

108TH CONGRESS
2D SESSION

S. 2822

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2004

Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ADVANCES.**

2 (a) IN GENERAL.—The Secretary of Transportation
 3 (referred to in this Act as the “Secretary”) shall apportion
 4 funds made available under section 1101(c) of the Trans-
 5 portation Equity Act for the 21st Century (117 Stat.
 6 1111; 118 Stat. 876), to each State in the ratio that—

7 (1) the State’s total fiscal year 2004 obligation
 8 authority for funds apportioned for the Federal-aid
 9 highway program; bears to

10 (2) all States’ total fiscal year 2004 obligation
 11 authority for funds apportioned for the Federal-aid
 12 highway program.

13 (b) PROGRAMMATIC DISTRIBUTIONS.—

14 (1) PROGRAMS.—Of the funds to be appor-
 15 tioned to each State under subsection (a), the Sec-
 16 retary shall ensure that the State is apportioned an
 17 amount of the funds, determined under paragraph
 18 (2), for—

19 (A) the Interstate maintenance program;

20 (B) the National Highway System pro-
 21 gram;

22 (C) the bridge program;

23 (D) the surface transportation program;

24 (E) the congestion mitigation and air qual-
 25 ity improvement program;

26 (F) the recreational trails program;

1 (G) the Appalachian development highway
 2 system program; and

3 (H) the minimum guarantee.

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

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

10 (B) the ratio that—

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

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

17 (3) ADMINISTRATION OF FUNDS.—Funds au-
 18 thorized by section 1101(l) of the Transportation
 19 Equity Act for the 21st Century (as added by sub-
 20 section (d)) shall be administered as if the funds had
 21 been apportioned, allocated, deducted, or set aside,
 22 as the case may be, under title 23, United States
 23 Code; except that the deductions and set-asides in
 24 the following sections of such title shall not apply to
 25 such funds: sections 104(a)(1)(A), 104(a)(1)(B),

1 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1),
 2 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

3 (4) SPECIAL RULES FOR MINIMUM GUAR-
 4 ANTEE.—In carrying out the minimum guarantee
 5 under section 105(c) of title 23, United States Code,
 6 with funds apportioned under this section for the
 7 minimum guarantee, the \$2,800,000,000 set forth in
 8 paragraph (1) of such section 105(c) shall be treated
 9 as being \$1,400,000,000 and the aggregate of
 10 amounts apportioned to the States under this sec-
 11 tion for the minimum guarantee shall be treated, for
 12 purposes of such section 105(c), as amounts made
 13 available under section 105 of such title.

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

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

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

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

5 (2) PROGRAM CATEGORY RECONCILIATION.—

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

11 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—

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

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

17 “(1) IN GENERAL.—There shall be available
 18 from the Highway Trust Fund (other than the Mass
 19 Transit Account) to carry out section 2(a) of the
 20 Surface Transportation Extension Act of 2004, Part
 21 VI \$18,080,500,000 for the period of October 1,
 22 2004, through March 31, 2005.

23 “(2) SPECIAL RULE.—Funds apportioned under
 24 section 2(a) of the Surface Transportation Exten-
 25 sion Act of 2004, Part VI shall be subject to a limi-

tation 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), for the period of October 1, 2004, through March 31, 2005, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2005 that is—

(A) equal to the greater of—

(i) the State’s unobligated balance, as of October 1, 2004, of Federal-aid highway apportionments subject to any limitation on obligations, except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available

1 until used shall not be included for pur-
2 poses of calculating a State's unobligated
3 balance of apportionments for this clause;
4 or

5 (ii) $\frac{5}{12}$ of the State's total fiscal year
6 2004 obligation authority for funds appor-
7 tioned for the Federal-aid highway pro-
8 gram; but

9 (B) not greater than 75 percent of the
10 State's total fiscal year 2004 obligation author-
11 ity for funds apportioned for the Federal-aid
12 highway program.

13 (2) LIMITATION ON AMOUNT.—The total of all
14 allocations under paragraph (1) and allocations, for
15 programs funded under sections 4, 5 (other than
16 subsection (c)), and 6(a) of this Act, of obligation
17 authority made available under an Act making ap-
18 propriations for the Department of Transportation
19 for fiscal year 2005 shall not exceed
20 \$17,450,000,000, except that this limitation shall
21 not apply to \$319,500,000 in obligations for min-
22 imum guarantee for the period of October 1, 2004,
23 through March 31, 2005.

24 (3) TIME PERIOD FOR OBLIGATIONS OF
25 FUNDS.—No funds shall be obligated for any Fed-

1 eral-aid highway program project after March 31,
 2 2005, until the date of enactment of a multiyear law
 3 reauthorizing the Federal-aid highway program that
 4 is enacted after the date of enactment of this Act.

