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H. R. 5183

One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twentieth day of January, two thousand and four

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 2004, Part V".

SEC. 2. ADVANCES.

(a) IN GENERAL.—

(1) APPORTIONMENT RATIO.—Except as provided in paragraph (2), the Secretary of Transportation shall apportion funds made available under section 1101(l) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 876), as amended by this section, to each State in the ratio that—

(A) the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(B) all States' total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

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

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

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

(B) the ratio that—

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

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

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

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $1,866,666,667 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after "2004" the following: "and in the period of October 1, 2004, through May 31, 2005,".

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

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

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115; 117 Stat. 1118; 118 Stat. 876) is amended by adding at the end the following:

"(l) ADVANCE AUTHORIZATION FOR FISCAL YEAR 2005.—

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

"(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2004, Part V shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

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

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2005 (other than an Act or resolution making continuing appropriations), the Secretary shall distribute 8/12 of the obligation limitation for Federal-aid highways and highway safety construction programs 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 in obligations for minimum guarantee for such period.

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

(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of any obligation limitation set in an Act making appropriations for the Department of Transportation for fiscal year 2005.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2005, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

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

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

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

(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred by a State under subsection (a)—

(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

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

SEC. 4. ADMINISTRATIVE EXPENSES.

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

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

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 877) is amended—

(i) by inserting before the period at the end the following: "and $183,333,333 for the period of October 1, 2004, through May 31, 2005"; and

(ii) by adding at the end the following: "The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be $8,666,667 instead of $13,000,000.".

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

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: "and $110,000,000 for the period of October 1, 2004, through May 31, 2005".

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

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: "and $93,333,333 for the period of October 1, 2004, through May 31, 2005".

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: "and $25,333,333 for the period of October 1, 2004, through May 31, 2005".

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

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

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

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

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

(A) by striking "and" the last place it appears; and

(B) by inserting before the period at the end the following: ", and $17,666,667 for the period of October 1, 2004, through May 31, 2005".

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

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

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113; 118 Stat. 879) is amended by inserting before the period at the end the following: "and $73,333,333 for the period of October 1, 2004, through May 31, 2005".

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

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

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

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "and" at the end of subparagraph (E);

(ii) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(iii) by adding at the end the following:

"(G) $86,666,667 for the period of October 1, 2004, through May 31, 2005.";

(B) in subsection (a)(2) by inserting after "2004" the following: "and $1,333,333 for the period of October 1, 2004, through May 31, 2005"; and

(C) in subsection (c)—

(i) by striking "2004" and inserting "2005"; and

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

"2005 ..... $1,733,333,333.".

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act of the 21st Century (112 Stat. 210) is amended by inserting before the period at the end "and $1,000,000 for the period of October 1, 2004, through May 31, 2005".

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

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

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $68,666,667 for the period of October 1, 2004, through May 31, 2005".

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

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $33,333,333 for the period of October 1, 2004, through May 31, 2005".

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

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $13,333,333 for the period of October 1, 2004, through May 31, 2005".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 879) is amended by inserting before the period at the end the following: ", and $20,666,667 for the period of October 1, 2004, through May 31, 2005".

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

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $73,333,333 for the period of October 1, 2004, through May 31, 2005".

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

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $81,333,333 for the period of October 1, 2004, through May 31, 2005".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 880) is amended—

(A) by striking "2003, and" and inserting "2003,"; and

(B) by inserting after "2004" the following: ", and $17,666,667 for the period of October 1, 2004, through May 31, 2005".

(c) METROPOLITAN PLANNING.—

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

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

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

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111–115; 117 Stat. 1116; 118 Stat. 880) is amended by inserting after "2004" the following: "and $24,266,667 for the period of October 1, 2004, through May 31, 2005".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 880) is amended by inserting after "2004" the

following: "and $12,533,333 for the period of October 1, 2004, through May 31, 2005".

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

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

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

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

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

(1) by inserting before "; except" the following: "and $3,500,000 for the period of October 1, 2004, through May 31, 2005"; and

(2) by inserting before "for eligible" the following: "and not less than $166,667 instead of $250,000 shall be available for the period of October 1, 2004, through May 31, 2005,".

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

(1) in paragraph (1) by inserting after "2004" the following: "and $6,666,667 for the period of October 1, 2004, through May 31, 2005"; and

(2) in paragraph (2) by inserting after "2004" the following: "and $6,666,667 for the period of October 1, 2004, through May 31, 2005".

