

108TH CONGRESS
2D SESSION

H. R. 5183

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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”.

1 **SEC. 2. ADVANCES.**

2 (a) IN GENERAL.—

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

10 (A) the State's total fiscal year 2004 obli-
11 gation authority for funds apportioned for the
12 Federal-aid highway program; bears to

13 (B) all States' total fiscal year 2004 obli-
14 gation authority for funds apportioned for the
15 Federal-aid highway program.

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

20 (b) PROGRAMMATIC DISTRIBUTIONS.—

21 (1) PROGRAMS.—Of the funds to be appor-
22 tioned to each State under subsection (a), the Sec-
23 retary shall ensure that the State is apportioned an
24 amount of the funds, determined under paragraph
25 (2), for the Interstate maintenance program, the
26 National Highway System program, the bridge pro-

1 gram, the surface transportation program, the con-
2 gestion mitigation and air quality improvement pro-
3 gram, the recreational trails program, the Appa-
4 lachian development highway system program, and
5 the minimum guarantee.

6 (2) IN GENERAL.—The amount that each State
7 shall be apportioned under this subsection for each
8 item referred to in paragraph (1) shall be deter-
9 mined by multiplying—

10 (A) the amount apportioned to the State
11 under subsection (a); by

12 (B) the ratio that—

13 (i) the amount of funds apportioned
14 for the item to the State for fiscal year
15 2004; bears to

16 (ii) the total of the amount of funds
17 apportioned for the items to the State for
18 fiscal year 2004.

19 (3) ADMINISTRATION OF FUNDS.—Funds au-
20 thorized by the amendment made under subsection
21 (d) shall be administered as if the funds had been
22 apportioned, allocated, deducted, or set aside, as the
23 case may be, under title 23, United States Code; ex-
24 cept that the deductions and set-asides in the fol-
25 lowing sections of such title shall not apply to such

1 funds: sections 104(a)(1)(A), 104(a)(1)(B),
 2 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1),
 3 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

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

15 (5) EXTENSION OF OFF-SYSTEM BRIDGE SET-
 16 ASIDE.—Section 144(g)(3) of title 23, United States
 17 Code, is amended by inserting after “2004” the fol-
 18 lowing: “and in the period of October 1, 2004,
 19 through May 31, 2005,”.

20 (c) REPAYMENT FROM FUTURE APPORTION-
 21 MENTS.—

22 (1) IN GENERAL.—The Secretary shall reduce
 23 the amount that would be apportioned, but for this
 24 section, to a State for programs under chapter 1 of
 25 title 23, United States Code, for fiscal year 2005,

1 under a multiyear law reauthorizing the Federal-aid
2 highway program enacted after the date of enact-
3 ment of this Act by the amount that is apportioned
4 to each State under subsection (a) and section 5(c)
5 for each such program.

6 (2) PROGRAM CATEGORY RECONCILIATION.—

7 The Secretary may establish procedures under which
8 funds apportioned under subsection (a) for a pro-
9 gram category for which funds are not authorized
10 under a law described in paragraph (1) may be re-
11 stored to the Federal-aid highway program.

12 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—

13 Section 1101 of the Transportation Equity Act for the
14 21st Century (112 Stat. 111–115; 117 Stat. 1118; 118
15 Stat. 876) is amended by adding at the end the following:

16 “(l) ADVANCE AUTHORIZATION FOR FISCAL YEAR
17 2005.—

18 “(1) IN GENERAL.—There shall be available
19 from the Highway Trust Fund (other than the Mass
20 Transit Account) to carry out section 2(a) of the
21 Surface Transportation Extension Act of 2004, Part
22 V \$21,311,774,667 for the period of October 1,
23 2004, through May 31, 2005.

24 “(2) SPECIAL RULE.—Funds apportioned under
25 section 2(a) of the Surface Transportation Exten-

1 sion Act of 2004, Part V shall be subject to a limita-
2 tion on obligations for Federal-aid highways and
3 highway safety construction programs.