5 (4) TREATMENT OF OBLIGATIONS.—Any obliga-
 6 tion of an allocation of obligation authority made
 7 under this subsection shall be considered to be an
 8 obligation for Federal-aid highways and highway
 9 safety construction programs for fiscal year 2005 for
 10 the purposes of the matter under the heading “(LIM-
 11 ITATION ON OBLIGATIONS)” under the heading
 12 “FEDERAL-AID HIGHWAYS” in an Act making appro-
 13 priations for the Department of Transportation for
 14 fiscal year 2005.

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

16 (a) IN GENERAL.—In addition to any other authority
 17 of a State to transfer funds, for fiscal year 2005, a State
 18 may transfer any funds apportioned to the State for any
 19 program under section 104(b) (including amounts appor-
 20 tioned under section 104(b)(3) or set aside, made avail-
 21 able, or suballocated under section 133(d)) or 144 of title
 22 23, United States Code, before, on, or after the date of
 23 enactment of this Act, that are subject to any limitation
 24 on obligations, and that are not obligated, to any other
 25 of those programs.

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

8 (c) RESTORATION OF APPORTIONMENTS.—

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

17 (2) PROGRAM CATEGORY RECONCILIATION.—

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

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

1 pressly limits the application of this subsection, shall
 2 impair the authority of the Secretary to restore
 3 funds pursuant to this subsection.

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

6 **SEC. 4. ADMINISTRATIVE EXPENSES.**

7 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
 8 There shall be available from the Highway Trust Fund
 9 (other than the Mass Transit Account) for administrative
 10 expenses of the Federal-aid highway program
 11 \$225,000,000 for fiscal year 2005.

12 (b) CONTRACT AUTHORITY.—Funds made available
 13 by this section shall be available for obligation in the same
 14 manner as if such funds were apportioned under chapter
 15 1 of title 23, United States Code, and shall be subject
 16 to a limitation on obligations for Federal-aid highways and
 17 highway safety construction programs, except that such
 18 funds shall remain available until expended.

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

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

22 (1) FEDERAL LANDS HIGHWAYS.—

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

1 uity Act for the 21st Century (112 Stat. 112;
2 118 Stat. 877) is amended—

3 (i) by inserting before the period at
4 the end the following: “and \$137,500,000
5 for the period of October 1, 2004, through
6 March 31, 2005”; and

7 (ii) by adding at the end the fol-
8 lowing: “The minimum amount made
9 available for such period that the Sec-
10 retary, in cooperation with the Secretary of
11 the Interior, shall reserve for Indian res-
12 ervation road bridges under section
13 202(d)(4) of title 23, United States Code,
14 shall be \$6,500,000 instead of
15 \$13,000,000.”.

16 (B) PUBLIC LANDS HIGHWAYS.—Section
17 1101(a)(8)(B) of such Act (112 Stat. 112; 118
18 Stat. 878) is amended by inserting before the
19 period at the end the following: “and
20 \$123,000,000 for the period of October 1,
21 2004, through March 31, 2005”.

22 (C) PARK ROADS AND PARKWAYS.—Sec-
23 tion 1101(a)(8)(C) of such Act (112 Stat. 112;
24 118 Stat. 878) is amended by inserting before
25 the period at the end the following: “and

1 \$82,500,000 for the period of October 1, 2004,
2 through March 31, 2005”.

3 (D) REFUGE ROADS.—Section
4 1101(a)(8)(D) of such Act (112 Stat. 112; 118
5 Stat. 878) is amended by inserting before the
6 period at the end the following: “and
7 \$10,000,000 for the period of October 1, 2004,
8 through March 31, 2005”.

9 (2) NATIONAL CORRIDOR PLANNING AND DE-
10 VELOPMENT AND COORDINATED BORDER INFRA-
11 STRUCTURE PROGRAMS.—Section 1101(a)(9) of such
12 Act (112 Stat. 112; 118 Stat. 878) is amended by
13 inserting before the period at the end the following:
14 “and \$70,000,000 for the period of October 1, 2004,
15 through March 31, 2005”.

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

18 (A) IN GENERAL.—Section 1101(a)(10) of
19 such Act (112 Stat. 112; 118 Stat. 878) is
20 amended by inserting before the period at the
21 end the following: “and \$19,000,000 for the pe-
22 riod of October 1, 2004, through March 31,
23 2005”.

24 (B) SET ASIDE FOR ALASKA, NEW JERSEY,
25 AND WASHINGTON.—To carry out section 1064

1 of the Intermodal Surface Transportation Effi-
 2 ciency Act of 1991 (23 U.S.C. 129 note; 105
 3 Stat. 2005; 118 Stat. 878), of funds made
 4 available by the amendment made by subpara-
 5 graph (A)—

6 (i) \$5,000,000 shall be available for
 7 section 1064(d)(2) of such Act;

8 (ii) \$2,500,000 shall be available for
 9 section 1064(d)(3) of such Act; and

10 (iii) \$2,500,000 shall be available for
 11 section 1064(d)(4) of such Act.

