

**Calendar No. 287**108TH CONGRESS  
1ST SESSION**S. 1640****[Report No. 108-154]**

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 22, 2003

Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 24, 2003

Reported by Mr. INHOFE, with amendments

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**A BILL**

To provide an extension of highway 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transportation Exten-  
3 sion Act of 2003”.

4 **SEC. 2. ADVANCES.**

5 (a) IN GENERAL.—The Secretary of Transportation  
6 (referred to in this Act as the “Secretary”) shall apportion  
7 funds made available under section 1101(c) of the Trans-  
8 portation Equity Act for the 21st Century (112 Stat.  
9 116), as amended by this Act, to each State in the ratio  
10 that—

11 (1) the total fiscal year 2003 obligation author-  
12 ity of the State for funds apportioned for the Fed-  
13 eral-aid highway program; bears to

14 (2) the total fiscal year 2003 obligation author-  
15 ity for all States for funds apportioned for the Fed-  
16 eral-aid highway program.

17 (b) PROGRAMMATIC DISTRIBUTIONS.—

18 (1) PROGRAMS.—Of the funds apportioned to  
19 each State under subsection (a), the Secretary shall  
20 ensure that the State is apportioned an amount of  
21 the funds, determined under paragraph (2), for each  
22 of—

23 (A) the Interstate maintenance program;

24 (B) the National Highway System pro-  
25 gram;

26 (C) the bridge program;

1 (D) the surface transportation program;

2 (E) the congestion mitigation and air qual-  
3 ity improvement program;

4 (F) the recreational trails program;

5 (G) the Appalachian development highway  
6 system program; and

7 (H) the minimum guarantee.

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

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

14 (B) the ratio that—

15 (i) the amount of funds apportioned  
16 for the item to the State for fiscal year  
17 2003; bears to

18 (ii) the total of the amount of funds  
19 apportioned for all items under paragraph  
20 (1) to the State for fiscal year 2003.

21 (3) ADMINISTRATION OF FUNDS.—

22 (A) IN GENERAL.—Except as provided in  
23 subparagraph (B), funds authorized by the  
24 amendment made under subsection (d) shall be  
25 administered as if the funds had been appor-

1           tioned, allocated, deducted, or set aside, as the  
2           case may be, under title 23, United States  
3           Code.

4                   (B) DEDUCTIONS AND SET-ASIDES.—The  
5           deductions and set-asides in sections  
6           104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A),  
7           104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1),  
8           118(c)(1), 140(b), 140(c), and 144(g)(1) of  
9           title 23, United States Code, shall not apply to  
10          the funds described in subparagraph (A).

11                   (4) SPECIAL RULES FOR MINIMUM GUAR-  
12          ANTEE.—In carrying out the minimum guarantee  
13          under section 105(c) of title 23, United States Code,  
14          with funds apportioned under this section for the  
15          minimum guarantee—

16                   (A) the \$2,800,000,000 set forth in para-  
17                  graph (1) of that section shall be treated as  
18                  being \$1,166,667,000; and

19                   (B) the aggregate of amounts apportioned  
20                  to the States under this section for the min-  
21                  imum guarantee shall be treated, for the pur-  
22                  pose of that section, as amounts made available  
23                  under section 105.

24                   (5) EXTENSION OF OFF SYSTEM BRIDGE SET  
25          ASIDE.—Section 144(g)(3) of title 23, United States

1 Code, is amended in the first sentence by inserting  
2 after “2003” the following: “and in the period be-  
3 ginning October 1, 2003, and ending February 29,  
4 2004.”.

5 (c) REPAYMENT FROM FUTURE APPORTION-  
6 MENTS.—

7 (1) IN GENERAL.—The Secretary shall reduce  
8 the amount that would be apportioned, but for this  
9 section, to a State for programs under chapter 1 of  
10 title 23, United States Code, for fiscal year 2004,  
11 under a law reauthorizing the Federal-aid highway  
12 program enacted after the date of enactment of this  
13 Act by the amount that is apportioned to each State  
14 under subsection (a) and section 5(c) for each such  
15 program.

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

22 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—  
23 Section 1101 of the Transportation Equity Act for the  
24 21st Century (112 Stat. 111) is amended by adding at  
25 the end the following:

1 “(c) ADVANCE AUTHORIZATION.—

2 “(1) IN GENERAL.—There shall be available  
3 from the Highway Trust Fund (other than the Mass  
4 Transit Account) to carry out section 2(a) of the  
5 Transportation Extension Act of 2003  
6 ~~\$13,570,125,000~~ \$13,624,305,000 for the period be-  
7 ginning October 1, 2003, and ending February 29,  
8 2004.

9 “(2) SPECIAL RULE.—Funds apportioned under  
10 section 2(a) of the Transportation Extension Act of  
11 2003 shall be subject to a limitation on obligations  
12 for Federal-aid highways and highway safety con-  
13 struction programs.

