

come true, and we will be again looking at another short-term fix.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

This is indeed a very important piece of legislation which keeps welfare programs that promote work and independence operating from coast to coast. It is important that those programs continue to be funded beyond their current September 30 expiration date. It is unfortunate that we have not yet reached a deal on a full 5-year welfare reform reauthorization bill that promises many improvements to the welfare reform policies now in place. The House welfare bill includes an additional \$2 billion for child care so that more parents can work and more flexibility for States to spend their welfare funds, but until we get agreement on such a broader bill, we need to keep today's program operating. That is what this bill does.

I urge all Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3146, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SURFACE TRANSPORTATION EXTENSION ACT OF 2003

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3087) 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, as amended.

The Clerk read as follows:

H.R. 3087

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2003".

#### SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (112 Stat. 116), as amended by this Act, to each State in the ratio that—

(1) the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a),

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

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

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

(B) the ratio that—

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

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2003.

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

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the \$2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being \$1,166,666,667 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after "2003" the following: "and in the period of October 1, 2003, through February 29, 2004,".

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

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

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

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

"(c) ADVANCE AUTHORIZATION.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2003 \$13,483,458,333 for the period of October 1, 2003, through February 29, 2004.

"(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transpor-

tation Extension Act of 2003 shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

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

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2003, through February 29, 2004, 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 2004 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2003, 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 until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii)  $\frac{1}{2}$  of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; but

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

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) and allocations, for programs funded under sections 4, 5 (other than subsection (c)), and 6(a) of this Act, of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 shall not exceed \$14,101,250,000; except that this limitation shall not apply to \$266,250,000 in obligations for minimum guarantee for the period of October 1, 2003, through February 29, 2004.

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

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in an Act making appropriations for the Department of Transportation for fiscal year 2004.

#### SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2004, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other

than subsections (d)(1) and (d)(2) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

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

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

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

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

**SEC. 4. ADMINISTRATIVE EXPENSES.**

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

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

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

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

(1) FEDERAL LANDS HIGHWAYS.—

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

(i) by inserting before the period at the end the following: “and \$114,583,333 for the period of October 1, 2003, through February 29, 2004”; and

(ii) by adding at the end the following: “The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be \$5,416,667 instead of \$13,000,000.”

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: “and \$102,500,000 for the period of October 1, 2003, through February 29, 2004”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: “and \$68,750,000 for the period of October 1, 2003, through February 29, 2004”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: “and \$8,333,333 for the period of October 1, 2003, through February 29, 2004”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112) is amended by insert-

ing before the period at the end the following: “and \$58,333,333 for the period of October 1, 2003, through February 29, 2004”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: “and \$15,833,333 for the period of October 1, 2003, through February 29, 2004”.

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

(i) \$4,166,667 shall be available for section 1064(d)(2);

(ii) \$2,083,333 shall be available for section 1064(d)(3); and

(iii) \$2,083,333 shall be available for section 1064(d)(4).

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

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

(B) by inserting before the period at the end the following: “, and \$11,458,333 for the period of October 1, 2003, through February 29, 2004”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113) is amended—

(A) by striking “and”; and

(B) by inserting before the period at the end the following: “, and \$4,583,333 for the period of October 1, 2003, through February 29, 2004”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: “and \$2,083,333 for the period of October 1, 2003, through February 29, 2004”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: “and \$45,833,333 for the period of October 1, 2003, through February 29, 2004”.

(B) CONFORMING AMENDMENT.—Section 1214(r) of such Act (112 Stat. 209) is amended by striking “2003” and inserting “2004”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840) is amended by inserting before the period at the end the following: “and \$208,333 for the period of October 1, 2003, through February 29, 2004”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223) is amended by inserting before the period at the end the following: “and \$10,416,667 for the period of October 1, 2003, through February 29, 2004”.

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

(A) in subsection (a)(1)—

(i) by striking “and” at the end of subparagraph (D);

(ii) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(iii) by adding at the end the following: “(F) \$58,333,333 for the period of October 1, 2003, through February 29, 2004.”;

(B) in subsection (a)(2) by inserting after “2003” the following: “and \$833,333 for the period of October 1, 2003, through February 29, 2004”; and

(C) in subsection (c)—

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

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

“2004 ..... \$1,083,333,333.”.

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

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

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

(B) by inserting after “2003” the following: “, and \$43,750,000 for the period of October 1, 2003, through February 29, 2004”.

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

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

(B) by inserting after “2003” the following: “, and \$8,750,000 for the period of October 1, 2003, through February 29, 2004”.

