than urbanized areas
13 under section 5311 of such title;

14 (5) \$4,633,333 shall be available to provide fi-
15 nancial assistance in accordance with section
16 3038(g) of the Transportation Equity Act for the
17 21st Century; and

18 (6) \$2,473,245,331 shall be available to provide
19 financial assistance for urbanized areas under sec-
20 tion 5307 of such title.

21 (e) CAPITAL PROGRAM AUTHORIZATIONS.—Section
22 5338(b) of such title is amended—

23 (1) in the heading to paragraph (2) by inserting
24 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
25 THROUGH MAY 31, 2005” after “2004”;

1 (2) by striking “and” at the end of paragraphs
2 (2)(A)(v) and (2)(B)(v);

3 (3) by striking the period at the end of para-
4 graphs (2)(A)(vi) and (2)(B)(vi) and inserting “;
5 and”;

6 (4) by adding at the end of paragraph (2)(A)
7 the following:

8 “(vii) \$1,740,960,000 for the period
9 of October 1, 2004, through May 31,
10 2005.”; and

11 (5) by adding at the end of paragraph (2)(B)
12 the following:

13 “(vii) \$435,240,000 for the period of
14 October 1, 2004, through May 31, 2005.”.

15 (f) PLANNING AUTHORIZATIONS AND ALLOCA-
16 TIONS.—Section 5338(c) is amended—

17 (1) in the heading to paragraph (2) by inserting
18 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
19 THROUGH MAY 31, 2005” after “2004”;

20 (2) by striking “and” at the end of paragraphs
21 (2)(A)(v) and (2)(B)(v);

22 (3) by striking the period at the end of para-
23 graphs (2)(A)(vi) and (2)(B)(vi) and inserting “;
24 and”;

1 (4) by adding at the end of paragraph (2)(A)
2 the following:

3 “(vii) \$41,813,334 for the period of
4 October 1, 2004, through May 31, 2005.”;

5 (5) by adding at the end of paragraph (2)(B)
6 the following:

7 “(vii) \$10,453,333 for the period of
8 October 1, 2004, through May 31, 2005.”;

9 and

10 (6) in paragraph (2)(C) by inserting “or any
11 portion of a fiscal year” after “fiscal year”.

12 (g) RESEARCH AUTHORIZATIONS.—Section 5338(d)
13 of such title is amended—

14 (1) in the heading to paragraph (2) by inserting
15 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
16 THROUGH MAY 31, 2005” after “2004”;

17 (2) by striking “and” at the end of paragraphs
18 (2)(A)(v) and (2)(B)(v);

19 (3) by striking the period at the end of para-
20 graphs (2)(A)(vi) and (2)(B)(vi) and inserting “;
21 and”;

22 (4) by adding at the end of paragraph (2)(A)
23 the following:

24 “(vii) \$28,266,667 for the period of
25 October 1, 2004, through May 31, 2005.”;

1 (5) by adding at the end of paragraph (2)(B)
2 the following:

3 “(vii) \$7,066,667 for the period of
4 October 1, 2004, through May 31, 2005.”;
5 and

6 (6) in paragraph (2)(C) by inserting after “a
7 fiscal year” the following: “(other than for the pe-
8 riod of October 1, 2004, through May 31, 2005)”.

9 (h) ALLOCATION OF RESEARCH FUNDS FOR OCTO-
10 BER 1, 2004, THROUGH MAY 31, 2005.—Of the funds
11 made available by or appropriated under section
12 5338(d)(2) of title 49, United States Code, for the period
13 of October 1, 2004, through May 31, 2005—

14 (1) not less than \$3,500,000 shall be available
15 for providing rural transportation assistance under
16 section 5311(b)(2) of such title;

17 (2) not less than \$5,500,000 shall be available
18 for carrying out transit cooperative research pro-
19 grams under section 5313(a) of such title;

20 (3) not less than \$2,666,667 shall be available
21 to carry out programs under the National Transit
22 Institute under section 5315 of such title, including
23 not more than \$666,667 shall be available to carry
24 out section 5315(a)(16) of such title; and

1 (4) any amounts not made available under
2 paragraphs (1) through (3) shall be available for
3 carrying out national planning and research pro-
4 grams under sections 5311(b)(2), 5312, 5313(a),
5 5314, and 5322 of such title.