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

19 (e) LIMITATION ON OBLIGATIONS.—

20 (1) IN GENERAL.—Subject to paragraph (2),  
21 for the period beginning October 1, 2003, and end-  
22 ing February 29, 2004, the Secretary shall allocate  
23 to each State for programs funded under this section  
24 and sections 3 and 5(c), an amount of obligation au-  
25 thority made available under an Act making appro-

1        priations for the Department of Transportation for  
2        fiscal year 2004 that is—

3                (A) equal to the greater of—

4                        (i) the unobligated balance of the  
5                        State, as of October 1, 2003, of Federal-  
6                        aid highway apportionments subject to any  
7                        limitation on obligations (except that unob-  
8                        ligated balances of contract authority from  
9                        minimum guarantee and Appalachian de-  
10                      velopment highway system apportionments  
11                      for which obligation authority was made  
12                      available until used shall not be included  
13                      for the purpose of calculating the unobli-  
14                      gated balance of apportionments of a State  
15                      under this clause); or

16                      (ii) ~~50 percent~~ <sup>5/12</sup> of the total fiscal  
17                      year 2003 obligation authority of the State  
18                      for funds apportioned for the Federal-aid  
19                      highway program; but

20                (B) not greater than 75 percent of the  
21                total fiscal year 2003 obligation authority of the  
22                State for funds apportioned for the Federal-aid  
23                highway program.

24                (2) LIMITATION ON AMOUNT.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the total of all allocations  
3 under paragraph (1) and allocations for pro-  
4 grams funded under section 4 and 5 (other  
5 than section 5(c)) shall not exceed  
6 \$14,771,286,000.

7 (B) EXCEPTION.—Paragraph (1) shall not  
8 apply to \$266,250,000 in obligations for the  
9 minimum guarantee for the period beginning  
10 October 1, 2003, and ending February 29,  
11 2004.

12 (3) TIME PERIOD FOR OBLIGATIONS OF  
13 FUNDS.—A State shall not obligate any funds for  
14 any Federal-aid highway program project after Feb-  
15 ruary 29, 2004, until the date of enactment of a  
16 multiyear law reauthorizing the Federal-aid highway  
17 program.

18 (4) TREATMENT OF OBLIGATIONS.—Any obliga-  
19 tion of an allocation of obligation authority made  
20 under this subsection shall be considered to be an  
21 obligation for Federal-aid highways and highway  
22 safety construction programs for fiscal year 2004 for  
23 the purpose of the matter under the heading “(LIMI-  
24 TATION ON OBLIGATIONS)” under the heading  
25 “FEDERAL-AID HIGHWAYS” in an Act making

1 appropriations for the Department of Transpor-  
2 tation for fiscal year 2004.

3 (f) REVENUE ALIGNED BUDGET AUTHORITY.—Sec-  
4 tion 110 of title 23, United States Code, shall not apply  
5 to funds apportioned, allocated, deducted, or set aside  
6 under this Act for the period beginning October 1, 2003,  
7 and ending February 29, 2004.

8 **SEC. 3. TRANSFER OF UNOBLIGATED APPORTIONMENTS.**

9 (a) IN GENERAL.—In addition to any other authority  
10 of a State to transfer funds, for fiscal year 2004, a State  
11 may transfer any funds apportioned to the State for any  
12 program under section 104(b) (including amounts appor-  
13 tioned under section 104(b)(3) or set aside, made avail-  
14 able, or suballocated under section 133(d)) or section 144  
15 of title 23, United States Code), before, on, or after the  
16 date of enactment of this Act, that are subject to any limi-  
17 tation on obligations, and that are not obligated, to any  
18 other of those programs.

19 (b) TREATMENT OF TRANSFERRED FUNDS.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), any funds of a program described in sub-  
22 section (a) that are transferred to another program  
23 described in that subsection shall be subject to the  
24 provisions of the program to which the funds are  
25 transferred.

1           (2) EXCEPTION.—Funds of a program de-  
2       scribed in subsection (a) that are transferred to a  
3       program under section 133 (other than subsections  
4       (d)(1) and (d)(2)) of title 23, United States Code,  
5       shall not be subject to section 133(d) of that title.

6       (c) RESTORATION OF APPORTIONMENTS.—

7           (1) IN GENERAL.—As soon as practicable after  
8       the date of enactment of a multiyear law reauthor-  
9       izing the Federal-aid highway program enacted after  
10      the date of enactment of this Act, the Secretary of  
11      Transportation shall restore any funds that a State  
12      transferred under subsection (a) for any project that  
13      was ineligible to receive the funds except by oper-  
14      ation of this section to the program category from  
15      which the funds were transferred.

16          (2) PROGRAM CATEGORY RECONCILIATION.—  
17      The Secretary may establish procedures under which  
18      funds transferred under subsection (a) from a pro-  
19      gram category for which funds are not authorized  
20      may be restored to the Federal-aid highway pro-  
21      gram.

22          (3) LIMITATION ON STATUTORY CONSTRUC-  
23      TION.—No provision of law, except a statute enacted  
24      after the date of enactment of this Act that ex-  
25      pressly limits the application of this subsection, shall

1       impair the authority of the Secretary to restore  
2       funds in accordance with this subsection.

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

5       **SEC. 4. ADMINISTRATIVE EXPENSES.**

6       (a) AUTHORIZATION OF CONTRACT AUTHORITY.—  
7       There shall be available from the Highway Trust Fund  
8       (other than the Mass Transit Account) for administrative  
9       expenses of the Federal-aid highway program  
10      \$187,500,000 for fiscal year 2004.

11      (b) CONTRACT AUTHORITY.—Funds made available  
12      by this section shall—

13           (1) be available for obligation in the same man-  
14           ner as if the funds were apportioned under chapter  
15           1 of title 23, United States Code;

16           (2) be subject to a limitation on obligations for  
17           Federal-aid highways and highway safety construc-  
18           tion programs; and

19           (3) remain available until expended.