(3) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420) is amended by inserting before the period at the end the following: “, and \$12,916,667 for the period of October 1, 2003, through February 29, 2004”.

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

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

(B) by inserting after “2003” the following: “, and \$47,916,667 for the period of October 1, 2003, through February 29, 2004”.

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

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

(B) by inserting after “2003” the following: “, and \$51,666,667 for the period of October 1, 2003, through February 29, 2004”.

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

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

(B) by inserting after “2003” the following: “, and \$11,250,000 for the period of October 1, 2003, through February 29, 2004”.

(c) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$100,000,000 for the period of October 1, 2003, through February 29, 2004.

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

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

(d) TERRITORIES.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115) is further amended by adding at the end the following:

“(d) TERRITORIES.—

“(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23,

United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands \$15,166,667 for the period of October 1, 2003, through February 29, 2004.

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

(e) ALASKA HIGHWAY.—Section 1101 of such Act is further amended by adding at the end the following:

"(e) ALASKA HIGHWAY.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Alaska Highway program under section 218 of such title \$7,833,333 for the period of October 1, 2003, through February 29, 2004.

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

(f) OPERATION LIFESAVER.—Section 1101 of such Act is further amended by adding at the end the following:

"(f) OPERATION LIFESAVER.—

"(1) IN GENERAL.—In lieu of the amount set aside under section 104(d)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under such section \$208,333 for the period of October 1, 2003, through February 29, 2004.

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

(g) BRIDGE DISCRETIONARY.—Section 1101 of such Act is further amended by adding at the end the following:

"(g) BRIDGE DISCRETIONARY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$41,666,667 to the Secretary at the discretion of the Secretary to carry out section 144(g) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

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

(h) INTERSTATE MAINTENANCE.—Section 1101 of such Act is further amended by adding at the end the following:

"(h) INTERSTATE MAINTENANCE.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$41,666,667 to the Secretary to carry out projects described in section 118(c)(1) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

"(2) PROJECT SELECTION CRITERIA.—The project selection criteria in section 118(c)(2) of such title shall apply to amounts made available by this subsection.

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

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101 of such Act is further amended by adding at the end the following:

"(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(h)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary to cover costs of the Secretary described in such section \$312,500 for the period of October 1, 2003, through February 29, 2004.

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

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101 of such Act is further amended by adding at the end the following:

"(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(d)(2) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for elimination of hazards of railway-highway crossings in accordance with such section \$2,187,500 for the period of October 1, 2003, through February 29, 2004; except that not less than \$104,167 instead of \$250,000 shall be available for the period of October 1, 2003, through February 29, 2004, for eligible improvements described in subparagraph (E) of such section.

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

(k) NONDISCRIMINATION.—Section 1101 of such Act is further amended by adding at the end the following:

"(k) NONDISCRIMINATION.—

"(1) SKILLS TRAINING.—In lieu of the amount to be deducted under section 140(b) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section \$4,166,667 for the period of October 1, 2003, through February 29, 2004.

"(2) ON-THE-JOB TRAINING.—In lieu of the amount to be deducted under section 140(c) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section \$4,166,667 for the period of October 1, 2003, through February 29, 2004.

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

made available by paragraph (1) shall remain available until expended."

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

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2004 for allocation under a program, that is continued both by a law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2004 for a program category for which funds are not authorized for fiscal year 2004 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

#### SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

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

(A) in subsection (a)(3) by striking "2001" and inserting "2002";

(B) in subsection (a)(8)(B) by striking "2001" and inserting "2002";

(C) in subsection (b) by striking "2002" and inserting "2003";

(D) in subsection (c)(1) by striking "2002" and inserting "2003";

(E) in subsection (c)(2) by striking "2002" and inserting "2003";

(F) in subsection (f)(4) by striking "2002" and inserting "2003";

(G) in subsection (g)(1)—

(i) by striking "and"; and

(ii) by inserting before the period at the end the following: ", and \$46,666,667 for the period of October 1, 2003, through February 29, 2004";

(H) in the heading to subsection (g)(3)(B) by striking "2003" and inserting "2004"; and

(I) in subsection (g)(3)(B) by striking "2003" and inserting "2004".

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

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and \$50,000,000 for the period of October 1, 2003, through February 29, 2004".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 209(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", and \$68,750,000 for the period of October 1, 2003, through February 29, 2004".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 209(a)(2) of such Act (112 Stat. 337) is amended by inserting after "2003" the following: ", and \$30,000,000 for the period of October 1, 2003, through February 29, 2004".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 209(a)(3) of such Act (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: “, and \$8,333,333 for the period of October 1, 2003, through February 29, 2004”.

