Public Law 109–37
109th Congress

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part IV”.

SEC. 2. ADVANCES.


(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking “$2,268,000,000” and inserting “$2,301,370,400”.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking “July 21” inserting “July 27”.


(1) in paragraph (1)—

(A) by striking “July 21” and inserting “July 27’’;


and

(C) by striking “80.8 percent” and inserting “82.2 percent”; and
(2) in paragraph (2)—
(A) by striking “July 21, 2005, shall not exceed $28,107,000,000” and inserting “July 27, 2005, shall not exceed $28,520,554,600”; and
(B) by striking “$517,590,000” and inserting “$525,205,602”; and
(3) in paragraph (3) by striking “July 21” and inserting “July 27”.

SEC. 3. ADMINISTRATIVE EXPENSES.


SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) Authorization of Appropriations Under Title I of TEA–21.—
(1) Federal lands highways.—
(i) in the first sentence by striking “$222,750,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$226,027,450 for the period of October 1, 2004, through July 27, 2005”; and
(ii) in the second sentence by striking “$10,530,000” and inserting “$10,684,934”.


(3) Construction of ferry boats and ferry terminal facilities.—
(A) In general.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346;


(i) in clause (i) by striking “$8,100,000” and inserting “$8,219,180”;

(ii) in clause (ii) by striking “$4,050,000” and inserting “$4,109,590”; and

(iii) in clause (iii) by striking “$4,050,000” and inserting “$4,109,590”.


(10) **Transportation Infrastructure Finance and Innovation.**—Section 188 of title 23, United States Code, is amended—
(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

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(B) in subsection (a)(2) by striking “$1,620,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$1,643,836 for the period of October 1, 2004, through July 27, 2005”; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking “$2,106,000,000” and inserting “$2,136,986,800”.


(A) by striking “$1,215,000” and inserting “$1,232,877”; and

(B) by striking “July 21” and inserting “July 27”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—


(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking “$81,000,000” and inserting “$82,191,800”;

(2) by striking “July 21” and inserting “July 27”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking “$81,000,000” and inserting “$82,191,800”;

(2) by striking “July 21” and inserting “July 27”.


(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking “$4,252,000” and inserting “$4,315,069”;

(2) by striking “$202,500” and inserting “$205,480”;

(3) by striking “July 21” each place it appears and inserting “July 27”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1) by striking “$8,100,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$8,219,180 for the period of October 1, 2004, through July 27, 2005”; and
(2) in paragraph (2) by striking “$8,100,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$8,219,180 for the period of October 1, 2004, through July 27, 2005”.


(m) Reduction of Allocated Programs.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended—


(2) by striking “and section 4 of the Surface Transportation Extension Act, Part III” the first place it appears and inserting “section 4 of the Surface Transportation Extension Act, Part III, and section 4 of the Surface Transportation Extension Act, Part IV”;

(3) by striking “, and section 4 of the Surface Transportation Extension Act, Part III” the second place it appears and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act, Part IV”.


SEC. 5. Extension of Highway Safety Programs.

(a) Chapter 1 Highway Safety Programs.—

(1) Seat belt safety incentive grants.—Section 157(g)(1) of title 23, United States Code, is amended by striking “$90,720,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$92,054,794 for the period of October 1, 2004, through July 27, 2005”.

(2) Prevention of intoxicated driver incentive grants.—Section 163(e)(1) of such title is amended by striking “$89,100,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$90,410,958 for the period of October 1, 2004, through July 27, 2005”.

is amended by striking “$133,650,000 for the period of October 1, 2004, through July 21, 2005” and inserting “$135,616,438 for the period of October 1, 2004, through July 27, 2005”.