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

21      (a) AUTHORIZATION OF APPROPRIATIONS UNDER  
22      TITLE I OF TEA-21.—

23           (1) FEDERAL LANDS HIGHWAYS.—

24                   (A) INDIAN RESERVATION ROADS.—Sec-  
25                   tion 1101(a)(8)(A) of the Transportation Equity

1 Act for the 21st Century (112 Stat. 112) is  
2 amended by inserting before the period at the  
3 end the following: “and \$114,583,000 for the  
4 period beginning October 1, 2003, and ending  
5 February 29, 2004 (except that the minimum  
6 amount made available for that period that the  
7 Secretary, in cooperation with the Secretary of  
8 the Interior, shall reserve for Indian reservation  
9 road bridges under section 202(d)(4) of title 23,  
10 United States Code, shall be \$5,416,000 in-  
11 stead of \$13,000,000)”.

12 (B) PUBLIC LANDS HIGHWAYS.—Section  
13 1101(a)(8)(B) of the Transportation Equity  
14 Act for the 21st Century (112 Stat. 112) is  
15 amended by inserting before the period at the  
16 end the following: “and \$102,500,000 for the  
17 period beginning October 1, 2003, and ending  
18 February 29, 2004.”

19 (C) PARK ROADS AND PARKWAYS.—Sec-  
20 tion 1101(a)(8)(C) of the Transportation Eq-  
21 uity Act for the 21st Century (112 Stat. 112)  
22 is amended by inserting before the period at the  
23 end the following: “and \$68,750,000 for the pe-  
24 riod beginning October 1, 2003, and ending  
25 February 29, 2004”.

1                   (D)           REFUGE           ROADS.—Section  
2                   1101(a)(8)(D) of the Transportation Equity  
3                   Act for the 21st Century (112 Stat. 112) is  
4                   amended by inserting before the period at the  
5                   end the following: “and \$8,333,000 for the pe-  
6                   riod beginning October 1, 2003, and ending  
7                   February 29, 2004”.

8                   (2) NATIONAL CORRIDOR PLANNING AND DE-  
9                   VELOPMENT AND COORDINATED BORDER INFRA-  
10                  STRUCTURE PROGRAMS.—Section 1101(a)(9) of the  
11                  Transportation Equity Act for the 21st Century  
12                  (112 Stat. 112) is amended by inserting before the  
13                  period at the end the following: “and \$58,333,000  
14                  for the period beginning October 1, 2003, and end-  
15                  ing February 29, 2004”.

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

18                         (A) IN GENERAL.—Section 1101(a)(10) of  
19                         the Transportation Equity Act for the 21st  
20                         Century (112 Stat. 112) is amended by striking  
21                         “for each of fiscal year 1998” and all that fol-  
22                         lows and inserting “for fiscal year 1998,  
23                         \$38,000,000 for each of fiscal years 1999  
24                         through 2003, and \$15,833,000 for the period

1 beginning October 1, 2003, and ending Feb-  
 2 ruary 29, 2004”.

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

10 (i) \$4,166,000 shall be available to  
 11 carry out section 1064(d)(2) of that Act;

12 (ii) \$2,083,000 shall be available to  
 13 carry out section 1064(d)(3) of that Act;

14 and

15 (iii) \$2,083,000 shall be available to  
 16 carry out section 1064(d)(4) of that Act.

17 (4) NATIONAL SCENIC BYWAYS PROGRAM.—  
 18 Section 1101(a)(11) of the Transportation Equity  
 19 Act for the 21st Century (112 Stat. 113) is amend-  
 20 ed—

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

23 (B) by inserting before the period at the  
 24 end the following: “, and \$11,041,000 for the

1 period beginning October 1, 2003, and ending  
2 February 29, 2004”.

3 (5) VALUE PRICING PILOT PROGRAM.—Section  
4 1101(a)(12) of the Transportation Equity Act for  
5 the 21st Century (112 Stat. 113) is amended—

6 (A) by striking “and”; and

7 (B) by inserting before the period at the  
8 end the following: “, and \$4,583,000 for the pe-  
9 riod of October 1, 2003, through February 29,  
10 2004”.

11 (6) HIGHWAY USE TAX EVASION PROJECTS.—  
12 Section 1101(a)(14) of the Transportation Equity  
13 Act for the 21st Century (112 Stat. 113) is amend-  
14 ed by inserting before the period at the end the fol-  
15 lowing: “, and \$2,083,000 for the period beginning  
16 October 1, 2003, and ending February 29, 2004”.

17 (7) COMMONWEALTH OF PUERTO RICO HIGH-  
18 WAY PROGRAM.—

19 (A) IN GENERAL.—Section 1101(a)(15) of  
20 the Transportation Equity Act for the 21st  
21 Century (112 Stat. 113) is amended by insert-  
22 ing before the period at the end the following:  
23 “and \$45,833,000 for the period beginning Oc-  
24 tober 1, 2003, and ending February 29, 2004”.

1 (B) CONFORMING AMENDMENT.—Section  
 2 1214(r)(1) of the Transportation Equity Act  
 3 for the 21st Century (112 Stat. 209) is amend-  
 4 ed by striking “2003” and inserting “2004”.

5 (8) TRANSPORTATION AND COMMUNITY AND  
 6 SYSTEM PRESERVATION PILOT PROGRAM.—Section  
 7 1221(e)(1) of the Transportation Equity Act for the  
 8 21st Century (23 U.S.C. 101 note; 112 Stat. 223)  
 9 is amended—

10 (A) by striking “1999 and” and inserting  
 11 “1999,”; and

12 (B) by inserting before the period at the  
 13 end the following: “and \$10,416,000 for the pe-  
 14 riod beginning October 1, 2003, and ending  
 15 February 29, 2004”.