6 (i) UNIVERSITY TRANSPORTATION RESEARCH AU-
7 THORIZATIONS.—Section 5338(e) of such title is
8 amended—

9 (1) in the heading to paragraph (2) by inserting
10 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
11 THROUGH MAY 31, 2005” after “2004”;

12 (2) in paragraph (2)(A) by inserting after
13 “2004” the following: “and \$3,200,000 for the pe-
14 riod of October 1, 2004, through May 31, 2005”;

15 (3) in paragraph (2)(B) by inserting after
16 “2004” the following: “and \$800,000 for the period
17 of October 1, 2004, through May 31, 2005”; and

18 (4) in paragraphs (2)(C)(i) and (2)(C)(iii) by
19 inserting after “fiscal year” the following: “(other
20 than for the period of October 1, 2004, through May
21 31, 2005)”.

22 (j) ALLOCATION OF UNIVERSITY TRANSPORTATION
23 RESEARCH FUNDS.—

24 (1) IN GENERAL.—Of the amounts made avail-
25 able under section 5338(e)(2)(A) of title 49, United

1 States Code, for the period October 1, 2004,
2 through May 31, 2005—

3 (A) \$1,333,333 shall be available for the
4 center identified in section 5505(j)(4)(A) of
5 such title; and

6 (B) \$1,333,333 shall be available for the
7 center identified in section 5505(j)(4)(F) of
8 such title.

9 (2) TRAINING AND CURRICULUM DEVELOP-
10 MENT.—Notwithstanding section 5338(e)(2) of such
11 title, any amounts made available under such section
12 for the period October 1, 2004, through May 31,
13 2005, that remain after distribution under para-
14 graph (1), shall be available for the purposes identi-
15 fied in section 3015(d) of the Transportation Equity
16 Act for the 21st Century (112 Stat. 857).

17 (3) CONFORMING AMENDMENT.—Section
18 3015(d)(2) of the Transportation Equity Act for the
19 21st Century (112 Stat. 857; 118 Stat. 884) is
20 amended by inserting “or in the period October 1,
21 2004, through May 31, 2005” after “2004”.

22 (k) ADMINISTRATION AUTHORIZATIONS.—Section
23 5338(f) of such title is amended—

1 (1) in the heading to paragraph (2) by inserting

2 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
3 THROUGH MAY 31, 2005” after “2004”;

4 (2) by striking “and” at the end of paragraphs
5 (2)(A)(v) and (2)(B)(v);

6 (3) by striking the period at the end of para-
7 graphs (2)(A)(vi) and (2)(B)(vi) and inserting “;
8 and”;

9 (4) by adding at the end of paragraph (2)(A)
10 the following:

11 “(vii) \$41,600,000 for the period of
12 October 1, 2004, through May 31, 2005.”;

13 and

14 (5) by adding at the end of paragraph (2)(B)
15 the following:

16 “(vii) \$10,400,000 for the period of
17 October 1, 2004, through May 31, 2005.”.

18 (l) JOB ACCESS AND REVERSE COMMUTE PRO-
19 GRAM.—Section 3037(l) of the Transportation Equity Act
20 for the 21st Century (49 U.S.C. 5309 note; 112 Stat.
21 391–392; 118 Stat. 884) is amended—

22 (1) by striking “and” at the end of paragraphs
23 (1)(A)(v) and (1)(B)(v);

1 (2) by striking the period at the end of para-
2 graphs (1)(A)(vi) and (1)(B)(vi) and inserting “;
3 and”;

4 (3) by adding at the end of paragraph (1)(A)
5 the following:

6 “(vii) \$80,000,000 for the period of
7 October 1, 2004, through May 31, 2005.”;

8 (4) by adding at the end of paragraph (1)(B)
9 the following:

10 “(vii) \$20,000,000 for the period of
11 October 1, 2004, through May 31, 2005.”;

12 and

13 (5) by inserting before the period at the end of
14 paragraph (2) the following: “; except that in the pe-
15 riod of October 1, 2004, through May 31, 2005, not
16 more than \$6,666,667 shall be used for such
17 projects”.