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

9 (e) LIMITATION ON OBLIGATIONS.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 upon enactment of an Act making appropriations for
12 the Department of Transportation for fiscal year
13 2005 (other than an Act or resolution making con-
14 tinuing appropriations), the Secretary shall dis-
15 tribute $\frac{8}{12}$ of the obligation limitation for Federal-
16 aid highways and highway safety construction pro-
17 grams provided by such Act according to the provi-
18 sions of such Act.

19 (2) EXCEPTIONS.—

20 (A) DETERMINATION OF AMOUNTS.—Any
21 instruction in such Act that would require the
22 distribution or reservation of obligation limita-
23 tion prior to distributing the remainder of the
24 obligation limitation to the States shall be exe-
25 cuted as if the program, project, or activity for

1 which obligation limitation is so distributed or
2 reserved was authorized at an amount equiva-
3 lent to the greater of—

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

6 (ii) 8/12 of the amount provided for
7 or limitation set on such program, project,
8 or activity in the Act making appropria-
9 tions for the Department of Transpor-
10 tation for fiscal year 2005.

11 (B) MINIMUM GUARANTEE.—Obligations
12 for the period October 1, 2004, through May
13 31, 2005, shall not exceed the obligation limita-
14 tion distributed by this subsection, except that
15 this limitation shall not apply to \$426,000,000
16 in obligations for minimum guarantee for such
17 period.

18 (3) TIME PERIOD FOR OBLIGATIONS.—After
19 May 31, 2005, no funds shall be obligated for any
20 Federal-aid highway program project until the date
21 of enactment of a multiyear law reauthorizing the
22 Federal-aid highway program enacted after the date
23 of enactment of this Act.

24 (4) TREATMENT OF OBLIGATIONS.—Any obliga-
25 tion of obligation authority distributed under this

1 subsection shall be considered to be an obligation for
2 Federal-aid highways and highway safety construc-
3 tion programs for fiscal year 2005 for the purposes
4 of any obligation limitation set in an Act making ap-
5 propriations for the Department of Transportation
6 for fiscal year 2005.

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

8 (a) IN GENERAL.—In addition to any other authority
9 of a State to transfer funds, for fiscal year 2005, a State
10 may transfer any funds apportioned to the State for any
11 program under section 104(b) (including amounts appor-
12 tioned under section 104(b)(3) or set aside, made avail-
13 able, or suballocated under section 133(d)) or section 144
14 of title 23, United States Code, before, on, or after the
15 date of enactment of this Act, that are subject to any limi-
16 tation on obligations, and that are not obligated, to any
17 other of those programs.

18 (b) TREATMENT OF TRANSFERRED FUNDS.—Any
19 funds transferred to another program under subsection (a)
20 shall be subject to the provisions of the program to which
21 the funds are transferred, except that funds transferred
22 to a program under section 133 (other than subsections
23 (d)(1) and (d)(2)) of title 23, United States Code, shall
24 not be subject to section 133(d) of that title.

25 (c) RESTORATION OF APPORTIONMENTS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of a multiyear law reauthor-
3 izing the Federal-aid highway program enacted after
4 the date of enactment of this Act, the Secretary of
5 Transportation shall restore any funds that a State
6 transferred under subsection (a) for any project not
7 eligible for the funds but for this section to the pro-
8 gram category from which the funds were trans-
9 ferred.

10 (2) PROGRAM CATEGORY RECONCILIATION.—
11 The Secretary may establish procedures under which
12 funds transferred under subsection (a) from a pro-
13 gram category for which funds are not authorized
14 may be restored to the Federal-aid highway pro-
15 gram.

16 (3) LIMITATION ON STATUTORY CONSTRU-
17 TION.—No provision of law, except a statute enacted
18 after the date of enactment of this Act that ex-
19 pressly limits the application of this subsection, shall
20 impair the authority of the Secretary to restore
21 funds pursuant to this subsection.

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

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

4 (1) from amounts apportioned to the State for
5 the congestion mitigation and air quality improve-
6 ment program; and

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

11 **SEC. 4. ADMINISTRATIVE EXPENSES.**

12 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
13 There shall be available from the Highway Trust Fund
14 (other than the Mass Transit Account) for administrative
15 expenses of the Federal-aid highway program
16 \$234,682,667 for fiscal year 2005.