16 ~~(9) TRANSPORTATION INFRASTRUCTURE FI-~~  
 17 ~~NANCE AND INNOVATION.—Section 188 of title 23,~~  
 18 ~~United States Code, is amended—~~

19 ~~(A) in subsection (a)(1)—~~

20 ~~(i) in subparagraph (D), by striking~~  
 21 ~~“and” at the end;~~

22 ~~(ii) in subparagraph (E), by striking~~  
 23 ~~the period at the end and inserting “;~~  
 24 ~~and”;~~ and

1 (iii) by adding at the end the fol-  
2 lowing:

3 ~~“(F) \$54,166,000 for the period beginning~~  
4 ~~October 1, 2003, and ending February 29,~~  
5 ~~2004.”;~~

6 (B) in subsection (a)(2), by inserting after  
7 “2003” the following: “and \$833,000 for the  
8 period beginning October 1, 2003, and ending  
9 February 29, 2004”; and

10 (C) in subsection (c)—

11 (i) by striking “2003” and inserting  
12 “2004”; and

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

~~“2004 ..... \$1,300,000,000.”~~

15 (9) *TRANSPORTATION INFRASTRUCTURE FINANCE*  
16 *AND INNOVATION.*—*Section 1101 of the Transpor-*  
17 *tation Equity Act for the 21st Century (112 Stat.*  
18 *111) (as amended by section 2(d)) is amended by*  
19 *adding at the end the following:*

20 “(d) *TRANSPORTATION INFRASTRUCTURE FINANCE*  
21 *AND INNOVATION.*—

22 “(1) *IN GENERAL.*—*There shall be available from*  
23 *the Highway Trust Fund (other than the Mass Tran-*  
24 *sit Account) \$54,166,000 to the Secretary to carry out*  
25 *the program under subchapter II of chapter 1 of title*

1       23, *United States Code*, for the period beginning Oc-  
2       tober 1, 2003, and ending February 29, 2004.

3               “(2) *ADMINISTRATIVE COSTS.*—*Of the funds*  
4       *made available under paragraph (1), not more than*  
5       *\$833,000 shall be available for administrative costs.*

6               “(3) *CONTRACT AUTHORITY.*—*Funds made avail-*  
7       *able by this subsection shall be—*

8                       “(A) *available for obligation, except as pro-*  
9       *vided in this section, in the same manner as if*  
10       *the funds were made available under section 188*  
11       *of title 23, United States Code; and*

12                      “(B) *subject to any limitation on obliga-*  
13       *tions for Federal-aid highways and highway*  
14       *safety construction programs.*

15               “(4) *LIMITATION ON CREDIT AMOUNTS.*—*For the*  
16       *period beginning October 1, 2003, and ending Feb-*  
17       *ruary 29, 2004, principal amounts of Federal credit*  
18       *instruments made available under subchapter II of*  
19       *chapter 1 of title 23, United States Code, shall be lim-*  
20       *ited to \$1,300,000,000.”.*

21       (b) **REAUTHORIZATION OF APPROPRIATIONS UNDER**  
22 **TITLE V OF TEA-21.**—

23               (1) **SURFACE TRANSPORTATION RESEARCH.**—

24       Section 5001(a)(1) of the Transportation Equity Act  
25       for the 21st Century (112 Stat. 419) is amended—

1 (A) by striking “2002, and” and inserting  
2 “2002,”; and

3 (B) by inserting after “2003” the fol-  
4 lowing: “and \$42,916,000 for the period begin-  
5 ning October 1, 2003, and ending February 29,  
6 2004”.

7 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—  
8 Section 5001(a)(2) of the Transportation Equity Act  
9 for the 21st Century (112 Stat. 419) is amended—

10 (A) by striking “2002, and” and inserting  
11 “2002,”; and

12 (B) by inserting after “2003” the fol-  
13 lowing: “and \$20,833,000 for the period begin-  
14 ning October 1, 2003, and ending February 29,  
15 2004”.

16 (3) TRAINING AND EDUCATION.—Section  
17 5001(a)(3) of the Transportation Equity Act for the  
18 21st Century (112 Stat. 420) is amended—

19 (A) by striking “2002, and” and inserting  
20 “2002,”; and

21 (B) by inserting after “2003” the fol-  
22 lowing: “and \$8,333,000 for the period begin-  
23 ning October 1, 2003, and ending February 29,  
24 2004”.

1           (4) BUREAU OF TRANSPORTATION STATIS-  
2           TICS.—Section 5001(a)(4) of the Transportation  
3           Equity Act for the 21st Century (112 Stat. 420) is  
4           amended by inserting before the period at the end  
5           the following: “, and \$12,916,000 for the period be-  
6           ginning October 1, 2003, and ending February 29,  
7           2004”.

8           (5) ITS STANDARDS, RESEARCH, OPERATIONAL,  
9           TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of  
10          the Transportation Equity Act for the 21st Century  
11          (112 Stat. 420) is amended—

12                   (A) by striking “2002, and” and inserting

13                   “2002,”; and

14                   (B) by inserting after “2003” the fol-  
15                   lowing: “, and \$45,833,000 for the period be-  
16                   ginning October 1, 2003, and ending February  
17                   29, 2004”.