18 (m) RURAL TRANSPORTATION ACCESSIBILITY IN-
19 CENTIVE PROGRAM.—Section 3038(g) of such Act (49
20 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 885) is
21 amended—

22 (1) by adding at the end of paragraph (1) the
23 following:

24 “(G) \$3,500,000 for the period of October
25 1, 2004, through May 31, 2005.”; and

1 (2) in paragraph (2) by inserting after “2004”
2 the following: “(and \$1,133,333 shall be available
3 for the period of October 1, 2004, through May 31,
4 2005)”.

5 (n) URBANIZED AREA FORMULA GRANTS.—Section
6 5307(b) of title 49, United States Code, is amended—

7 (1) in the heading to paragraph (2) by inserting
8 “AND FOR THE PERIOD OF OCTOBER 1, 2004,
9 THROUGH MAY 31, 2005” after “2004”; and

10 (2) in paragraph (2)(A) by inserting “and for
11 the period of October 1, 2004, through May 31,
12 2005” after “2004,”.

13 (o) OBLIGATION CEILING.—Section 3040 of the
14 Transportation Equity Act for the 21st Century (112
15 Stat. 394; 118 Stat. 885) is amended—

16 (1) by striking “and” at the end of paragraph
17 (5);

18 (2) by striking the period at the end of para-
19 graph (6) and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(7) \$5,172,000,000 for the period of October
22 1, 2004, through May 31, 2005.”.

23 (p) FUEL CELL BUS AND BUS FACILITIES PRO-
24 GRAM.—Section 3015(b) of such Act (112 Stat. 361; 118
25 Stat. 885) is amended by inserting “(or, in the case of

1 the period of October 1, 2004, through May 31, 2005,
2 \$3,233,333)” after “\$4,850,000”.

3 (q) ADVANCED TECHNOLOGY PILOT PROJECT.—Sec-
4 tion 3015(c)(2) of such Act (49 U.S.C. 322 note; 112
5 Stat. 361; 118 Stat. 885) is amended—

6 (1) by inserting “and for the period of October
7 1, 2004, through May 31, 2005,” after “2004,”;
8 and

9 (2) by inserting “and \$3,333,333 for such pe-
10 riod” after “\$5,000,000 per fiscal year”.

11 (r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS
12 AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030
13 of such Act (112 Stat. 373–381; 118 Stat. 885) is
14 amended—

15 (1) in subsections (a) and (b) by inserting “and
16 for the period of October 1, 2004, through May 31,
17 2005,” after “2004”; and

18 (2) in subsection (c)(1) by inserting “and for
19 the period of October 1, 2004, through May 31,
20 2005” after “2004”.

21 (s) NEW JERSEY URBAN CORE PROJECT.—Subpara-
22 graphs (A), (B), and (C) of section 3031(a)(3) of the
23 Intermodal Surface Transportation Efficiency Act of 1991
24 (105 Stat. 2122; 112 Stat. 379; 118 Stat. 885) are

1 amended by inserting “and for the period of October 1,
2 2004, through May 31, 2005,” after “2004,”.

3 (t) TREATMENT OF FUNDS.—Amounts made avail-
4 able under the amendments made by this section shall be
5 treated for purposes of section 1101(b) of the Transpor-
6 tation Equity Act for the 21st Century (23 U.S.C. 101
7 note) as amounts made available for programs under title
8 III of such Act.