12 (4) NATIONAL SCENIC BYWAYS PROGRAM.—

13 Section 1101(a)(11) of the Transportation Equity
 14 Act for the 21st Century (112 Stat. 113; 118 Stat.
 15 878) is amended by striking “fiscal years 2003 and
 16 2004” and inserting “fiscal year 2003, and
 17 \$13,750,000 for the period of October 1, 2004,
 18 through March 31, 2005”.

19 (5) VALUE PRICING PILOT PROGRAM.—Section

20 1101(a)(12) of such Act (112 Stat. 113; 118 Stat.
 21 878) is amended—

22 (A) by striking “and”; and

23 (B) by inserting before the period at the
 24 end the following: “, and \$5,500,000 for the pe-

1 riod of October 1, 2004, through March 31,
2 2005”.

3 (6) HIGHWAY USE TAX EVASION PROJECTS.—
4 Section 1101(a)(14) of such Act (112 Stat. 113;
5 118 Stat. 878) is amended by inserting before the
6 period at the end the following: “and \$2,500,000 for
7 the period of October 1, 2004, through March 31,
8 2005”.

9 (7) COMMONWEALTH OF PUERTO RICO HIGH-
10 WAY PROGRAM.—

11 (A) IN GENERAL.—Section 1101(a)(15) of
12 such Act (112 Stat. 113; 118 Stat. 878) is
13 amended by inserting before the period at the
14 end the following: “and \$55,000,000 for the pe-
15 riod of October 1, 2004, through March 31,
16 2005”.

17 (B) CONFORMING AMENDMENT.—Section
18 1214(r)(1) of such Act (112 Stat. 209; 117
19 Stat. 1114) is amended by striking “2004” and
20 inserting “2005”.

21 (8) SAFETY GRANTS.—Section 1212(i)(1)(D) of
22 such Act (23 U.S.C. 402 note; 112 Stat. 196; 112
23 Stat. 840; 118 Stat. 879) is amended by inserting
24 before the period at the end the following: “and

1 \$250,000 for the period of October 1, 2004, through
2 March 31, 2005”.

3 (9) TRANSPORTATION AND COMMUNITY AND
4 SYSTEM PRESERVATION PILOT PROGRAM.—Section
5 1221(e)(1) of such Act (23 U.S.C. 101 note; 112
6 Stat. 223; 118 Stat. 879) is amended by inserting
7 before the period at the end the following: “and
8 \$12,500,000 for the period of October 1, 2004,
9 through March 31, 2005”.

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

13 (A) in subsection (a)(1)—

14 (i) by striking “and” at the end of
15 subparagraph (E);

16 (ii) by striking the period at the end
17 of subparagraph (F) and inserting “; and”;
18 and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(G) \$70,000,000 for the period of Octo-
22 ber 1, 2004, through March 31, 2005.”;

23 (B) in subsection (a)(2)—

24 (i) by striking “2003 and” and insert-
25 ing “2003,”; and

1 (ii) by inserting after “2004” the fol-
 2 lowing: “and \$1,000,000 for the period of
 3 October 1, 2004, through March 31,
 4 2005”; and
 5 (C) in subsection (c)—

6 (i) by striking “2004” and inserting
 7 “2005”; and

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

“2005\$1,300,000,000.”.

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

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

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

18 (B) by inserting after “2004” the fol-
 19 lowing: “, and \$52,500,000 for the period of
 20 October 1, 2004, through March 31, 2005”.

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

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

3 (B) by inserting after “2004” the fol-
4 lowing: “, and \$27,500,000 for the period of
5 October 1, 2004, through March 31, 2005”.

6 (3) TRAINING AND EDUCATION.—Section
7 5001(a)(3) of such Act (112 Stat. 420; 118 Stat.
8 879) is amended—

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

11 (B) by inserting after “2004” the fol-
12 lowing: “, and \$10,500,000 for the period of
13 October 1, 2004, through March 31, 2005”.

14 (4) BUREAU OF TRANSPORTATION STATIS-
15 TICS.—Section 5001(a)(4) of such Act (112 Stat.
16 420; 118 Stat. 879) is amended by inserting before
17 the period at the end the following: “, and
18 \$15,500,000 for the period of October 1, 2004,
19 through March 31, 2005”.

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

24 (A) by striking “2003, and” and inserting
25 “2003,”; and

1 (B) by inserting after “2004” the fol-
 2 lowing: “, and \$57,500,000 for the period of
 3 October 1, 2004, through March 31, 2005”.

4 (6) ITS DEPLOYMENT.—Section 5001(a)(6) of
 5 such Act (112 Stat. 420; 118 Stat. 879) is amend-
 6 ed—

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

9 (B) by inserting after “2004” the fol-
 10 lowing: “, and \$62,000,000 for the period of
 11 October 1, 2004, through March 31, 2005”.

12 (7) UNIVERSITY TRANSPORTATION RE-
 13 SEARCH.—Section 5001(a)(7) of such Act (112 Stat.
 14 420; 118 Stat. 880) is amended—

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

17 (B) by inserting after “2004” the fol-
 18 lowing: “, and \$13,500,000 for the period of
 19 October 1, 2004, through March 31, 2005”.