18          (6) ITS DEPLOYMENT.—Section 5001(a)(6) of  
19          the Transportation Equity Act for the 21st Century  
20          (112 Stat. 420) is amended—

21                   (A) by striking “2002, and” and inserting

22                   “2002,”; and

23                   (B) by inserting after “2003” the fol-  
24                   lowing: “, \$50,833,000 for the period beginning

1           October 1, 2003, and ending February 29,  
2           2004”.

3           (7) UNIVERSITY TRANSPORTATION RE-  
4           SEARCH.—Section 5001(a)(7) of the Transportation  
5           Equity Act for the 21st Century (112 Stat. 420) is  
6           amended—

7                   (A) by striking “2002, and ” and inserting  
8           “2002,”; and

9                   (B) by inserting after “2003” the fol-  
10           lowing: “, \$11,041,000 for the period beginning  
11           October 1, 2003, and ending February 29,  
12           2004”.

13           (c) METROPOLITAN PLANNING.—Section 1101 of the  
14           Transportation Equity Act for the 21st Century (112  
15           Stat. 111) (as amended by section ~~2(d)~~ 5(a)(9) is amend-  
16           ed by adding at the end the following:

17           “~~(d)~~ (e) METROPOLITAN PLANNING.—

18                   “(1) IN GENERAL.—In lieu of the amount set  
19           aside under section 104(f) of title 23, United States  
20           Code, there shall be available from the Highway  
21           Trust Fund (other than the Mass Transit Account)  
22           to carry out section 134 of title 23, United States  
23           Code, \$81,166,000 for the period beginning October  
24           1, 2003, and ending February 29, 2004.

1           “(2) DISTRIBUTION OF FUNDS.—The Secretary  
2 shall distribute funds made available by this sub-  
3 section to the States in accordance with section  
4 104(f)(2) of title 23, United States Code.

5           “(3) CONTRACT AUTHORITY.—Funds made  
6 available by this subsection shall—

7                   “(A) be available for obligation in the same  
8 manner as if the funds were apportioned under  
9 chapter 1 of title 23, United State Code; and

10                   “(B) shall be subject to a limitation on ob-  
11 ligations for Federal-aid highways and highway  
12 safety construction programs.”.

13           (d) TERRITORIES.—Section 1101 of the Transpor-  
14 tation Equity Act for the 21st Century (112 Stat. 111)  
15 (as amended by subsection (c)) is amended by adding at  
16 the end the following:

17           “~~(e)~~ (f) TERRITORIES.—

18                   “(1) IN GENERAL.—In lieu of the amounts de-  
19 ducted under section 104(b)(1) of title 23, United  
20 States Code, there shall be available from the High-  
21 way Trust Fund (other than the Mass Transit Ac-  
22 count) for the Virgin Islands, Guam, American  
23 Samoa, and the Commonwealth of the Northern  
24 Mariana Islands \$15,166,000 for the period begin-

1       ning October 1, 2003, and ending February 29,  
2       2004.

3               “(2) CONTRACT AUTHORITY.—Funds made  
4       available by this subsection shall—

5                       “(A) be available for obligation in the same  
6       manner as if the funds were apportioned under  
7       chapter 1 of title 23, United States Code; and

8                       “(B) shall be subject to a limitation on ob-  
9       ligations for Federal-aid highways and highway  
10      safety construction programs.”.

11      (e) OPERATION LIFESAVER.—Section 1101 of the  
12      Transportation Equity Act for the 21st Century (112  
13      Stat. 111) (as amended by subsection (d)) is amended by  
14      adding at the end the following:

15               “~~(f)~~ (g) OPERATION LIFESAVER.—

16                       “(1) IN GENERAL.—In lieu of the amount set  
17      aside under section 104(d)(1) of title 23, United  
18      States Code, there shall be available from the High-  
19      way Trust Fund (other than the Mass Transit Ac-  
20      count) to carry out the operation lifesaver program  
21      under that section \$208,000 for the period begin-  
22      ning October 1, 2003, and ending February 29,  
23      2004.

24               “(2) CONTRACT AUTHORITY.—Funds made  
25      available by this subsection shall—

1           “(A) be available for obligation in the same  
2           manner as if the funds were apportioned under  
3           chapter 1 of title 23, United States Code; and

4           “(B) shall be subject to a limitation on ob-  
5           ligations for Federal-aid highways and highway  
6           safety construction programs.”.

7           (f) BRIDGE DISCRETIONARY PROGRAM.—Section  
8           1101 of the Transportation Equity Act for the 21st Cen-  
9           tury (112 Stat. 111) (as amended by subsection (e)) is  
10          amended by adding at the end the following:

11          “~~(g)~~ (h) BRIDGE DISCRETIONARY PROGRAM.—

12           “(1) IN GENERAL.—There shall be available  
13           from the Highway Trust Fund (other than the Mass  
14           Transit Account) \$41,666,000 to the Secretary for  
15           use at the discretion of the Secretary in carrying out  
16           section 144(g) of title 23, United States Code, for  
17           the period beginning October 1, 2003, and ending  
18           February 29, 2004.

19           “(2) CONTRACT AUTHORITY.—Funds made  
20           available by this subsection shall—

21           “(A) be available for obligation in the same  
22           manner as if the funds were apportioned under  
23           chapter 1 of title 23, United States Code; and

1           “(B) shall be subject to a limitation on ob-  
2           ligations for Federal-aid highways and highway  
3           safety construction programs.”.