(f) NATIONAL DRIVER REGISTER.—
   (2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.
   (b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:
   “(8) Not more than $138,904,110 for the period of October 1, 2004, through July 27, 2005.”.
   (c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—
   (1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:
   “(6) $16,438,356 for the period of October 1, 2004, through July 27, 2005.”.
(A) by striking “July 21” and inserting “July 27”; and
(B) by striking “$808,219” and inserting “$821,918”.

d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended—
(1) by striking “July 21” and inserting “July 27”; and
(2) by striking “$808,219” and inserting “$821,918”.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—
(1) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(2) in paragraph (2)(B)(iii)—
(A) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
(B) by striking “$8,424,000” and inserting “$8,547,000”; and
(C) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(3) in paragraph (3)(B)—
(A) by striking “$2,430,000” and inserting “$2,465,754”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(4) in paragraph (3)(C)—
(A) by striking “$40,500,000” and inserting “$41,095,900”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—
(1) in the heading to paragraph (2) by striking “JULY 21, 2005” and inserting “JULY 27, 2005”; and
(2) in paragraph (2)(A)(vii)—
(A) by striking “$2,793,483,000” and inserting “$2,795,000,000”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(3) in paragraph (2)(B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(4) in paragraph (2)(C) by striking “July 21, 2005” and inserting “July 27, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379) is amended—
(1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
(2) in the matter preceding paragraph (1) by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
(3) in paragraph (1) by striking “$3,928,459” and inserting “$3,986,261”; and
(4) in paragraph (2) by striking “$40,500,000” and inserting “$41,095,900”; and
(5) in paragraph (3) by striking “$79,052,761” and inserting “$79,100,000”; and
(6) in paragraph (4) by striking “$209,819,203” and inserting “$210,000,000”; and
(7) in paragraph (5) by striking “$5,629,500” and inserting “$5,712,330”.

d) Capital Program Authorizations.—Section 5338(b)(2) of title 49, United States Code, is amended—
   (1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (2) in subparagraph (A)(vii)—
      (A) by striking “$2,263,265,142” and inserting “$2,309,000,366”; and
      (B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
   (3) in subparagraph (B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”.

e) Planning Authorizations and Allocations.—Section 5338(c)(2) of title 49, United States Code, is amended—
   (1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (2) in subparagraph (A)(vii)—
      (A) by striking “$48,546,727” and inserting “$49,546,681”; and
      (B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
   (3) in subparagraph (B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”.

f) Research Authorizations.—Section 5338(d)(2) of title 49, United States Code, is amended—
   (1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (2) in subparagraph (A)(vii)—
      (A) by striking “$37,385,434” and inserting “$39,554,804”; and
      (B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
   (3) in subparagraph (B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”; and
   (4) in subparagraph (C) by striking “July 21, 2005” and inserting “July 27, 2005”.

(g) Allocation of Research Funds.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended—
   (1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (2) in the matter preceding paragraph (1) by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (3) in paragraph (1) by striking “$4,252,500” and inserting “$4,315,070”; and
   (4) in paragraph (2) by striking “$6,682,500” and inserting “$6,780,824”; and
   (5) in paragraph (3)—
      (A) by striking “$3,240,000” and inserting “$3,287,672”; and
      (B) by striking “$810,000” and inserting “$821,918”.

(h) University Transportation Research Authorizations.—Section 5338(e)(2) of title 49, United States Code, is amended—
   (1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
   (2) in subparagraph (A)—
(A) by striking “$4,060,000” and inserting “$4,131,508”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”;
(3) in subparagraph (B) by striking “July 21, 2005” and inserting “July 27, 2005”;
and
(4) in subparagraphs (C)(i) and (C)(iii) by striking “July 21, 2005” and inserting “July 27, 2005”.
(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—
(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 21, 2005” and inserting “July 27, 2005”;
(B) in paragraph (1)(A) by striking “$1,620,000” and inserting “$1,643,836”;
(C) in paragraph (1)(B) by striking “$1,620,000” and inserting “$1,643,836”; and
(D) in paragraph (2) by striking “July 21, 2005” and inserting “July 27, 2005”.
(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—
(1) in the heading by striking “JULY 21, 2005” and inserting “JULY 27, 2005”;
(2) in subparagraph (A)(vii)—
(A) by striking “$52,780,000” and inserting “$53,709,604”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(3) in subparagraph (B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”.
(1) in paragraph (1)(A)(vii)—
(A) by striking “$81,027,500” and inserting “$82,739,750”; and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”;
(2) in paragraph (1)(B)(vii) by striking “July 21, 2005” and inserting “July 27, 2005”; and
(3) in paragraph (2) by striking “July 21, 2005, not more than $8,100,000” and inserting “July 27, 2005, not more than $8,219,180”.
(1) by striking paragraph (1)(G) and inserting the following:
“(G) $5,712,330 for the period of October 1, 2004, through July 27, 2005.”; and
(2) in paragraph (2)—
(A) by striking “$1,407,375” and inserting “$1,428,082”;
and
(B) by striking “July 21, 2005” and inserting “July 27, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2)
of title 49, United States Code, is amended—
(1) in the heading by striking “JULY 21, 2005” and inserting
“JULY 27, 2005”; and
(2) in subparagraph (A) by striking “July 21, 2005” and
inserting “July 27, 2005”.