9 (u) LOCAL SHARE.—Section 3011(a) of the Trans-
10 portation Equity Act for the 21st Century (49 U.S.C.
11 5307 note; 118 Stat. 637; 118 Stat. 708; 118 Stat. 886)
12 is amended by inserting “and for the period of October
13 1, 2004, through May 31, 2005” after “2004”.

14 **SEC. 9. SPORT FISHING AND BOATING SAFETY.**

15 (a) FUNDING FOR NATIONAL OUTREACH AND COM-
16 MUNICATIONS PROGRAM.—Section 4(c) of the Dingell-
17 Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e))
18 is amended—

19 (1) by striking “and” at the end of paragraph
20 (5);

21 (2) by inserting “and” after the semicolon at
22 the end of paragraph (6); and

23 (3) by inserting after paragraph (6) the fol-
24 lowing:

1 “(7) \$6,666,664 for the period of October 1,
2 2004, through May 31, 2005;”.

3 (b) CLEAN VESSEL ACT FUNDING.—Section 4(b) of
4 such Act (16 U.S.C. 777c(b)) is amended—

5 (1) in paragraph (4) by striking the paragraph
6 heading and inserting “FISCAL YEAR 2004”;

7 (2) by redesignating paragraph (5) as para-
8 graph (6); and

9 (3) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) FIRST 8 MONTHS OF FISCAL YEAR 2005.—
12 For the period of October 1, 2004, through May 31,
13 2005, of the balance of each annual appropriation
14 remaining after making the distribution under sub-
15 section (a), an amount equal to \$54,666,664, re-
16 duced by 82 percent of the amount appropriated for
17 that fiscal year from the Boat Safety Account of the
18 Aquatic Resources Trust Fund established by sec-
19 tion 9504 of the Internal Revenue Code of 1986 to
20 carry out the purposes of section 13106(a) of title
21 46, United States Code, shall be used as follows:

22 “(A) \$6,666,664 shall be available to the
23 Secretary of the Interior for 3 fiscal years for
24 obligation for qualified projects under section

1 5604(c) of the Clean Vessel Act of 1992 (33
2 U.S.C. 1322 note).

3 “(B) \$5,333,334 shall be available to the
4 Secretary of the Interior for 3 fiscal years for
5 obligation for qualified projects under section
6 7404(d) of the Sportfishing and Boating Safety
7 Act of 1998 (16 U.S.C. 777g–1(d)).

8 “(C) The balance remaining after the ap-
9 plication of subparagraphs (A) and (B) shall be
10 transferred to the Secretary of Transportation
11 and shall be expended for State recreational
12 boating safety programs under section 13106 of
13 title 46, United States Code.”.

14 (c) BOAT SAFETY FUNDS.—Section 13106(c) of title
15 46, United States Code, is amended to read as follows:

16 “(c)(1) Of the amount transferred to the Secretary
17 of Transportation under paragraph (5)(C) of section 4(b)
18 of the Dingell-Johnson Sport Fish Restoration Act (16
19 U.S.C. 777c(b)), \$3,333,336 is available to the Secretary
20 for payment of expenses of the Coast Guard for personnel
21 and activities directly related to coordinating and carrying
22 out the national recreational boating safety program under
23 this title, of which \$1,333,336 shall be available to the
24 Secretary only to ensure compliance with chapter 43 of
25 this title.

1 “(2) No funds available to the Secretary under this
2 subsection may be used to replace funding traditionally
3 provided through general appropriations, nor for any pur-
4 poses except those purposes authorized by this section.

5 “(3) Amounts made available by this subsection shall
6 remain available until expended.

7 “(4) The Secretary shall publish annually in the Fed-
8 eral Register a detailed accounting of the projects, pro-
9 grams, and activities funded under this subsection.”.

10 **SEC. 10. BUDGET LIMITATIONS.**

11 (a) ADJUSTMENTS TO ANNUALIZED DISCRETIONARY
12 SPENDING LIMITS.—In the matter that precedes subpara-
13 graph (A) of section 251(b)(2) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985, strike
15 “through 2002”.