4           (g) INTERSTATE MAINTENANCE.—Section 1101 of  
5 the Transportation Equity Act for the 21st Century (112  
6 Stat. 111) (as amended by subsection (f)) is amended by  
7 adding at the end the following:

8           “~~(h)~~ (i) INTERSTATE MAINTENANCE.—

9           “(1) IN GENERAL.—There shall be available  
10          from the Highway Trust Fund (other than the Mass  
11          Transit Account) \$41,666,000 to the Secretary to  
12          carry out projects described in section 118(c)(1) of  
13          title 23, United States Code, for the period begin-  
14          ning October 1, 2003, and ending February 29,  
15          2004.

16          “(2) PROJECT SELECTION CRITERIA.—The  
17          project selection criteria in section 118(c)(2) of title  
18          23, United States Code, shall apply to amounts  
19          made available by this subsection.

20          “(3) CONTRACT AUTHORITY.—Funds made  
21          available by this subsection shall—

22                  “(A) be available for obligation in the same  
23                  manner as if the funds were apportioned under  
24                  chapter 1 of title 23, United States Code;

1           “(B) be subject to a limitation on obliga-  
 2           tions for Federal-aid highways and highway  
 3           safety construction programs; and

4           “(C) remain available until expended.”.

5           (h) RECREATIONAL TRAILS ADMINISTRATIVE  
 6 COSTS.—Section 1101 of the Transportation Equity Act  
 7 for the 21st Century (112 Stat. 111) (as amended by sub-  
 8 section (g)) is amended by adding at the end the following:  
 9           “(i) (j) RECREATIONAL TRAILS ADMINISTRATIVE  
 10 COSTS.—

11           “(1) IN GENERAL.—In lieu of the amount to be  
 12           deducted under section 104(h)(1) of title 23, United  
 13           States Code, there shall be available from the High-  
 14           way Trust Fund (other than the Mass Transit Ac-  
 15           count) to the Secretary to pay costs incurred by the  
 16           Secretary described in that section \$312,000 for the  
 17           period beginning October 1, 2003, and ending Feb-  
 18           ruary 29, 2004.

19           “(2) CONTRACT AUTHORITY.—Funds made  
 20           available by this subsection shall—

21           “(A) be available for obligation in the same  
 22           manner as if the funds were apportioned under  
 23           chapter 1 of title 23, United States Code; and

1           “(B) shall be subject to a limitation on ob-  
 2           ligations for Federal-aid highways and highway  
 3           safety construction programs.”.

4           (i) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-  
 5           NATIONS IN HIGH SPEED RAIL CORRIDORS.—Section  
 6           1101 of the Transportation Equity Act for the 21st Cen-  
 7           tury (112 Stat. 111) (as amended by subsection (h)) is  
 8           amended by adding at the end the following:

9           “~~(j)~~ (k) RAILWAY-HIGHWAY CROSSING HAZARD  
 10          ELIMINATIONS IN HIGH SPEED RAIL CORRIDORS.—

11           “(1) FUNDING.—

12           “(A) IN GENERAL.—Except as provided in  
 13           subparagraph (B), in lieu of the amount to be  
 14           set aside under section 104(d)(2) of title 23,  
 15           United States Code, there shall be available  
 16           from the Highway Trust Fund (other than the  
 17           Mass Transit Account) to the Secretary for  
 18           elimination of hazards of railway-highway cross-  
 19           ings in accordance with that section \$2,187,000  
 20           for the period beginning October 1, 2003, and  
 21           ending February 29, 2004.

22           “(B) EXCEPTION.—Not less than  
 23           \$104,000 (instead of \$250,000) shall be avail-  
 24           able for the period beginning October 1, 2003,  
 25           and ending February 29, 2004, for eligible im-

1           provements described in section 104(d)(2)(E) of  
2           title 23, United States Code.

3           “(2) CONTRACT AUTHORITY.—Funds made  
4           available by this subsection shall—

5                   “(A) be available for obligation in the same  
6                   manner as if the funds were apportioned under  
7                   chapter 1 of title 23, United States Code; and

8                   “(B) be subject to a limitation on obliga-  
9                   tions for Federal-aid highways and highway  
10                  safety construction programs.”.

11          (j) SEAT BELT SAFETY INCENTIVE GRANTS.—

12                  (1) IN GENERAL.—Section 157 of title 23,  
13          United States Code, is amended—

14                          (A) in subsection (a)—

15                                  (i) in paragraph (3), by striking  
16                                  “2001” and inserting “2002”; and

17                                  (ii) in paragraph (8)(B), by striking  
18                                  “2001” and inserting “2002”;

19                          (B) in subsection (b), by striking “2002”  
20                          and inserting “2003”;

21                          (C) in subsection (c), by striking “2002”  
22                          each place it appears and inserting “2003”;

23                          (D) in subsection (f)(4), by striking  
24                          “2002” and inserting “2003”;

25                          (E) in subsection (g)(3)(B)—

- 1 (i) in the subparagraph heading, by  
 2 striking “2003” and inserting “2004”; and  
 3 (ii) by striking “2003” and inserting  
 4 “2004”.

5 (2) AUTHORIZATION.—Section 1101 of the  
 6 Transportation Equity Act for the 21st Century  
 7 (112 Stat. 111) (as amended by subsection (i)), is  
 8 amended by adding at the end the following:

9 “~~(k)~~ (l) SEAT BELT SAFETY INCENTIVE GRANTS.—

10 “(1) AUTHORIZATION.—There shall be available  
 11 from the Highway Trust Fund (other than the Mass  
 12 Transit Account) to carry out section 157 of title  
 13 23, United States Code, \$46,666,000 for the period  
 14 beginning October 1, 2003, and ending February 29,  
 15 2004.