(n) Obligation Ceiling.—Section 3040(7) of the Transportation
Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158;
(1) by striking “$6,229,759,760” and inserting
“$6,335,343,944”; and
(2) by striking “July 21, 2005” and inserting “July 27,
2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section
3015(b) of the Transportation Equity Act for the 21st Century
Stat. 379) is amended—
(1) by striking “July 21, 2005” and inserting “July 27,
2005”; and
(2) by striking “$3,928,500” and inserting “$3,986,000”.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section
3015(c)(2)
of the Transportation Equity Act for the 21st Century (49 U.S.C.
119 Stat. 379) is amended—
(1) by striking “July 21, 2005” and inserting “July 27,
2005,”; and
(2) by striking “$4,050,000” and inserting “$4,100,000”.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTEN-
sions to Existing Systems.—Subsections (a), (b), and (c)(1)
of section 3030 of the Transportation Equity Act for the 21st Century
(112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119
Stat. 379) are amended by striking “July 21, 2005” and inserting
“July 27, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A),
(B), and (C) of section 3031(a)(3) of the Intermodal Surface

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity
119 Stat. 334; 119 Stat. 346; 119 Stat. 379) is amended by striking
“July 21, 2005” and inserting “July 27, 2005”.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) Funding for National Outreach and Communications
Program.—Section 4(c)(7) of the Dingell-Johnson Sport Fish
Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:
“(7) $8,219,180 for the period of October 1, 2004, through
July 27, 2005.”.
(b) **Clean Vessel Act Funding.**—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) **First 300 Days of Fiscal Year 2005.**—For the period of October 1, 2004, through July 27, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $66,500,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

(A) $8,219,180 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

(B) $6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code."

(c) **Boat Safety Funds.**—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$4,050,000" and inserting "$4,100,000"; and

(2) by striking "$1,620,003" and inserting "$1,643,836".

**SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.**

(a) **Highway Trust Fund.**—

(1) **In General.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking "July 22, 2005" and inserting "July 28, 2005";

(B) by striking "or" at the end of subparagraph (M);

(C) by striking the period at the end of subparagraph (N) and inserting "or"

(D) by inserting after subparagraph (N) the following new subparagraph:

"(O) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part IV."

(E) in the matter after subparagraph (O), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005, Part III" and inserting "Surface Transportation Extension Act of 2005, Part IV".

(2) **Mass Transit Account.**—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 22, 2005" and inserting "July 28, 2005";

(B) in subparagraph (K), by striking "or" at the end of such subparagraph;

(C) in subparagraph (L), by inserting "or" at the end of such subparagraph;
(D) by inserting after subparagraph (L) the following new subparagraph:

"(M) the Surface Transportation Extension Act of 2005, Part IV,”; and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part III” and inserting “Surface Transportation Extension Act of 2005, Part IV”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 22, 2005” and inserting “July 28, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005, Part III” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part IV”.

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

(A) by striking “July 22, 2005” and inserting “July 28, 2005”; and


(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 22, 2005” and inserting “July 28, 2005”.

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

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 27, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

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

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax during the period referred to in paragraph (1).
tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 22, 2005.