16 (b) DISCRETIONARY SPENDING LIMITS.—Section
17 251(c) of the Balanced Budget and Emergency Deficit
18 Control Act of 1985 is amended as follows:

19 (1) Strike paragraphs (1) through (7) and re-
20 designate paragraph (8) (which relates to fiscal year
21 2005) as paragraph (1) and in such redesignated
22 paragraph strike “(1) with respect to fiscal year
23 2005”, redesignate the remaining matter as sub-
24 paragraph (C), and before such redesignated matter
25 insert the following:

1 “(1) with respect to fiscal year 2005—

2 “(A) for the highway category:
3 \$31,113,000,000 in outlays;

4 “(B) for the mass transit category:
5 \$1,453,000,000 in new budget authority and
6 \$6,535,000,000 in outlays; and”.

7 (2) Redesignate paragraphs (9) through (16) as
8 paragraphs (2) through (9).

9 (c) CATEGORY DEFINED.—Section 250(c)(4) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985 is amended—

12 (1) in subparagraph (B) by inserting after
13 “Century” the following: “and the Surface Trans-
14 portation Extension Act of 2004, Part V”; and

15 (2) in subparagraph (C)—

16 (A) by inserting after “Century” the first
17 place it appears the following: “and the Surface
18 Transportation Extension Act of 2004, Part
19 V”; and

20 (B) by striking “that Act” and inserting
21 “those Acts”.

22 (d) CONFORMANCE WITH THE CONCURRENT RESO-
23 LUTION ON THE BUDGET FOR FISCAL YEAR 2005.—Not-
24 withstanding any other provision of law, all adjustments
25 made pursuant to section 110(a)(2) of title 23, United

1 States Code, to sums authorized to be appropriated from
2 the Highway Trust Fund (other than the Mass Transit
3 Account) to carry out each of the Federal-aid highway and
4 highway safety construction programs (other than emer-
5 gency relief) in fiscal year 2005 shall be deemed to be zero.

6 (e) SENSE OF CONGRESS ON ADJUSTMENT TO ALIGN
7 HIGHWAY SPENDING WITH REVENUES.—It is the sense
8 of Congress that, in any multiyear reauthorization of the
9 Federal-aid highway program, the alignment of highway
10 spending with revenues under section 251(b)(1)(B)(ii) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985 should be restructured to minimize year-to-year
13 fluctuations in highway spending levels and to ensure the
14 uniform enforcement of such levels.

15 (f) SENSE OF CONGRESS ON FULLY GUARANTEED
16 FUNDING.—It is the sense of Congress—

17 (1) in any multiyear law reauthorizing of the
18 Federal-aid highway program enacted after the date
19 of the enactment of this Act, the level of obligation
20 limitations for fiscal year 2005 under the highway
21 category and the mass transit category in section
22 8103 of the Transportation Equity Act for the 21st
23 Century (2 U.S.C. 901 note), as amended and ex-
24 tended, should equal the obligation limitations for
25 such categories authorized in such multiyear law;

1 (2) the highway account category obligation
 2 limitation level for fiscal year 2005 should be equal
 3 to the sum of the Federal Highway Administration,
 4 National Highway Safety Administration, and Fed-
 5 eral Motor Carrier Safety Administration obligation
 6 limitations for fiscal year 2005 in such multiyear
 7 law; and

8 (3) the mass transit category obligation limita-
 9 tion level for fiscal year 2005 should be equal to the
 10 sum of budget authority and obligation limitation
 11 authorizations for Federal Transit Administration
 12 programs for fiscal year 2005 in such multiyear re-
 13 authorization.

14 **SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.**

15 (a) HIGHWAY CATEGORY.—Section 8103(a) of the
 16 Transportation Equity Act for the 21st Century (2 U.S.C.
 17 901 note; 112 Stat. 492; 117 Stat. 1128) is amended—

18 (1) by striking “and” at the end of paragraph

19 (5);

20 (2) by striking the period at the end of para-
 21 graph (6) and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(7) for fiscal year 2005, \$35,392,000,000.”.