16 “(2) CONTRACT AUTHORITY.—Funds made  
 17 available by this subsection shall—

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

21 “(B) be subject to a limitation on obliga-  
 22 tions for Federal-aid highways and highway  
 23 safety construction ~~programs.~~ *programs.*

24 “(3) USE OF FUNDS.—*The Secretary may use*  
 25 *amounts made available under this subsection to*

1       *make innovative project allocations, not to exceed the*  
 2       *amounts of such allocations made for fiscal year*  
 3       *2003, before making incentive grants for use of seat*  
 4       *belts.”.*

5       (k) PREVENTION OF INTOXICATED DRIVER INCEN-  
 6 TIVE GRANTS.—Section 1101 of the Transportation Eq-  
 7 uity Act for the 21st Century (112 Stat. 111) (as amended  
 8 by subsection (j)), is amended by adding at the end the  
 9 following:

10       “~~(j)~~ (m) PREVENTION OF INTOXICATED DRIVER IN-  
 11 CENTIVE GRANTS.—

12               “(1) AUTHORIZATION.—There shall be available  
 13 from the Highway Trust Fund (other than the Mass  
 14 Transit Account) to carry out section 163 of title  
 15 23, United States Code, \$45,833,000 for the period  
 16 beginning October 1, 2003, and ending February 29,  
 17 2004.

18               “(2) CONTRACT AUTHORITY.—Funds made  
 19 available by this subsection shall—

20                       “(A) be available for obligation in the same  
 21 manner as if the funds were apportioned under  
 22 chapter 1 of title 23, United States Code;

23                       “(B) be subject to a limitation on obliga-  
 24 tions for Federal-aid highways and highway  
 25 safety construction programs; and

1           “(C) remain available until ~~expended.~~” *ex-*  
 2           *pended.*

3           “(3) *USE OF FUNDS.*—

4           “(A) *IN GENERAL.*—*The amounts made*  
 5           *available under this subsection shall be used to*  
 6           *support national mobilizations that target im-*  
 7           *paired drivers, in cooperation with the State and*  
 8           *nonprofit safety organizations that have been ac-*  
 9           *tive participants in such mobilizations.*

10          “(B) *PROJECTS.*—*Support under subpara-*  
 11          *graph (A) shall include—*

12                 “(i) *impaired driving enforcement*  
 13                 *grants;*

14                 “(ii) *broadcast advertising to be used*  
 15                 *as directed by the Secretary;*

16                 “(iii) *evaluation of the activities de-*  
 17                 *scribed in clauses (i) and (ii); and*

18                 “(iv) *a demonstration project to test*  
 19                 *new strategies or improvements in strategies*  
 20                 *in States in which the largest gains in re-*  
 21                 *ducing alcohol-related fatalities can be*  
 22                 *made, as determined by the Secretary.”.*

23          (l) *NONDISCRIMINATION.*—Section 1101 of the  
 24 *Transportation Equity Act for the 21st Century (112*

1 Stat. 111) (as amended by subsection (k)) is amended by  
2 adding at the end the following:

3 “~~(m)~~ (n) NONDISCRIMINATION.—

4 “(1) SKILLS TRAINING.—In lieu of the amount  
5 to be deducted under section 140(b) of title 23,  
6 United States Code, there shall be available from the  
7 Highway Trust Fund (other than the Mass Transit  
8 Account) to the Secretary for the administration of  
9 that section \$4,166,000 for the period beginning Oc-  
10 tober 1, 2003, and ending February 29, 2004.

11 “(2) ON-THE-JOB TRAINING.—In lieu of the  
12 amount to be deducted under section 140(c) of title  
13 23, United States Code, there shall be available from  
14 the Highway Trust Fund (other than the Mass  
15 Transit Account) to the Secretary for the adminis-  
16 tration of that section \$4,166,000 for the period be-  
17 ginning October 1, 2003, and ending February 29,  
18 2004.

19 “(3) CONTRACT AUTHORITY.—Funds made  
20 available by this subsection shall—

21 “(A) be available for obligation in the same  
22 manner as if the funds were apportioned under  
23 chapter 1 of title 23, United States Code;

1           “(B) be subject to a limitation on obliga-  
2           tions for Federal-aid highways and highway  
3           safety construction programs; and

4           “(C) remain available until expended.”.

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

13          (n) REDUCTION OF ALLOCATED PROGRAMS.—The  
14          Secretary shall reduce the amount that would be made  
15          available, but for this section, for fiscal year 2004 for allo-  
16          cation under a program, that is continued both by a law  
17          reauthorizing the program enacted after the date of enact-  
18          ment of this Act and by this section, by the amount made  
19          available for the program by this section.

20          (o) PROGRAM CATEGORY RECONCILIATION.—The  
21          Secretary may establish procedures under which funds al-  
22          located under this section for fiscal year 2004 for a pro-  
23          gram category for which funds are not authorized for fis-  
24          cal year 2004 under a multiyear law reauthorizing the  
25          Federal-aid highway program enacted after the date of en-

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

3 (p) TRANSPORTATION INFRASTRUCTURE FINANCE  
4 AND INNOVATION.—Section 1101 of the Transportation  
5 Equity Act for the 21st Century (112 Stat. 111) (as  
6 amended by subsection (1)) is amended by adding at the  
7 end the following:

8 “(n) TRANSPORTATION INFRASTRUCTURE FINANCE  
9 AND INNOVATION.—

10 “(1) IN GENERAL.—There shall be available  
11 from the Highway Trust Fund (other than the Mass  
12 Transit Account) \$54,166,000 to the Secretary to  
13 carry out the program under subchapter H of chap-  
14 ter 1 of title 23, United States Code, for the period  
15 beginning October 1, 2003, and ending February 29,  
16 2004.