17 (b) CONTRACT AUTHORITY.—Funds made available
18 by this section shall be available for obligation in the same
19 manner as if such funds were apportioned under chapter
20 1 of title 23, United States Code, and shall be subject
21 to a limitation on obligations for Federal-aid highways and
22 highway safety construction programs; except that such
23 funds shall remain available until expended.

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

2 (a) AUTHORIZATION OF APPROPRIATIONS UNDER
3 TITLE I OF TEA21.—

4 (1) FEDERAL LANDS HIGHWAYS.—

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

9 (i) by inserting before the period at
10 the end the following: “and \$183,333,333
11 for the period of October 1, 2004, through
12 May 31, 2005”; and

13 (ii) by adding at the end the fol-
14 lowing: “The minimum amount made
15 available for such period that the Sec-
16 retary, in cooperation with the Secretary of
17 the Interior, shall reserve for Indian res-
18 ervation road bridges under section
19 202(d)(4) of title 23, United States Code,
20 shall be \$8,666,667 instead of
21 \$13,000,000.”.

22 (B) PUBLIC LANDS HIGHWAYS.—Section
23 1101(a)(8)(B) of such Act (112 Stat. 112; 118
24 Stat. 878) is amended by inserting before the
25 period at the end the following: “and

1 \$164,000,000 for the period of October 1,
2 2004, through May 31, 2005”.

3 (C) PARK ROADS AND PARKWAYS.—Sec-
4 tion 1101(a)(8)(C) of such Act (112 Stat. 112;
5 118 Stat. 878) is amended by inserting before
6 the period at the end the following: “and
7 \$110,000,000 for the period of October 1,
8 2004, through May 31, 2005”.

9 (D) REFUGE ROADS.—Section
10 1101(a)(8)(D) of such Act (112 Stat. 112; 118
11 Stat. 878) is amended by inserting before the
12 period at the end the following: “and
13 \$13,333,333 for the period of October 1, 2004,
14 through May 31, 2005”.

15 (2) NATIONAL CORRIDOR PLANNING AND DE-
16 VELOPMENT AND COORDINATED BORDER INFRA-
17 STRUCTURE PROGRAMS.—Section 1101(a)(9) of such
18 Act (112 Stat. 112; 118 Stat. 878) is amended by
19 inserting before the period at the end the following:
20 “and \$93,333,333 for the period of October 1, 2004,
21 through May 31, 2005”.

22 (3) CONSTRUCTION OF FERRY BOATS AND
23 FERRY TERMINAL FACILITIES.—

24 (A) IN GENERAL.—Section 1101(a)(10) of
25 such Act (112 Stat. 113; 118 Stat. 878) is

1 amended by inserting before the period at the
 2 end the following: “and \$25,333,333 for the pe-
 3 riod of October 1, 2004, through May 31,
 4 2005”.

5 (B) SET ASIDE FOR ALASKA, NEW JERSEY,
 6 AND WASHINGTON.—To carry out section 1064
 7 of the Intermodal Surface Transportation Effi-
 8 ciency Act of 1991 (23 U.S.C. 129 note; 105
 9 Stat. 2005; 112 Stat. 185; 118 Stat. 878), of
 10 funds made available by the amendment made
 11 by subparagraph (A)—

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

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

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

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

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

24 (B) by inserting before the period at the
 25 end the following: “, and \$17,666,667 for the

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

3 (5) VALUE PRICING PILOT PROGRAM.—Section
4 1101(a)(12) of such Act (112 Stat. 113; 118 Stat.
5 878) is amended by inserting before the period at
6 the end the following: “, and \$7,333,333 for the pe-
7 riod of October 1, 2004, through May 31, 2005”.

8 (6) HIGHWAY USE TAX EVASION PROJECTS.—
9 Section 1101(a)(14) of such Act (112 Stat. 113;
10 118 Stat. 878) is amended by inserting before the
11 period at the end the following: “and \$3,333,333 for
12 the period of October 1, 2004, through May 31,
13 2005”.

14 (7) COMMONWEALTH OF PUERTO RICO HIGH-
15 WAY PROGRAM.—

16 (A) IN GENERAL.—Section 1101(a)(15) of
17 such Act (112 Stat. 113; 118 Stat. 879) is
18 amended by inserting before the period at the
19 end the following: “and \$73,333,333 for the pe-
20 riod of October 1, 2004, through May 31,
21 2005”.