1 (b) MASS TRANSIT CATEGORY.—Section 8103(b) of
 2 such Act (2 U.S.C. 901 note; 112 Stat. 492; 117 Stat.
 3 1128) is amended—

4 (1) by striking “and” at the end of paragraph
 5 (5);

6 (2) by striking the period at the end of para-
 7 graph (6) and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(7) for fiscal year 2005, \$7,265,000,000.”.

10 (c) TREATMENT OF FUNDS.—Notwithstanding any
 11 other provision of law, funds made available under this
 12 Act, including the amendments made by this Act, shall
 13 be deemed to be zero for the purposes of section 110 of
 14 the title 23, United States Code.

15 **SEC. 12. EXTENSION OF HIGHWAY PROGRAMS THROUGH**
 16 **END OF FISCAL YEAR 2004.**

17 (a) ADVANCES.—Section 2(a) of the Surface Trans-
 18 portation Extension Act of 2003 (23 U.S.C. 104 note; 117
 19 Stat. 1110; 118 Stat. 876) is amended by striking “and
 20 the Surface Transportation Extension Act of 2004, Part
 21 IV” and inserting “the Surface Transportation Extension
 22 Act of 2004, Part IV, and the Surface Transportation Ex-
 23 tension Act of 2004, Part V”.

24 (b) AUTHORIZATION OF CONTRACT AUTHORITY.—
 25 Section 1101(c)(1) of the Transportation Equity Act for

1 the 21st Century (117 Stat. 1111; 118 Stat. 876) is
2 amended by striking “the period of October 1, 2003,
3 through September 24,” and inserting “fiscal year”.

4 (c) LIMITATION ON OBLIGATIONS.—Section 2(e) of
5 the Surface Transportation Extension Act of 2003 (117
6 Stat. 1111; 118 Stat. 478; 118 Stat. 876) is amended—

7 (1) by striking paragraphs (1) through (4) and
8 inserting:

9 “(1) DISTRIBUTION OF OBLIGATION AUTHOR-
10 ITY.—For the fiscal year 2004, the Secretary shall
11 distribute the obligation limitation made available
12 for Federal-aid highways and highway safety con-
13 struction programs under the heading ‘Federal-aid
14 highways’ in the Transportation, Treasury, and
15 Independent Agencies Appropriations Act, 2004 (di-
16 vision F of Public Law 108-199; 118 Stat. 291; 118
17 Stat. 1013), in accordance with section 110 of such
18 Act.”; and

19 (2) by redesignating paragraph (5) as para-
20 graph (2).

21 (d) PERIOD OF AVAILABILITY.—Obligation authority
22 made available for fiscal year 2004 under section 2 of the
23 Surface Transportation Extension Act of 2003 as a result
24 of the amendments made by this section, that is in addi-
25 tion to obligation authority previously made available for

1 fiscal year 2004 under section 2 of such Act (117 Stat.
2 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698; 118
3 Stat. 876), shall remain available for obligation during fis-
4 cal years 2004 and 2005, or for additional fiscal years
5 if so made available in a law enacted before the date of
6 enactment of this Act.

7 (e) PAYMENT FROM FUTURE APPORTIONMENTS.—
8 The Surface Transportation Extension Act of 2003 (117
9 Stat. 1110) is amended—

10 (1) by striking section 2(c) (117 Stat. 1111;
11 118 Stat. 877);

12 (2) by striking section 3(c)(1) (117 Stat. 1112)
13 and inserting the following:

14 “(1) IN GENERAL.—As soon as practicable
15 after the date of enactment of the Surface Transpor-
16 tation Extension Act of 2004, Part V, the Secretary
17 of Transportation shall restore any funds that a
18 State transferred under subsection (a).”; and

19 (3) by striking section 5(n) (117 Stat. 1119;
20 118 Stat. 483; 118 Stat. 632; 118 Stat. 703; 118
21 Stat. 881).