20 (c) METROPOLITAN PLANNING.—

21 (1) AUTHORIZATION OF CONTRACT AUTHOR-
 22 ITY.—There shall be available from the Highway
 23 Trust Fund (other than the Mass Transit Account)
 24 to carry out section 134 of title 23, United States

1 Code, \$120,000,000 for the period of October 1,
2 2004, through March 31, 2005.

3 (2) DISTRIBUTION OF FUNDS.—The Secretary
4 shall distribute funds made available by this sub-
5 section to the States in accordance with section
6 104(f)(2) of title 23, United States Code.

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

14 (d) TERRITORIES.—Section 1101(d)(1) of the Trans-
15 portation Equity Act for the 21st Century (117 Stat.
16 1116; 118 Stat. 880) is amended by inserting after
17 “2004” the following: “and \$18,200,000 for the period of
18 October 1, 2004, through March 31, 2005”.

19 (e) ALASKA HIGHWAY.—Section 1101(e)(1) of such
20 Act (117 Stat. 1116; 118 Stat. 880) is amended by insert-
21 ing after “2004” the following: “and \$9,400,000 for the
22 period of October 1, 2004, through March 31, 2005”.

23 (f) OPERATION LIFESAVER.—Section 1101(f)(1) of
24 such Act (117 Stat. 1117; 118 Stat. 880) is amended by

1 inserting after “2004” the following: “and \$250,000 for
2 the period of October 1, 2004, through March 31, 2005”.

3 (g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of
4 such Act (117 Stat. 1117; 118 Stat. 880) is amended by
5 inserting after “2004” the following: “and \$50,000,000
6 for the period of October 1, 2004, through March 31,
7 2005”.

8 (h) INTERSTATE MAINTENANCE.—Section
9 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880)
10 is amended by inserting after “2004” the following: “and
11 \$50,000,000 for the period of October 1, 2004, through
12 March 31, 2005”.

13 (i) RECREATIONAL TRAILS ADMINISTRATIVE
14 COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117;
15 118 Stat. 880) is amended by inserting after “2004” the
16 following: “and \$375,000 for the period of October 1,
17 2004, through March 31, 2005”.

18 (j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
19 NATION IN HIGH SPEED RAIL CORRIDORS.—Section
20 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 880)
21 is amended—

22 (1) by inserting before “; except” the following:
23 “and \$2,625,000 for the period of October 1, 2004,
24 through March 31, 2005”; and

1 (2) by inserting before “for eligible” the fol-
2 lowing: “and not less than \$125,000 instead of
3 \$250,000 shall be available for the period of October
4 1, 2004, through March 31, 2005”.

5 (k) NONDISCRIMINATION.—Section 1101(k) of such
6 Act (117 Stat. 1118; 118 Stat. 880) is amended—

7 (1) in paragraph (1) by inserting after “2004”
8 the following: “and \$5,000,000 for the period of Oc-
9 tober 1, 2004, through March 31, 2005”; and

10 (2) in paragraph (2) by inserting after “2004”
11 the following: “and \$5,000,000 for the period of Oc-
12 tober 1, 2004, through March 31, 2005”.

13 (l) ADMINISTRATION OF FUNDS.—Funds authorized
14 by the amendments made by this section shall be adminis-
15 tered as if the funds had been apportioned, allocated, de-
16 ducted, or set aside, as the case may be, under title 23,
17 United States Code, except that the deductions under sec-
18 tions 104(a)(1)(A) and 104(a)(1)(B) of such title shall not
19 apply to funds made available by the amendment made
20 by subsection (a)(1) of this section.

21 (m) REDUCTION OF ALLOCATED PROGRAMS.—The
22 Secretary shall reduce the amount that would be made
23 available, but for this section, for fiscal year 2005 for allo-
24 cation under a program, that is continued both by a
25 multiyear law reauthorizing such program enacted after

1 the date of enactment of this Act and by this section, by
 2 the amount made available for such program by this sec-
 3 tion.

4 (n) PROGRAM CATEGORY RECONCILIATION.—The
 5 Secretary may establish procedures under which funds al-
 6 located under this section for fiscal year 2005 for a pro-
 7 gram category for which funds are not authorized for fis-
 8 cal year 2005 under a multiyear law reauthorizing the
 9 Federal-aid highway program enacted after the date of en-
 10 actment of this Act may be restored to the Federal-aid
 11 highway program.

12 **SEC. 6. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRA-**
 13 **TION PROGRAMS.**

14 (a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Sec-
 15 tion 2009(a)(1) of the Transportation Equity Act for the
 16 21st Century (112 Stat. 337; 117 Stat. 1119) is amended
 17 by striking “2004.” and inserting “2004, and
 18 \$82,500,000 for the period October 1, 2004, through
 19 March 31, 2005.”.

20 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
 21 MENT.—Section 2009(a)(2) of such Act (112 Stat. 337;
 22 117 Stat. 1119) is amended by striking “2004” and in-
 23 serting “2004, and \$36,000,000 for the period October
 24 1, 2004, through March 31, 2005”.