22 (B) CONFORMING AMENDMENT.—Section
23 1214(r)(1) of such Act (112 Stat. 209; 117
24 Stat. 1114) is amended by striking “2004” and
25 inserting “2005”.

1 (8) SAFETY GRANTS.—Section 1212(i)(1)(D) of
2 such Act (23 U.S.C. 402 note; 112 Stat. 196; 112
3 Stat. 840; 118 Stat. 879) is amended by inserting
4 before the period at the end the following: “and
5 \$333,333 for the period of October 1, 2004, through
6 May 31, 2005”.

7 (9) TRANSPORTATION AND COMMUNITY AND
8 SYSTEM PRESERVATION PILOT PROGRAM.—Section
9 1221(e)(1) of such Act (23 U.S.C. 101 note; 112
10 Stat. 223; 118 Stat. 879) is amended by inserting
11 before the period at the end the following: “and
12 \$16,666,667 for the period of October 1, 2004,
13 through May 31, 2005”.

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

17 (A) in subsection (a)(1)—

18 (i) by striking “and” at the end of
19 subparagraph (E);

20 (ii) by striking the period at the end
21 of subparagraph (F) and inserting “; and”;
22 and

23 (iii) by adding at the end the fol-
24 lowing:

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

3 (B) in subsection (a)(2) by inserting after
 4 “2004” the following: “and \$1,333,333 for the
 5 period of October 1, 2004, through May 31,
 6 2005”; and

7 (C) in subsection (c)—

8 (i) by striking “2004” and inserting
 9 “2005”; and

10 (ii) by striking the period at the end
 11 of the table and inserting the following:

“2005\$1,733,333,333.”.

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

18 (b) AUTHORIZATION OF APPROPRIATIONS UNDER
 19 TITLE V OF TEA21.—

20 (1) SURFACE TRANSPORTATION RESEARCH.—
 21 Section 5001(a)(1) of the Transportation Equity Act
 22 for the 21st Century (112 Stat. 419; 118 Stat. 879)
 23 is amended—

1 (A) by striking “2003, and” and inserting
2 “2003,”; and

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

6 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—
7 Section 5001(a)(2) of such Act (112 Stat. 419; 118
8 Stat. 879) is amended—

9 (A) by striking “2003, and” and inserting
10 “2003,”; and

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

14 (3) TRAINING AND EDUCATION.—Section
15 5001(a)(3) of such Act (112 Stat. 420; 118 Stat.
16 879) is amended—

17 (A) by striking “2003, and” and inserting
18 “2003,”; and

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

22 (4) BUREAU OF TRANSPORTATION STATIS-
23 TICS.—Section 5001(a)(4) of such Act (112 Stat.
24 420; 118 Stat. 879) is amended by inserting before
25 the period at the end the following: “, and

1 \$20,666,667 for the period of October 1, 2004,
2 through May 31, 2005”.

3 (5) ITS STANDARDS, RESEARCH, OPERATIONAL
4 TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of
5 such Act (112 Stat. 420; 118 Stat. 879) is amend-
6 ed—

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

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

12 (6) ITS DEPLOYMENT.—Section 5001(a)(6) of
13 such Act (112 Stat. 420; 118 Stat. 880) is amend-
14 ed—

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

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

20 (7) UNIVERSITY TRANSPORTATION RE-
21 SEARCH.—Section 5001(a)(7) of such Act (112 Stat.
22 420; 118 Stat. 880) is amended—

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

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

4 (c) METROPOLITAN PLANNING.—

5 (1) AUTHORIZATION OF CONTRACT AUTHOR-
6 ITY.—There shall be available from the Highway
7 Trust Fund (other than the Mass Transit Account)
8 to carry out section 134 of title 23, United States
9 Code, \$145,000,000 for the period of October 1,
10 2004, through May 31, 2005.

11 (2) DISTRIBUTION OF FUNDS.—The Secretary
12 shall distribute funds made available by this sub-
13 section to the States in accordance with section
14 104(f)(2) of title 23, United States Code.