22 (f) SUPPLEMENTAL MINIMUM GUARANTEE.—

23 (1) GENERAL RULE.—For fiscal year 2004, the
24 Secretary shall allocate among the States amounts
25 sufficient to ensure that each State’s percentage of

1 the total apportionments for such fiscal year pursu-
2 ant to sections 2(a) and 5(c) of the Surface Trans-
3 portation Extension Act of 2003 and amounts ap-
4 portioned under this section shall equal the percent-
5 age listed for each State in section 105(b) of title
6 23, United States Code. The shares in such section
7 shall be adjusted in accordance with section 105(f)
8 of such title. The minimum amount allocated to a
9 State under this subsection for the fiscal year shall
10 be \$1,000,000.

11 (2) AUTHORIZATION.—There are authorized to
12 be appropriated out of the Highway Trust Fund
13 (other than the Mass Transit Account) such sums as
14 may be necessary to carry out this subsection for fis-
15 cal year 2004.

16 (3) ADMINISTRATION OF FUNDS.—Funds ap-
17 portioned to a State under this subsection—

18 (A) shall be available for obligation in the
19 same manner as if such funds were apportioned
20 to the State under chapter 1 of title 23, United
21 States Code;

22 (B) shall be combined with funds appor-
23 tioned to the State for the minimum guarantee
24 program under section 2(a) of the Surface
25 Transportation Extension Act of 2003; and

1 (C) shall be administered in the same man-
 2 ner as funds apportioned under section 105 of
 3 such title.

4 (4) OBLIGATION LIMITATION.—Funds appor-
 5 tioned under this subsection shall be subject to any
 6 limitation on obligations for Federal-aid highways
 7 and highway safety construction programs.

8 (g) CALCULATION OF ESTIMATED TRUST FUND
 9 CONTRIBUTIONS.—The amendment made by section 13(c)
 10 of this Act shall have no effect on the estimates of tax
 11 payments attributable to highway users in each State paid
 12 into the Highway Trust Fund for purposes of appor-
 13 tioning funds to States in fiscal year 2004 until enactment
 14 of a multiyear law reauthorizing surface transportation
 15 programs.

16 **SEC. 13. EXTENSION OF AUTHORIZATION FOR USE OF**
 17 **TRUST FUNDS FOR OBLIGATIONS UNDER**
 18 **TEA-21.**

19 (a) HIGHWAY TRUST FUND.—

20 (1) IN GENERAL.—Paragraph (1) of section
 21 9503(c) of the Internal Revenue Code of 1986 is
 22 amended—

23 (A) in the matter before subparagraph (A),
 24 by striking “October 1, 2004” and inserting
 25 “June 1, 2005”,

1 (B) by striking “or” at the end of subpara-
2 graph (I),

3 (C) by striking the period at the end of
4 subparagraph (J) and inserting “, or”,

5 (D) by inserting after subparagraph (J)
6 the following new subparagraph:

7 “(K) authorized to be paid out of the
8 Highway Trust Fund under the Surface Trans-
9 portation Extension Act of 2004, Part V.”, and

10 (E) in the matter after subparagraph (K),
11 as added by this paragraph, by striking “Sur-
12 face Transportation Extension Act of 2004,
13 Part IV” and inserting “Surface Transpor-
14 tation Extension Act of 2004, Part V”.

15 (2) MASS TRANSIT ACCOUNT.—Paragraph (3)
16 of section 9503(e) of such Code is amended—

17 (A) in the matter before subparagraph (A),
18 by striking “October 1, 2004” and inserting
19 “June 1, 2005”,

20 (B) in subparagraph (G), by striking “or”
21 at the end of such subparagraph,

22 (C) in subparagraph (H), by inserting “or”
23 at the end of such subparagraph,

24 (D) by inserting after subparagraph (H)
25 the following new subparagraph:

1 “(I) the Surface Transportation Extension
2 Act of 2004, Part V,” and

3 (E) in the matter after subparagraph (I),
4 as added by this paragraph, by striking “Sur-
5 face Transportation Extension Act of 2004,
6 Part IV” and inserting “Surface Transpor-
7 tation Extension Act of 2004, Part V”.