1 (c) OCCUPANT PROTECTION INCENTIVE GRANTS.—
 2 Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat.
 3 1120) is amended by inserting “and \$10,000,000 for the
 4 period October 1, 2004, through March 31, 2005” after
 5 “fiscal year 2004”.

6 (d) ALCOHOL-IMPAIRED DRIVING COUNTER-
 7 MEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of
 8 such Act (112 Stat. 337; 117 Stat. 1120) is amended by
 9 “and \$20,000,000 for the period October 1, 2004, through
 10 March 31, 2005” after “fiscal year 2004”.

11 (e) NATIONAL DRIVER REGISTER.—Section
 12 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120)
 13 is amended by inserting “and \$2,000,000 for the period
 14 October 1, 2004, through March 31, 2005” after “fiscal
 15 year 2004”.

16 **SEC. 7. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
 17 **TION PROGRAM.**

18 (a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of
 19 the Surface Transportation Extension Act of 2003 (117
 20 Stat. 1120) is amended by inserting “and \$130,000,000
 21 for the period October 1, 2004, through March 31, 2005”
 22 after “fiscal year 2004”.

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

1 “(8) Not more than \$84,500,000 for for the pe-
2 riod October 1, 2004, through March 31, 2005.”.

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

5 (1) AUTHORIZATION OF APPROPRIATION.—Sec-
6 tion 31107(a) of such title is amended by adding at
7 the end the following:

8 “(6) \$9,500,000 for the period October 1,
9 2004, through March 31, 2005.”.

10 (2) EMERGENCY CDL GRANTS.—Section 7(c) of
11 the Surface Transportation Extension Act of 2003
12 (117 Stat. 1121) is amended by inserting “and up
13 to \$500,000 for the period October 1, 2004, through
14 March 31, 2005,” after “\$1,000,000”.

15 (d) CRASH CAUSATION STUDY.—Section 7(d) of such
16 Act is amended by inserting “and up to \$500,000 for the
17 period October 1, 2004, through March 31, 2005,” after
18 “fiscal year 2004.”.

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

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

22 (1) in paragraph (1), in the matter preceding
23 subparagraph (A), by adding at the end the fol-
24 lowing: “and for the period of October 1, 2004
25 through March 31, 2005,”;

1 (2) in paragraph (2)(B), by inserting at the end
2 the following:

3 “(iii) OCTOBER 1, 2004 THROUGH
4 MARCH 31, 2005.—Of the amounts made
5 available under paragraph (1)(B),
6 \$5,200,000 shall be available for the period
7 of October 1, 2004, through March 31,
8 2005, for capital projects described in
9 clause (i).”;

10 (3) in paragraph (3)(B), by striking “2004”
11 and inserting “2004 (and \$1,500,000 shall be avail-
12 able for the period October 1, 2004, through March
13 31, 2005)”; and

14 (4) in paragraph (3)(C), by inserting after
15 “2004” the following: “(and \$25,000,000 shall be
16 available for the period October 1, 2004, through
17 March 31, 2005)”.

18 (b) APPORTIONMENT OF APPROPRIATIONS FOR
19 FIXED GUIDEWAY MODERNIZATION.—The Secretary of
20 Transportation shall determine the amount that each ur-
21 banized area is to be apportioned for fixed guideway mod-
22 ernization under section 5337 of title 49, United States
23 Code, on a pro rata basis to reflect the partial fiscal year
24 2005 funding made available by subparagraphs (A)(vii)
25 and (B)(vii) of section 5338(b)(2) of such title.

1 (c) FORMULA GRANTS AUTHORIZATIONS.—Section
2 5338(a)(2) of title 49, United States Code, is amended—

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

6 (2) in subparagraph (A)—

7 (A) in clause (v), by striking “and” at the
8 end;

9 (B) in clause (vi), by striking the period at
10 the end and inserting “; and”; and

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

12 “(vii) \$1,747,128,500 for the period
13 of October 1, 2004, through March 31,
14 2005.”;

15 (2) in subparagraph (B)—

16 (A) in clause (v), by striking “and” at the
17 end;

18 (B) in clause (vi), by striking the period at
19 the end and inserting “; and”; and

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

21 “(vii) \$256,459,000 for the period of
22 October 1, 2004, through March 31,
23 2005.”; and

1 (6) in subparagraph (C), by striking “2003”
2 and inserting “2004 (other than for the period of
3 October 1, 2004 through March 31, 2005)”.

4 (d) ALLOCATION OF FORMULA GRANT FUNDS FOR
5 THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31,
6 2005.—Of the aggregate of amounts made available by
7 or appropriated under section 5338(a)(2) of title 49,
8 United States Code, for the period of October 1, 2004
9 through March 31, 2005—

10 “(1) \$2,424,975 shall be available to the Alaska
11 Railroad for improvements to its passenger oper-
12 ations under section 5307 of such title;

13 “(2) \$25,000,000 shall be available to carry out
14 section 5308 of such title;

15 “(3) \$47,344,500 shall be available to provide
16 transportation services to elderly individuals and in-
17 dividuals with disabilities under section 5310 of such
18 title;

19 “(4) \$125,660,195 shall be available to provide
20 financial assistance for other than urbanized areas
21 under section 5311 of such title; and

22 “(5) \$1,799,682,829 shall be available to pro-
23 vide financial assistance for urbanized areas under
24 section 5307 of such title.”.