15 (3) CONTRACT AUTHORITY.—Funds made
16 available by this subsection shall be available for ob-
17 ligation in the same manner as if such funds were
18 apportioned under chapter 1 of title 23, United
19 States Code, and shall be subject to a limitation on
20 obligations for Federal-aid highways and highway
21 safety construction programs.

22 (d) TERRITORIES.—Section 1101(d)(1) of the Trans-
23 portation Equity Act for the 21st Century (112 Stat. 111–
24 115; 117 Stat. 1116; 118 Stat. 880) is amended by insert-

1 ing after “2004” the following: “and \$24,266,667 for the
2 period of October 1, 2004, through May 31, 2005”.

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

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

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

15 (h) INTERSTATE MAINTENANCE.—Section
16 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880)
17 is amended by inserting after “2004” the following: “and
18 \$66,666,667 for the period of October 1, 2004, through
19 May 31, 2005”.

20 (i) RECREATIONAL TRAILS ADMINISTRATIVE
21 COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117;
22 118 Stat. 880) is amended by inserting after “2004” the
23 following: “and \$500,000 for the period of October 1,
24 2004, through May 31, 2005”.

1 (j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
2 NATION IN HIGH SPEED RAIL CORRIDORS.—Section
3 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 881)
4 is amended—

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

8 (2) by inserting before “for eligible” the fol-
9 lowing: “and not less than \$166,667 instead of
10 \$250,000 shall be available for the period of October
11 1, 2004, through May 31, 2005,”.

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

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

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

20 (l) ADMINISTRATION OF FUNDS.—Funds authorized
21 by the amendments made by this section shall be adminis-
22 tered as if the funds had been apportioned, allocated, de-
23 ducted, or set aside, as the case may be, under title 23,
24 United States Code, except that the deductions under sec-
25 tions 104(a)(1)(A) and 104(a)(1)(B) of such title shall not

1 apply to funds made available by the amendment made
2 by subsection (a)(1) of this section.

3 (m) REDUCTION OF ALLOCATED PROGRAMS.—The
4 Secretary of Transportation shall reduce the amount that
5 would be made available, but for this section, for fiscal
6 year 2005 for allocation under a program, that is contin-
7 ued both by a multiyear law reauthorizing such program
8 enacted after the date of enactment of this Act and by
9 this section, by the amount made available for such pro-
10 gram by this section.

11 (n) PROGRAM CATEGORY RECONCILIATION.—The
12 Secretary may establish procedures under which funds al-
13 located under this section for fiscal year 2005 for a pro-
14 gram category for which funds are not authorized for fis-
15 cal year 2005 under a multiyear law reauthorizing the
16 Federal-aid highway program enacted after the date of en-
17 actment of this Act may be restored to the Federal-aid
18 highway program.

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

20 (a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

21 (1) SEAT BELT SAFETY INCENTIVE GRANTS.—

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

24 (A) in subsection (a)(3) by striking
25 “2002” and inserting “2003”;

1 (B) in subsection (a)(8)(B) by striking
2 “2002” and inserting “2003”;

3 (C) in subsection (b) by striking “2003”
4 and inserting “2005”;

5 (D) in subsection (c)(1) by striking
6 “2003” and inserting “2004”;

7 (E) in subsection (c)(2) by striking
8 “2003” and inserting “2004”;

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

11 (G) in subsection (g)(1)—

12 (i) by striking “and”; and

13 (ii) by inserting before the period at
14 the end the following: “, and \$74,666,667
15 for the period of October 1, 2004, through
16 May 31, 2005”;

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

19 (I) in subsection (g)(3)(B) by striking
20 “2004” and inserting “2005”.

21 (2) PREVENTION OF INTOXICATED DRIVER IN-
22 CENTIVE GRANTS.—Section 163(e)(1) of such title is
23 amended—

24 (A) by striking “and”; and

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

5 (b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Sec-
6 tion 2009(a)(1) of the Transportation Equity Act for the
7 21st Century (112 Stat. 337; 118 Stat. 886) is amend-
8 ed—

9 (1) by striking “and”; and

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

13 (c) HIGHWAY SAFETY RESEARCH AND DEVELOP-
14 MENT.—Section 2009(a)(2) of such Act (112 Stat. 337;
15 118 Stat. 886) is amended by inserting after “2004” the
16 following: “, and \$48,000,000 for the period of October
17 1, 2004, through May 31, 2005”.