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

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

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

(B) in subsection (a)(4)(C) by striking “and sixth” and inserting “, sixth, and seventh”; and

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

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

(B) by inserting before the period at the end the following: “, and \$16,666,667 for the period of October 1, 2003, through February 29, 2004”.

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338) is amended by inserting after “2003” the following: “, and \$833,333 for the period of October 1, 2003, through February 29, 2004”.

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

(1) in paragraph (1) by striking “2003” and inserting “2004”; and

(2) in paragraph (2) by striking “2003” and inserting “2004”.

(h) APPLICABILITY OF TITLE 23.—Section 2009(c) of such Act (112 Stat. 338) is amended by striking “2003” and inserting “2004”.

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

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration \$71,487,500 for the period of October 1, 2003, through February 29, 2004.

(2) USE OF FUNDS.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and technology, regulatory development, and other operating expenses and similar matters.

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

“(7) Not more than \$68,750,000 for the period of October 1, 2003, through February 29, 2004.”.

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

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

(A) by striking “and” at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon;

(C) by striking the period at the end of paragraph (4) and inserting “; and”; and

(D) by adding at the end the following:

“(5) \$8,333,333 for the period of October 1, 2003 through February 29, 2004.”.

(2) EMERGENCY CDL GRANTS.—From amounts made available by section 31107(a) of title 49, United States Code, for the period of October 1, 2003 through February 29, 2004, the Secretary of Transportation may make grants of up to \$416,667 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a) of such title.

(d) CRASH CAUSATION STUDY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor

Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770-1771), \$416,667 for the period of October 1, 2003 through February 29, 2004.

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

#### SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

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

(1) in paragraph (1) by inserting “and for the period of October 1, 2003, through February 29, 2004” after “2003”; and

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

“(iii) OCTOBER 1, 2003 THROUGH FEBRUARY 29, 2004.—Of the amounts made available under paragraph (1)(B), \$4,333,333 shall be available for the period of October 1, 2003, through February 29, 2004, for capital projects described in clause (i).”;

(3) in paragraph (3)(B) by inserting after “2003” the following: “(and \$1,250,000 shall be available for the period October 1, 2003, through February 29, 2004)”; and

(4) in paragraph (3)(C) by inserting after “2003” the following: “(and \$20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)”.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—

(1) SPECIAL RULE FOR OCTOBER 1, 2003 THROUGH FEBRUARY 29, 2004.—The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2004 funding made available by sections 5338(b)(2)(A)(vi) and 5338(b)(2)(B)(vi) of such title.

(2) TECHNICAL AMENDMENT.—Section 5337 of such title is amended by striking the first subsection (e), relating to special rule.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”; and

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

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;

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

“(vi) \$1,292,948,344 for the period of October 1, 2003, through February 29, 2004.”;

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

“(vi) \$323,459,169 for the period of October 1, 2003, through February 29, 2004.”; and

(6) in paragraph (2)(C) by inserting after “a fiscal year” the following: “(other than for the period of October 1, 2003, through February 29, 2004)”.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the aggregate of amounts made available by and appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) \$2,020,813 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

(2) \$20,833,334 shall be available to carry out section 5308 of such title; and

(3) of the remaining amount—

(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

(B) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and

(C) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”; and

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

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;

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

“(vi) \$1,022,503,342 for the period of October 1, 2003, through February 29, 2004.”; and

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

“(vi) \$255,801,669 for the period of October 1, 2003, through February 29, 2004.”.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”; and

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

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;

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

“(vi) \$24,636,667 for the period of October 1, 2003, through February 29, 2004.”;

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

“(vi) \$6,100,000 for the period of October 1, 2003, through February 29, 2004.”; and

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

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”; and

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

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;

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

“(vi) \$16,536,667 for the period of October 1, 2003, through February 29, 2004.”;

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

“(vi) \$4,095,000 for the period of October 1, 2003, through February 29, 2004.”; and

(6) in paragraph (2)(C) by inserting after “a fiscal year” the following: “(other than for the period of October 1, 2003, through February 29, 2004)”.