1 (e) CAPITAL PROGRAM AUTHORIZATIONS.—Section
 2 5338(b)(2) of title 49, United States Code, is amended—

3 (1) in the paragraph heading by adding after
 4 “2004” the following: “AND FOR THE PERIOD OF OC-
 5 TOBER 1, 2004 THROUGH MARCH 31, 2005”;

6 (2) in subparagraph (A)—

7 (A) in clause (v), by striking “and” at the
 8 end;

9 (B) in clause (vi), by striking the period at
 10 the end and inserting “; and”; and

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

12 “(vii) \$1,488,427,500 for the period
 13 of October 1, 2004, through March 31,
 14 2005.”; and

15 (2) in subparagraph (B)—

16 (A) in clause (v), by striking “and” at the
 17 end;

18 (B) in clause (vi), by striking the period at
 19 the end and inserting “; and”; and

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

21 “(vii) \$218,485,000 for the period of
 22 October 1, 2004, through March 31,
 23 2005.”.

1 (f) PLANNING AUTHORIZATIONS AND ALLOCA-
 2 TIONS.—Section 5338(c)(2) of title 49, United States
 3 Code, is amended—

4 (1) in the paragraph heading by inserting after
 5 “2004” the following: “AND FOR THE PERIOD OF OC-
 6 TOBER 1, 2004 THROUGH MARCH 31, 2005”;

7 (2) in subparagraph (A)—

8 (A) in clause (v), by striking “and” at the
 9 end;

10 (B) in clause (vi), by striking the period at
 11 the end and inserting “; and”; and

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

13 “(vii) \$31,828,000 for the period of
 14 October 1, 2004, through March 31,
 15 2005.”;

16 (2) in subparagraph (B)—

17 (A) in clause (v), by striking “and” at the
 18 end;

19 (B) in clause (vi), by striking the period at
 20 the end and inserting “; and”; and

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

22 “(vii) \$4,672,000 for the period of
 23 October 1, 2004, through March 31,
 24 2005.”; and

1 (3) in subparagraph (C), by inserting “or any
2 portion of a fiscal year” after “fiscal year”.

3 (g) RESEARCH.—Section 5338(d)(2) of such title is
4 amended—

5 (1) in the paragraph heading by inserting after
6 “2004” the following: “AND FOR THE PERIOD OF OC-
7 TOBER 1, 2004 THROUGH MARCH 31, 2005”;

8 (2) in subparagraph (A)—

9 (A) in clause (v), by striking “and” at the
10 end;

11 (B) in clause (vi), by striking the period at
12 the end and inserting “; and”; and

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

14 “(vii) \$23,980,000 for the period of
15 October 1, 2004, through March 31,
16 2005.”;

17 (2) in subparagraph (B)—

18 (A) in clause (v), by striking “and” at the
19 end;

20 (B) in clause (vi), by striking the period at
21 the end and inserting “; and”; and

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

23 “(vii) \$3,520,000 for the period of
24 October 1, 2004, through March 31,
25 2005.”; and

1 (3) in subparagraph (C), by inserting “other
2 than for the period from October 1, 2004 through
3 March 31, 2005” after “fiscal year”.

4 (h) ALLOCATION OF RESEARCH FUNDS FOR THE PE-
5 RIOD FROM OCTOBER 1, 2004 THROUGH MARCH 31,
6 2005.—Of the funds made available by or appropriated
7 under section 5338(d)(2) of title 49, United States Code,
8 for the period of October 1, 2004 through March 31,
9 2005—

10 (1) not less than \$2,625,000 shall be available
11 for providing rural transportation assistance under
12 section 5311(b)(2) of such title;

13 (2) not less than \$4,125,000 shall be available
14 for carrying out transit cooperative research pro-
15 grams under section 5313(a) of such title;

16 (3) not less than \$2,000,000 shall be available
17 to carry out programs under the National Transit
18 Institute under section 5315 of such title, including
19 not more than \$500,000 shall be available to carry
20 out section 5315(a)(16) of such title; and

21 (4) the remainder shall be available for carrying
22 out national planning and research programs under
23 sections 5311(b)(2), 5312, 5313(a), 5314, and 5322
24 of such title.