(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2005 for allocation under a program, that is continued both by a multiyear law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2005 for a program category for which funds are not authorized for fiscal year 2005 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking "2002" and inserting "2003";

(B) in subsection (a)(8)(B) by striking "2002" and inserting "2003";

(C) in subsection (b) by striking "2003" and inserting "2005";

(D) in subsection (c)(1) by striking "2003" and inserting "2004";

(E) in subsection (c)(2) by striking "2003" and inserting "2004";

(F) in subsection (f)(4) by striking "2003" and inserting "2004";

(G) in subsection (g)(1)—

(i) by striking "and"; and

(ii) by inserting before the period at the end the following: ", and $74,666,667 for the period of October 1, 2004, through May 31, 2005";

(H) in the heading to subsection (g)(3)(B) by striking "2004" and inserting "2005"; and

(I) in subsection (g)(3)(B) by striking "2004" and inserting "2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended—

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and $73,333,333 for the period of October 1, 2004, through May 31, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 886) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", and $110,000,000 for the period of October 1, 2004, through May 31, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 886) is amended by inserting after "2004" the following: ", and $48,000,000 for the period of October 1, 2004, through May 31, 2005".

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

(1) by striking "and" the last place it appears; and

(2) by inserting before the period at the end the following: ", and $13,333,333 for the period of October 1, 2004, through May 31, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—

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

(A) in subsection (a)(3) by striking "7" and inserting "8"; and

(B) in subsection (a)(4)(C) by striking "and seventh" and inserting ", seventh, and eighth".

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

(A) by striking "and" the last place it appears; and

(B) by inserting before the period at the end the following: ", and $26,666,667 for the period of October 1, 2004, through May 31, 2005".

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

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

(1) in paragraph (1) by striking "2004" and inserting "2005"; and

(2) in paragraph (2) by striking "2004" and inserting "2005".

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

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration $160,552,536 for the period of October 1, 2004, through May 31, 2005.

(2) USE OF FUNDS.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and technology, regulatory development, and other operating expenses and similar matters. Such funds available may also be used to make grants to, or enter into contracts with, States, local governments, or other persons for implementation of the Commercial Driver's License Improvement Grants and the Border Enforcement Grants programs.

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

"(8) Not more than $112,512,329 for the period of October 1, 2004, through May 31, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) $13,315,068 for the period of October 1, 2004 through May 31, 2005.".

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

fail to meet the compliance requirements of section 31311(a) of such title.

(d) CRASH CAUSATION STUDY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770–1771), $665,753 for the period of October 1, 2004 through May 31, 2005.

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

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

(1) the effective date of a new final rule addressing the issues raised by the July 16, 2004, decision of the United States Court of Appeals for the District of Columbia in Public Citizen, et al. v. Federal Motor Carrier Safety Administration (No. 03–1165); or

(2) September 30, 2005.

SEC. 8. 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 inserting "and for the period of October 1, 2004, through May 31, 2005" after "2004";

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

"(iii) OCTOBER 1, 2004 THROUGH MAY 31, 2005.—Of the amounts made available under paragraph (1)(B), $6,933,333 shall be available for the period of October 1, 2004, through May 31, 2005, for capital projects described in clause (i).";

(3) in paragraph (3)(B) by inserting after "2004" the following: "(and $2,000,000 shall be available for the period October 1, 2004, through May 31, 2005)"; and

(4) in paragraph (3)(C) by inserting after "2004)" the following: ", and $33,333,333 shall be available for the period October 1, 2004, through May 31, 2005,".

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

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

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

(2) by striking "and" at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting "; and";

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

"(vii) $2,201,760,000 for the period of October 1, 2004, through May 31, 2005.";

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

"(vii) $550,440,000 for the period of October 1, 2004, through May 31, 2005."; and

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

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

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

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

(3) $65,064,001 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

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

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

(6) $2,473,245,331 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

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

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

(2) by striking "and" at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting "; and";

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

"(vii) $1,740,960,000 for the period of October 1, 2004, through May 31, 2005."; and

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

"(vii) $435,240,000 for the period of October 1, 2004, through May 31, 2005.".

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c) is amended—

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

(2) by striking "and" at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting "; and";

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

"(vii) $41,813,334 for the period of October 1, 2004, through May 31, 2005.";

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

"(vii) $10,453,333 for the period of October 1, 2004, through May 31, 2005."; and

(6) in paragraph (2)(C) by inserting "or any portion of a fiscal year" after "fiscal year".

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

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

(2) by striking "and" at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting "; and";

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

"(vii) $28,266,667 for the period of October 1, 2004, through May 31, 2005.";

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

"(vii) $7,066,667 for the period of October 1, 2004, through May 31, 2005."; and

(6) in paragraph (2)(C) by inserting after "a fiscal year" the following: "(other than for the period of October 1, 2004, through May 31, 2005)".