(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) not less than \$2,187,500 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than \$3,437,500 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than \$1,666,667 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$416,667 shall be available to carry out section 5315(a)(16) of such title; and

(4) the remainder shall be available for carrying out national planning and research

programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”;

(2) in paragraph (2)(A) by inserting after “2003” the following: “and \$2,020,833 for the period of October 1, 2003, through February 29, 2004”;

(3) in paragraph (2)(B) by inserting after “2003” the following: “and \$505,833 for the period of October 1, 2003, through February 29, 2004”;

(4) in clauses (i) and (iii) of paragraph (2)(C) by inserting after “fiscal year” the following: “(other than for the period of October 1, 2003, through February 29, 2004)”.

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through February 29, 2004—

(A) \$833,333 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) \$833,333 shall be available for the center identified in section 5505(j)(4)(F) of such title.

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

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by inserting “and in the period October 31, 2003, through February 29, 2004” after “2003”.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”;

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

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;

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

“(vi) \$24,585,834 for the period of October 1, 2003, through February 29, 2004.”; and

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

“(vi) \$6,150,833 for the period of October 1, 2003, through February 29, 2004.”.

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

(1) by striking “and” at the end of paragraphs (1)(A)(iv) and (1)(B)(iv);

(2) by striking the period at the end of paragraphs (1)(A)(v) and (1)(B)(v) and inserting “; and”;

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

“(vi) \$50,519,167 for the period of October 1, 2003, through February 29, 2004.”;

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

“(vi) \$12,638,333 for the period of October 1, 2003, through February 29, 2004.”; and

(5) by inserting before the period at the end of paragraph (2) the following: “; except that in the period of October 1, 2003, through February 29, 2004, \$4,166,667 shall be used for such projects”.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such

Act (49 U.S.C. 5310 note; 112 Stat. 393) is amended—

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

“(F) \$2,187,500 for the period of October 1, 2003, through February 29, 2004.”; and

(2) in paragraph (2) by inserting after “2003” the following: “(and \$708,333 shall be available for the period of October 1, 2003, through February 29, 2004)”.

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

(1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”;

(2) in paragraph (2)(A)—

(A) by inserting “and for the period of October 1, 2003, through February 29, 2004” after “2003.”;

(B) by striking “or” at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting “; and”;

(D) by adding at the end the following:

“(iv) a portion of the area was not designated as an urbanized area as determined under the 1990 Federal decennial census and received assistance under section 5311 in fiscal year 2002.”;

(3) by adding at the end of paragraph (2)(B) the following: “Each portion of an area not designated as an urbanized area under the 1990 Federal decennial census and eligible to receive funds under subparagraph (A)(iv) shall receive an amount of funds made available to carry out this section that is no less than the amount the portion of the area received under section 5311 in fiscal year 2002.”.

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

(1) by striking “and” at the end of paragraph (4);

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

(3) by adding at the end the following:

“(6) \$3,042,501,691 for the period of October 1, 2003, through February 29, 2004.”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of such Act (112 Stat. 361) is amended by inserting “(or, in the case of the period of October 1, 2003, through February 29, 2004, \$2,020,833)” after “\$4,850,000”.

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

(1) by inserting “and for the period of October 1, 2003, through February 29, 2004, after “2003.”; and

(2) by inserting “and \$2,083,333 for such period” after “\$5,000,000 per fiscal year”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of such Act (112 Stat. 373–381) are amended by inserting “and for the period of October 1, 2003, through February 29, 2004,” after “2003”.

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) are amended by inserting “and for the period of October 1, 2003, through February 29, 2004,” after “2003.”.

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

#### SEC. 9. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of

the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by inserting “and” after the semicolon at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following:

“(6) \$4,166,667 for the period of October 1, 2003, through February 29, 2004.”.

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

(1) by redesignating paragraph (4) as paragraph (5);

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

“(4) FIRST 5 MONTHS OF FISCAL YEAR 2004.—

For the period of October 1, 2003, through February 29, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$34,166,667, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$4,166,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$3,333,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

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

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended to read as follows:

“(c) Of the amount transferred to the Secretary of Transportation under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), \$2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which \$833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.”.

#### SEC. 10. BUDGET LIMITATIONS.

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

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

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2004) as paragraph (1) and in such

redesignated paragraph strike “(1) with respect to fiscal year 2004”, redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

“(1) with respect to fiscal year 2004—

“(A) for the highway category: \$31,834,000,000 in outlays;

“(B) for the mass transit category: \$1,462,000,000 in new budget authority and \$6,629,000,000 in outlays; and”.

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

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

(1) in subparagraph (B) by inserting after “Century” the following: “and the Surface Transportation Extension Act of 2003”; and

(2) in subparagraph (C)—

(A) by inserting after “Century” the first place it appears the following: “and the Surface Transportation Extension Act of 2003”; and

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

(d) CONFORMANCE WITH THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2004 shall be deemed to be zero.