1 (i) UNIVERSITY TRANSPORTATION RESEARCH AU-
 2 THORIZATIONS.—Section 5338(e)(2) of title 49, United
 3 States Code, is amended—

4 (1) in the paragraph heading by adding after
 5 “2004” the following: “AND FOR THE PERIOD OF OC-
 6 TOBER 1, 2004 THROUGH MARCH 31, 2005”;

7 (2) in subparagraph (A), by inserting “and
 8 \$2,616,000 for the period from October 1, 2004
 9 through March 31, 2005” after “2004”;

10 (3) in subparagraph (B), by inserting “and
 11 \$384,000 for the period from October 1, 2004
 12 through March 31, 2005” after “2004”; and

13 (4) in subparagraph (C)—

14 (A) in clause (i), by inserting “(other than
 15 for the period of October 1, 2004 through
 16 March 31, 2005)” after “fiscal year”; and

17 (B) in clause (iii), by inserting “(other
 18 than for the period of October 1, 2004 through
 19 March 31, 2005)” after “fiscal year”.

20 (j) UNIVERSITY TRANSPORTATION RESEARCH
 21 FUNDS.—

22 (1) IN GENERAL.— Of the amounts made avail-
 23 able under section 5338(e)(2)(A) of title 49, United
 24 States Code, for the period October 1, 2004 through
 25 March 31, 2005—

1 (A) \$1,000,000 shall be available for the
 2 center identified in section 5505(j)(4)(A) of
 3 such title; and

4 (B) \$1,000,000 shall be available for the
 5 center identified in section 5505(j)(4)(F) of
 6 such title.

7 (2) TRAINING AND CURRICULUM DEVELOP-
 8 MENT.—Notwithstanding section 5338(e)(2) of title
 9 49, United States Code, any amounts made available
 10 under such section for such period that remain after
 11 distribution under paragraph (1) shall be available
 12 for the purposes identified in section 3015(d) of the
 13 Federal Transit Act of 1998 (112 Stat. 857).

14 (3) CONFORMING AMENDMENT.—Section
 15 3015(d)(2) of the Federal Transit Act of 1998 (112
 16 Stat. 857) is amended by inserting “or in the period
 17 October 1, 2004 through March 31, 2005” after
 18 “2004”.

19 (k) ADMINISTRATION AUTHORIZATIONS.—Section
 20 5338(f)(2) of title 49, United States Code, is amended—

21 (1) in the paragraph heading by inserting after
 22 “2004” the following: “AND FOR THE PERIOD OF OC-
 23 TOBER 1, 2004 THROUGH MARCH 31, 2005”;

24 (2) in subparagraph (A)—

1 (A) in clause (v), by striking “and” at the
2 end;

3 (B) in clause (vi), by striking the period at
4 the end and inserting “; and”; and

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

6 “(vii) \$34,008,000 for the period of
7 October 1, 2004, through March 31,
8 2005.”;

9 (2) in subparagraph (B)—

10 (A) in clause (v), by striking “and” at the
11 end;

12 (B) in clause (vi), by striking the period at
13 the end and inserting “; and”; and

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

15 “(vii) \$4,992,000 for the period of
16 October 1, 2004, through March 31,
17 2005.”.

18 (l) JOB ACCESS AND REVERSE COMMUTE PRO-
19 GRAM.—Section 3037(l) of the Federal Transit Act of
20 1998 (49 U.S.C. 5309 note) is amended—

21 (1) in paragraph (1)(A)—

22 (A) in clause (v), by striking “and” at the
23 end;

24 (B) in clause (vi), by striking the period at
25 the end and inserting “; and”; and

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

2 “(vii) \$54,500,000 for the period of
3 October 1, 2004 through March 31,
4 2005.”;

5 (2) in paragraph (1)(B)—

6 (A) in clause (v), by striking “and” at the
7 end;

8 (B) in clause (vi), by striking the period at
9 the end and inserting “; and”; and

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

11 “(vii) \$8,000,000 for the period of
12 October 1, 2004 through March 31,
13 2005.”; and

14 (3) in paragraph (2), by inserting before the pe-
15 riod at the end the following: “, except that in the
16 period of October 1, 2004 through March 31, 2005,
17 not more than \$5,000,000 shall be used for such
18 projects”.

19 (m) RURAL TRANSPORTATION ACCESSIBILITY IN-
20 CENTIVE PROGRAM.—Section 3038(g) of the Federal
21 Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

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

24 “(G) \$2,625,000 for the period of October
25 1, 2004 through March 31, 2005.”; and

1 (2) in paragraph (2), by inserting “(and
2 \$850,000 shall be available for the period of October
3 1, 2004, through March 31, 2005)” after “2004”.

4 (n) URBANIZED AREA FORMULA GRANTS.—Section
5 5307(b)(2) of title 49, United States Code, is amended—

6 (1) in the heading, by inserting “AND FOR THE
7 PERIOD OF OCTOBER 1, 2004, THROUGH MARCH 31,
8 2005” after “2004”; and

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

12 (o) OBLIGATION CEILING.—Section 3040 of the Fed-
13 eral Transit Act of 1998 (112 Stat. 394; 118 Stat. 708)
14 is amended—

15 (1) in paragraph (5), by striking “and” at the
16 end;

17 (2) in paragraph (6), by striking the period at
18 the end and inserting “; and”; and

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

20 “(7) \$3,879,000,000 for the period of October
21 1, 2004, through March 31, 2005.”.