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

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

(2) not less than $5,500,000 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

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

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

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e) of such title is amended—

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

(2) in paragraph (2)(A) by inserting after "2004" the following: "and $3,200,000 for the period of October 1, 2004, through May 31, 2005";

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

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

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2004, through May 31, 2005—

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

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

(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of such title, any amounts made available under such section for the period October 1, 2004, through May 31, 2005, that remain after distribution under paragraph (1), shall be available for the purposes identified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).

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

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

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

(2) by striking "and" at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting "; and";

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

"(vii) $41,600,000 for the period of October 1, 2004, through May 31, 2005."; and

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

"(vii) $10,400,000 for the period of October 1, 2004, through May 31, 2005.".

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

(1) by striking "and" at the end of paragraphs (1)(A)(v) and (1)(B)(v);

(2) by striking the period at the end of paragraphs (1)(A)(vi) and (1)(B)(vi) and inserting "; and";

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

"(vii) $80,000,000 for the period of October 1, 2004, through May 31, 2005.";

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

"(vii) $20,000,000 for the period of October 1, 2004, through May 31, 2005."; and

(5) by inserting before the period at the end of paragraph (2) the following: "; except that in the period of October 1, 2004, through May 31, 2005, not more than $6,666,667 shall be used for such projects".

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such Act (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 885) is amended—

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

"(G) $3,500,000 for the period of October 1, 2004, through May 31, 2005."; and

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

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

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

(2) in paragraph (2)(A) by inserting "and for the period of October 1, 2004, through May 31, 2005" after "2004,".

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

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) $5,172,000,000 for the period of October 1, 2004, through May 31, 2005.".

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of such Act (112 Stat. 361; 118 Stat. 885) is amended by inserting "(or, in the case of the period of October 1, 2004, through May 31, 2005, $3,233,333)" after "$4,850,000".

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

(1) by inserting "and for the period of October 1, 2004, through May 31, 2005," after "2004,"; and

(2) by inserting "and $3,333,333 for such period" after "$5,000,000 per fiscal year".

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

(1) in subsections (a) and (b) by inserting "and for the period of October 1, 2004, through May 31, 2005," after "2004"; and

(2) in subsection (c)(1) by inserting "and for the period of October 1, 2004, through May 31, 2005" after "2004".

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 118 Stat. 885) are amended by inserting "and for the period of October 1, 2004, through May 31, 2005," after "2004,".

(t) TREATMENT OF FUNDS.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637;

118 Stat. 708; 118 Stat. 886) is amended by inserting "and for the period of October 1, 2004, through May 31, 2005" after "2004".

SEC. 9. SPORT FISHING AND BOATING SAFETY.

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

(1) by striking "and" at the end of paragraph (5);

(2) by inserting "and" after the semicolon at the end of paragraph (6); and

(3) by inserting after paragraph (6) the following:

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

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

(1) in paragraph (4) by striking the paragraph heading and inserting "FISCAL YEAR 2004";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) FIRST 8 MONTHS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through May 31, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $54,666,664, 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) $6,666,664 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) $5,333,334 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 to read as follows:

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

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

"(3) Amounts made available by this subsection shall remain available until expended.

"(4) The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

SEC. 10. BUDGET LIMITATIONS.

(a) ADJUSTMENTS TO ANNUALIZED DISCRETIONARY SPENDING LIMITS.—In the matter that precedes subparagraph (A) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, strike "through 2002".

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

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2005) as paragraph (1) and in such redesignated paragraph strike "(1) with respect to fiscal year 2005", redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

"(1) with respect to fiscal year 2005—

"(A) for the highway category: $31,113,000,000 in outlays;

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

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

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

(1) in subparagraph (B) by inserting after "Century" the following: "and the Surface Transportation Extension Act of 2004, Part V"; and

(2) in subparagraph (C)—

(A) by inserting after "Century" the first place it appears the following: "and the Surface Transportation Extension Act of 2004, Part V"; and

(B) by striking "that Act" and inserting "those Acts".

(d) CONFORMANCE WITH THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2005 shall be deemed to be zero.

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

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

(1) in any multiyear law reauthorizing of the Federal-aid highway program enacted after the date of the enactment

of this Act, the level of obligation limitations for fiscal year 2005 under the highway category and the mass transit category in section 8103 of the Transportation Equity Act for the 21st Century (2 U.S.C. 901 note), as amended and extended, should equal the obligation limitations for such categories authorized in such multiyear law;

(2) the highway account category obligation limitation level for fiscal year 2005 should be equal to the sum of the Federal Highway Administration, National Highway Safety Administration, and Federal Motor Carrier Safety Administration obligation limitations for fiscal year 2005 in such multiyear law; and

(3) the mass transit category obligation limitation level for fiscal year 2005 should be equal to the sum of budget authority and obligation limitation authorizations for Federal Transit Administration programs for fiscal year 2005 in such multiyear reauthorization.