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

21 (1) by striking “and” the last place it appears;
22 and

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

1 (e) ALCOHOL-IMPAIRED DRIVING COUNTER-
2 MEASURES INCENTIVE GRANTS.—

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

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

7 (B) in subsection (a)(4)(C) by striking
8 “and seventh” and inserting “, seventh, and
9 eighth”.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—
11 Section 2009(a)(4) of such Act (112 Stat. 337; 118
12 Stat. 886) is amended—

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

15 (B) by inserting before the period at the
16 end the following: “, and \$26,666,667 for the
17 period of October 1, 2004, through May 31,
18 2005”.

19 (f) NATIONAL DRIVER REGISTER.—Section
20 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 886)
21 is amended by inserting after “2004” the following: “, and
22 \$2,400,000 for the period of October 1, 2004, through
23 May 31, 2005”.

24 (g) ALLOCATIONS.—Section 2009(b) of such Act
25 (112 Stat. 338) is amended—

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

3 (2) in paragraph (2) by striking “2004” and in-
4 serting “2005”.

5 (h) APPLICABILITY OF TITLE 23.—Section 2009(c)
6 of such Act (112 Stat. 338) is amended by striking
7 “2004” and inserting “2005”.

8 **SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY ADMINIS-**
9 **TRATION PROGRAM.**

10 (a) ADMINISTRATIVE EXPENSES.—

11 (1) IN GENERAL.—There shall be available
12 from the Highway Trust Fund (other than the Mass
13 Transit Account) for the Secretary of Transpor-
14 tation to pay administrative expenses of the Federal
15 Motor Carrier Safety Administration \$160,552,536
16 for the period of October 1, 2004, through May 31,
17 2005.

18 (2) USE OF FUNDS.—Funds authorized by this
19 subsection may be used for personnel costs; adminis-
20 trative infrastructure; rent; information technology;
21 and programs for research and technology, regu-
22 latory development, and other operating expenses
23 and similar matters. Such funds available may also
24 be used to make grants to, or enter into contracts
25 with, States, local governments, or other persons for

1 implementation of the Commercial Driver's License
2 Improvement Grants and the Border Enforcement
3 Grants programs.

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

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

9 (c) INFORMATION SYSTEMS AND COMMERCIAL DRIV-
10 ER'S LICENSE GRANTS.—

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

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

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

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

18 “(6) \$13,315,068 for the period of October 1,
19 2004 through May 31, 2005.”.

20 (2) EMERGENCY CDL GRANTS.—From amounts
21 made available by section 31107(a) of title 49,
22 United States Code, for the period of October 1,
23 2004 through May 31, 2005, the Secretary of
24 Transportation may make grants of up to \$665,753
25 to a State whose commercial driver's license pro-

1 gram may fail to meet the compliance requirements
2 of section 31311(a) of such title.

3 (d) CRASH CAUSATION STUDY.—There shall be avail-
4 able from the Highway Trust Fund (other than the Mass
5 Transit Account) for the Federal Motor Carrier Safety
6 Administration to continue the crash causation study re-
7 quired by section 224 of the Motor Carrier Safety Im-
8 provement Act of 1999 (49 U.S.C. 31100 note; 113 Stat.
9 1770–1771), \$665,753 for the period of October 1, 2004
10 through May 31, 2005.

11 (e) CONTRACT AUTHORITY.—Funds made available
12 by this section shall be available for obligation in the same
13 manner as if such funds were apportioned under chapter
14 1 of title 23, United States Code.

15 (f) RULE STAY.—The hours-of-service regulations
16 applicable to property-carrying commercial drivers con-
17 tained in the Final Rule published on April 28, 2003 (68
18 Fed. Reg. 22456–22517), as amended on September 30,
19 2003 (68 Fed. Reg. 56208–56212), and made applicable
20 to motor carriers and drivers on January 4, 2004, shall
21 be in effect until the earlier of—

22 (1) the effective date of a new final rule ad-
23 dressing the issues raised by the July 16, 2004, de-
24 cision of the United States Court of Appeals for the
25 District of Columbia in *Public Citizen, et al. v. Fed-*

1 eral Motor Carrier Safety Administration (No. 03–
2 1165); or

3 (2) September 30, 2005.