22 (p) FUEL CELL BUS AND BUS FACILITIES PRO-
23 GRAM.—Section 3015(b) of the Federal Transit Act of
24 1998 (112 Stat. 361; 118 Stat. 885) is amended by insert-
25 ing “(or, in the case of the period of October 1, 2004,

1 through March 31, 2005, \$2,425,000) after
 2 “\$4,850,000”.

3 (q) ADVANCED TECHNOLOGY PILOT PROJECT.—Sec-
 4 tion 3015(c)(2) of the Federal Transit Act of 1998 (49
 5 U.S.C. 322 note; 118 Stat. 885) is amended—

6 (1) by inserting “, and \$2,500,000 for the pe-
 7 riod of October 1, 2004, through March 31, 2005,”
 8 after “per fiscal year”.

9 (r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS
 10 AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030
 11 of the Federal Transit Act of 1998 (112 Stat. 373; 118
 12 Stat. 885) is amended by inserting “and for the period
 13 of October 1, 2004, through March 31, 2005,” after
 14 “2004” each place it appears.

15 (s) NEW JERSEY URBAN CORE PROJECT.—Section
 16 3031(a)(3) of the Intermodal Surface Transportation Ef-
 17 ficiency Act of 1991 (105 Stat. 2122; 118 Stat. 885) is
 18 amended by inserting “and for the period of October 1,
 19 2004, through March 31, 2005, after “2004” each place
 20 it appears.

21 (t) TREATMENT OF FUNDS.—Section 8(t) of the Sur-
 22 face Transportation Extension Act of 2003 is amended—

23 (1) in paragraph (1), by striking “and by sec-
 24 tion 7 of the Surface Transportation Extension Act
 25 of 2004, Part IV” and inserting “by section 7 of the

1 Surface Transportation Extension Act of 2004, Part
 2 IV, and by section 8 of the Surface Transportation
 3 Extension Act of 2004, Part VI”; and

4 (2) in paragraph (2), by inserting “for fiscal
 5 year 2004” after “section”.

6 (u) LOCAL SHARE.—Section 3011(a) of the Federal
 7 Transit Act of 1998 (49 U.S.C. 5307 note; 118 Stat. 886)
 8 is amended by inserting “and for the period of October
 9 1, 2004, through March 31, 2005” after “2004,”.

10 **SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST**

11 **FUNDS FOR OBLIGATIONS UNDER TEA-21.**

12 (a) HIGHWAY TRUST FUND.—

13 (1) IN GENERAL.—Paragraph (1) of section
 14 9503(c) of the Internal Revenue Code of 1986 is
 15 amended—

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

19 (B) by striking “or” at the end of subpara-
 20 graph (J),

21 (C) by striking the period at the end of
 22 subparagraph (K) and inserting “, or”,

23 (D) by inserting after subparagraph (K)
 24 the following new subparagraph:

1 “(L) authorized to be paid out of the
 2 Highway Trust Fund under the Surface Trans-
 3 portation Extension Act of 2004, Part VI.”,
 4 and

5 (E) in the matter after subparagraph (L),
 6 as added by this paragraph, by striking “Sur-
 7 face Transportation Extension Act of 2004,
 8 Part V” and inserting “Surface Transportation
 9 Extension Act of 2004, Part VI”.

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

12 (A) in the matter before subparagraph (A),
 13 by striking “October 1, 2004” and inserting
 14 “April 1, 2005”,

15 (B) in subparagraph (H), by striking “or”
 16 at the end of such subparagraph,

17 (C) in subparagraph (I), by inserting “or”
 18 at the end of such subparagraph,

19 (D) by inserting after subparagraph (I) the
 20 following new subparagraph:

21 “(J) the Surface Transportation Extension
 22 Act of 2004, Part VI,” and

23 (E) in the matter after subparagraph (J),
 24 as added by this paragraph, by striking “Sur-
 25 face Transportation Extension Act of 2004,

1 Part V” and inserting “Surface Transportation
2 Extension Act of 2004, Part VI”.

3 (b) AQUATIC RESOURCES TRUST FUND.—

4 (1) SPORT FISH RESTORATION ACCOUNT.—

5 Paragraph (2) of section 9504(b) of the Internal
6 Revenue Code of 1986 is amended by striking “Sur-
7 face Transportation Extension Act of 2004, Part V”
8 each place it appears and inserting “Surface Trans-
9 portation Extension Act of 2004, Part VI”.

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

12 (A) by striking “October 1, 2004” and in-
13 serting “April 1, 2005”, and

14 (B) by striking “Surface Transportation
15 Extension Act of 2004, Part V” and inserting
16 “Surface Transportation Extension Act of
17 2004, Part VI”.

18 (3) EXCEPTION TO LIMITATION ON TRANS-
19 FERS.—Paragraph (2) of section 9504(d) of such
20 Code is amended by striking “October 1, 2004” and
21 inserting “April 1, 2005”.

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

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

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

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

○