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

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

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) for fiscal year 2005, $35,392,000,000.".

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

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) for fiscal year 2005, $7,265,000,000.".

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

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

(a) ADVANCES.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 876) is amended by striking "and the Surface Transportation Extension Act of 2004, Part IV" and inserting "the Surface Transportation Extension Act of 2004, Part IV, and the Surface Transportation Extension Act of 2004, Part V".

(b) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 876) is amended by striking "the period of October 1, 2003, through September 24," and inserting "fiscal year".

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

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

"(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—For the fiscal year 2004, the Secretary shall distribute the obligation

limitation made available for Federal-aid highways and highway safety construction programs under the heading 'Federal-aid highways' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 118 Stat. 1013), in accordance with section 110 of such Act."; and

(2) by redesignating paragraph (5) as paragraph (2).

(d) PERIOD OF AVAILABILITY.—Obligation authority made available for fiscal year 2004 under section 2 of the Surface Transportation Extension Act of 2003 as a result of the amendments made by this section, that is in addition to obligation authority previously made available for fiscal year 2004 under section 2 of such Act (117 Stat. 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698; 118 Stat. 876), shall remain available for obligation during fiscal years 2004 and 2005, or for additional fiscal years if so made available in a law enacted before the date of enactment of this Act.

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

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

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

"(1) IN GENERAL.—As soon as practicable after the date of enactment of the Surface Transportation Extension Act of 2004, Part V, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a)."; and

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

(f) SUPPLEMENTAL MINIMUM GUARANTEE.—

(1) GENERAL RULE.—For fiscal year 2004, the Secretary shall allocate among the States amounts sufficient to ensure that each State's percentage of the total apportionments for such fiscal year pursuant to sections 2(a) and 5(c) of the Surface Transportation Extension Act of 2003 and amounts apportioned under this section shall equal the percentage listed for each State in section 105(b) of title 23, United States Code. The shares in such section shall be adjusted in accordance with section 105(f) of such title. The minimum amount allocated to a State under this subsection for the fiscal year shall be $1,000,000.

(2) AUTHORIZATION.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection for fiscal year 2004.

(3) ADMINISTRATION OF FUNDS.—Funds apportioned to a State under this subsection—

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

(B) shall be combined with funds apportioned to the State for the minimum guarantee program under section 2(a) of the Surface Transportation Extension Act of 2003; and

(C) shall be administered in the same manner as funds apportioned under section 105 of such title.

(4) OBLIGATION LIMITATION.—Funds apportioned under this subsection shall be subject to any limitation on obligations

for Federal-aid highways and highway safety construction programs.

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

SEC. 13. 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 "October 1, 2004" and inserting "June 1, 2005";

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

(C) by striking the period at the end of subparagraph (J) and inserting ", or";

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

"(K) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part V."; and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part IV" and inserting "Surface Transportation Extension Act of 2004, Part V".

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

(A) in the matter before subparagraph (A), by striking "October 1, 2004" and inserting "June 1, 2005";

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

(C) in subparagraph (H), by inserting "or" at the end of such subparagraph;

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

"(I) the Surface Transportation Extension Act of 2004, Part V,"; and

(E) in the matter after subparagraph (I), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part IV" and inserting "Surface Transportation Extension Act of 2004, Part V".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking "October 1, 2004" and inserting "June 1, 2005".

(4) CONFORMING AMENDMENT.—Subsection (a) of section 10 of the Surface Transportation Extension Act of 2004, Part IV is amended by striking paragraph (4).

(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 2004, Part IV" each place it appears and inserting "Surface Transportation Extension Act of 2004, Part V".

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

(A) by striking "October 1, 2004" and inserting "June 1, 2005"; and

(B) by striking "Surface Transportation Extension Act of 2004, Part IV" and inserting "Surface Transportation Extension Act of 2004, Part V".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "October 1, 2004" and inserting "June 1, 2005".

(c) ALL ALCOHOL FUEL TAXES TRANSFERRED TO HIGHWAY TRUST FUND FOR FISCAL YEAR 2004.—Subparagraphs (E) and (F) of section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund) are each amended by inserting "before October 1, 2003, and for the period beginning after September 30, 2004, and" before "before October 1, 2005".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

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

(e) 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 May 31, 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 as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

(f) APPORTIONMENT OF HIGHWAY TRUST FUNDS FOR FISCAL YEAR 2004.—Section 9503(d)(3) of the Internal Revenue Code of 1986 shall not apply to any apportionment to the States of the amounts

authorized to be appropriated from the Highway Trust Fund for the fiscal year ending September 30, 2004.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.