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

5 (a) **ALLOCATING AMOUNTS.**—Section 5309(m) of
6 title 49, United States Code, is amended—

7 (1) in the matter preceding subparagraph (A)
8 of paragraph (1) by inserting “and for the period of
9 October 1, 2004, through May 31, 2005” after
10 “2004”;

11 (2) in paragraph (2)(B) by inserting after
12 clause (ii) the following:

13 “(iii) **OCTOBER 1, 2004 THROUGH MAY**
14 31, 2005.—Of the amounts made available
15 under paragraph (1)(B), \$6,933,333 shall
16 be available for the period of October 1,
17 2004, through May 31, 2005, for capital
18 projects described in clause (i).”;

19 (3) in paragraph (3)(B) by inserting after
20 “2004” the following: “(and \$2,000,000 shall be
21 available for the period October 1, 2004, through
22 May 31, 2005)”; and

23 (4) in paragraph (3)(C) by inserting after
24 “2004)” the following: “, and \$33,333,333 shall be

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

3 (b) APPORTIONMENT OF APPROPRIATIONS FOR
4 FIXED GUIDEWAY MODERNIZATION.—The Secretary of
5 Transportation shall determine the amount that each ur-
6 banized area is to be apportioned for fixed guideway mod-
7 ernization under section 5337 of title 49, United States
8 Code, on a pro rata basis to reflect the partial fiscal year
9 2005 funding made available by sections
10 5338(b)(2)(A)(vii) and 5338(b)(2)(B)(vii) of such title.

11 (c) FORMULA GRANTS AUTHORIZATIONS.—Section
12 5338(a) of such title is amended—

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

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

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

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

23 “(vii) \$2,201,760,000 for the period
24 of October 1, 2004, through May 31,
25 2005.”;

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

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

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

9 (d) ALLOCATION OF FORMULA GRANT FUNDS FOR
10 OCTOBER 1, 2004, THROUGH MAY 31, 2005.—Of the ag-
11 gregate of amounts made available by and appropriated
12 under section 5338(a)(2) of title 49, United States Code,
13 for the period of October 1, 2004, through May 31,
14 2005—

15 (1) \$3,233,300 shall be available to the Alaska
16 Railroad for improvements to its passenger oper-
17 ations under section 5307 of such title;

18 (2) \$33,333,333 shall be available for clean
19 fuels formula grants under section 5308 of such
20 title;

21 (3) \$65,064,001 shall be available to provide
22 transportation services to elderly individuals and in-
23 dividuals with disabilities under section 5310 of such
24 title;

1 (4) \$172,690,702 shall be available to provide
2 financial assistance for other than urbanized areas
3 under section 5311 of such title;

4 (5) \$4,633,333 shall be available to provide fi-
5 nancial assistance in accordance with section
6 3038(g) of the Transportation Equity Act for the
7 21st Century; and

8 (6) \$2,473,245,331 shall be available to provide
9 financial assistance for urbanized areas under sec-
10 tion 5307 of such title.

11 (e) CAPITAL PROGRAM AUTHORIZATIONS.—Section
12 5338(b) of such title is amended—

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

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

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

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

23 “(vii) \$1,740,960,000 for the period
24 of October 1, 2004, through May 31,
25 2005.”; and

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

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

5 (f) PLANNING AUTHORIZATIONS AND ALLOCA-
 6 TIONS.—Section 5338(c) 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”;

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

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

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

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

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

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

23 and

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

1 (g) RESEARCH AUTHORIZATIONS.—Section 5338(d)
2 of such title is amended—

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

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

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

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

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

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

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

19 and

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

23 (h) ALLOCATION OF RESEARCH FUNDS FOR OCTO-
24 BER 1, 2004, THROUGH MAY 31, 2005.—Of the funds
25 made available by or appropriated under section