8 (3) EXCEPTION TO LIMITATION ON TRANS-
9 FERS.—Subparagraph (B) of section 9503(b)(5) of
10 such Code is amended by striking “October 1,
11 2004” and inserting “June 1, 2005”.

12 (4) CONFORMING AMENDMENT.—Subsection (a)
13 of section 10 of the Surface Transportation Exten-
14 sion Act of 2004, Part IV is amended by striking
15 paragraph (4).

16 (b) AQUATIC RESOURCES TRUST FUND.—

17 (1) SPORT FISH RESTORATION ACCOUNT.—
18 Paragraph (2) of section 9504(b) of the Internal
19 Revenue Code of 1986 is amended by striking “Sur-
20 face Transportation Extension Act of 2004, Part
21 IV” each place it appears and inserting “Surface
22 Transportation Extension Act of 2004, Part V”.

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

1 (A) by striking “October 1, 2004” and in-
2 serting “June 1, 2005”, and

3 (B) by striking “Surface Transportation
4 Extension Act of 2004, Part IV” and inserting
5 “Surface Transportation Extension Act of
6 2004, Part V”.

7 (3) EXCEPTION TO LIMITATION ON TRANS-
8 FERS.—Paragraph (2) of section 9504(d) of such
9 Code is amended by striking “October 1, 2004” and
10 inserting “June 1, 2005”.

11 (c) ALL ALCOHOL FUEL TAXES TRANSFERRED TO
12 HIGHWAY TRUST FUND FOR FISCAL YEAR 2004.—Sub-
13 paragraphs (E) and (F) of section 9503(b)(4) (relating
14 to certain taxes not transferred to Highway Trust Fund)
15 are each amended by inserting “before October 1, 2003,
16 and for the period beginning after September 30, 2004,
17 and” before “before October 1, 2005”.

18 (d) EFFECTIVE DATE.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the amendments made by this section
21 shall take effect on the date of the enactment of this
22 Act.

23 (2) TRANSFERS TO HIGHWAY TRUST FUND.—
24 The amendments made by subsection (c) shall apply
25 to taxes imposed after September 30, 2003.

1 (e) TEMPORARY RULE REGARDING ADJUSTMENTS.—
2 During the period beginning on the date of the enactment
3 of the Surface Transportation Extension Act of 2003 and
4 ending on May 31, 2005, for purposes of making any esti-
5 mate under section 9503(d) of the Internal Revenue Code
6 of 1986 of receipts of the Highway Trust Fund, the Sec-
7 retary of the Treasury shall treat—

8 (1) each expiring provision of paragraphs (1)
9 through (4) of section 9503(b) of such Code which
10 is related to appropriations or transfers to such
11 Fund to have been extended through the end of the
12 24-month period referred to in section
13 9503(d)(1)(B) of such Code, and

14 (2) with respect to each tax imposed under the
15 sections referred to in section 9503(b)(1) of such
16 Code, the rate of such tax during the 24-month pe-
17 riod referred to in section 9503(d)(1)(B) of such
18 Code to be the same as the rate of such tax as in
19 effect on the date of the enactment of the Surface
20 Transportation Extension Act of 2003.

21 (f) APPORTIONMENT OF HIGHWAY TRUST FUNDS
22 FOR FISCAL YEAR 2004.—Section 9503(d)(3) of the Inter-
23 nal Revenue Code of 1986 shall not apply to any appor-
24 tionment to the States of the amounts authorized to be

- 1 appropriated from the Highway Trust Fund for the fiscal
- 2 year ending September 30, 2004.

Passed the House of Representatives September 30,
2004.

Attest:

Clerk.

108TH CONGRESS
2D Session

H. R. 5183

AN ACT

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.