17 “(2) ADMINISTRATIVE COSTS.—Of the funds  
18 made available under paragraph (1), not more than  
19 \$833,000 shall be available for administrative costs.

20 “(3) CONTRACT AUTHORITY.—Funds made  
21 available by this subsection shall be—

22 “(A) available for obligation, except as pro-  
23 vided in this section, in the same manner as if  
24 the funds were made available under section  
25 188 of title 23, United States Code; and

1           ~~“(B) subject to any limitation on obliga-~~  
 2           ~~tions for Federal-aid highways and highway~~  
 3           ~~safety construction programs.~~

4           ~~“(4) LIMITATION ON CREDIT AMOUNTS.—For~~  
 5           ~~the period beginning October 1, 2003, and ending~~  
 6           ~~February 29, 2004, principal amounts of Federal~~  
 7           ~~credit instruments made available under subchapter~~  
 8           ~~H of chapter 1 of title 23, United States Code, shall~~  
 9           ~~be limited to \$1,300,000,000.”.~~

10 **SEC. 6. SPORT FISHING AND BOATING SAFETY.**

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

15           (1) in paragraph (4), by striking “and” at the  
 16 end;

17           (2) in paragraph (5), by inserting “and” after  
 18 the semicolon at the end; and

19           (3) by inserting after paragraph (5) the fol-  
 20 lowing:

21           “~~(6) \$4,166,000 for the period beginning Octo-~~  
 22           ~~ber 1, 2003, and ending February 29, 2004;”.~~

23           (b) **CLEAN VESSEL ACT FUNDING.**—Section 4(b) of  
 24 the Dingell-Johnson Sport Fish Restoration Act (16  
 25 U.S.C. 777c(b)) is amended—

1           (1) by redesignating paragraph (4) as para-  
2 graph (5); and

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

5           “(4) FIRST HALF OF FISCAL YEAR 2004.—For  
6 the period beginning October 1, 2003, and ending  
7 February 29, 2004, of the balance of each annual  
8 appropriation remaining after making the distribu-  
9 tion under subsection (a), an amount equal to  
10 \$34,166,000, reduced by 82 percent of the amount  
11 appropriated for that fiscal year from the Boat Safe-  
12 ty Account of the Aquatic Resources Trust Fund es-  
13 tablished by section 9504 of the Internal Revenue  
14 Code of 1986 to carry out the purposes of section  
15 13106(a) of title 46, United States Code, shall be  
16 used as follows:

17           “(A) \$4,166,000 shall be available to the  
18 Secretary of the Interior for 3 fiscal years for  
19 obligation for qualified projects under section  
20 5604(c) of the Clean Vessel Act of 1992 (33  
21 U.S.C. 1322 note).

22           “(B) \$3,333,000 shall be available to the  
23 Secretary of the Interior for 3 fiscal years for  
24 obligation for qualified projects under section

1           7404(d) of the Sportfishing and Boating Safety  
2           Act of 1998 (16 U.S.C. 777g-1(d)).

3           “(C) The balance remaining after the ap-  
4           plication of subparagraphs (A) and (B) shall  
5           be—

6                     “(i) transferred to the Secretary of  
7                     Transportation; and

8                     “(ii) expended for State recreational  
9                     boating safety programs under section  
10                    13106 of title 46, United States Code.”.

11       ~~(e) BOAT SAFETY FUNDS.—Section 13106 of title~~  
12 ~~46, United States Code, is amended by striking subsection~~  
13 ~~(e) and inserting the following:~~

14       ~~“(e) BOATING SAFETY FUNDS.—~~

15           ~~“(1) IN GENERAL.—Of the amount transferred~~  
16 ~~to the Secretary of Transportation under paragraph~~  
17 ~~(4) of section 4(b) of the Dingell-Johnson Sport~~  
18 ~~Fish Restoration Act (16 U.S.C. 777e(b)),~~  
19 ~~\$2,083,000 is available to the Secretary for payment~~  
20 ~~of expenses of the Coast Guard for personnel and~~  
21 ~~activities directly related to coordinating and ear-~~  
22 ~~rying out the national recreational boating safety~~  
23 ~~program under this title, of which \$833,000 shall be~~  
24 ~~available to the Secretary only to ensure compliance~~  
25 ~~with chapter 43 of this title.~~

1           “(2) USE OF FUNDS.—No funds available to  
2 the Secretary of Transportation under this sub-  
3 section may be used—

4                   “(A) to replace funding traditionally pro-  
5 vided through general appropriations; or

6                   “(B) for any purposes except a purpose  
7 authorized by this section.

8           “(3) AVAILABILITY OF FUNDS.—Amounts made  
9 available by this subsection shall remain available  
10 until expended.

11           “(4) ACCOUNTING.—The Secretary shall pub-  
12 lish annually in the Federal Register a detailed ac-  
13 counting of the projects, programs, and activities  
14 funded under this subsection.”.



Calendar No. 287

108TH CONGRESS  
1ST SESSION

**S. 1640**

[Report No. 108-154]

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**A BILL**

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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SEPTEMBER 24, 2003

Reported with amendments