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

#### SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

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

(1) by striking “and” at the end of paragraph (4);

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

(3) by adding at the end the following:

“(6) for fiscal year 2004, \$34,498,000,000.”.

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

(1) by striking “and” at the end of paragraph (4);

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

(3) by adding at the end the following:

“(6) for fiscal year 2004, \$7,303,000,000.”.

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

#### SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

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

(A) in the matter before subparagraph (A), by striking “October 1, 2003” and inserting “March 1, 2004”;

(B) by striking “or” at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting “, or”;

(D) by inserting after subparagraph (E), the following new subparagraph:

“(F) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2003.”; and

(E) in the matter after subparagraph (F), as added by this paragraph, by striking “TEA 21 Restoration Act” and inserting “Surface Transportation Extension Act of 2003”.

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

(A) in the matter before subparagraph (A), by striking “October 1, 2003” and inserting “March 1, 2004”;

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

(C) in subparagraph (C), by inserting “or” after “Century.”;

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

“(D) the Surface Transportation Extension Act of 2003.”; and

(E) in the matter after subparagraph (D), as added by this paragraph, by striking “TEA 21 Restoration Act” and inserting “Surface Transportation Extension Act of 2003”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “October 1, 2003” and inserting “March 1, 2004”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A), by striking “Wildlife and Sport Fish Restoration Programs Improvement Act of 2000” and inserting “Surface Transportation Extension Act of 2003”; and

(B) in subparagraphs (B) and (C), by striking “TEA 21 Restoration Act” in each such subparagraph and inserting “Surface Transportation Extension Act of 2003”.

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

(A) by striking “October 1, 2003” and inserting “March 1, 2004”; and

(B) by striking “TEA 21 Restoration Act” and inserting “Surface Transportation Extension Act of 2003”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “October 1, 2003” and inserting “March 1, 2004”.

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

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of this Act and ending on February 29, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman

from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1515

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003. The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 and ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension. Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation project costs, thus subjecting the Federal Government to breach of contract claims by the States. Moreover, high-wage infrastructure construction jobs, engineers, planners and other related jobs, would be lost. New highway projects will be shelved, safety grants will not be provided to the States, transit construction will be halted, and the Federal enforcement of motor carrier safety regulation on the highways and at the borders will end.

I would like to thank at this time the gentleman from Iowa (Mr. NUSSLE) and his staff for their cooperation in drafting provisions of this bill under the jurisdiction of the Committee on the Budget. I would also like to thank the gentleman from California (Chairman THOMAS) and his staff for their assistance in preparing the provisions in the jurisdiction of the Committee on Ways and Means.

H.R. 3087 provides over \$14 billion in contract authority to the States to continue Federal highway programs and over \$3 billion to continue grants to transit agencies around the country. It provides \$142 million for the Federal Motor Carrier Safety Administration and \$125 million to the National Highway Traffic Safety Administration for highway safety grants.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now; all the programs and the operation of the agencies will come to a screeching halt again.

I want to stress my continued commitment to the multiyear reauthorization bill, but I am also committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs. Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent, all with the help of God and everybody else, to introduce a bill before we adjourn this session of Congress. I am working very closely with the ranking minority member, the gentleman from Minnesota (Mr. OBERSTAR), to achieve a bipartisan agreement that will result in the best possible bill.

We expect to produce legislation that is developed in consultation with the Members of this House to solve their transportation problems, provide more equity to the States and reduce gridlock throughout the Nation. In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

I am submitting my full statement for the record, but I want to clarify that while I support the bill that is before the House today, I also introduced H.R. 3088, which was not scheduled. H.R. 3088 would have kept these programs operating through March, and also had a grace period during which the States could have been reimbursed for their expenditures and also could have used some of their unobligated funds.

My personal view is that we should have passed a 6-month extension with a grace period, but I am trying to work cooperatively with the other body and with the leadership. I have been assured today that H.R. 3087 passes, and, when it does, the other body will take it up and pass it without amendment and send it to the President immediately so there are no disruptions of these programs. My support today is based on that assurance. That is the reason I have compromised on the length of the extension and the removal of the grace period for the States. We do not have the time to continue a debate on this extension. It must go to the President immediately and become law.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003.

The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier, and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension.

Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation projects costs, thus subjecting the Federal Government to breach of contract claims by the States.

Moreover, high wage infrastructure construction jobs, engineers, planners and other related jobs will be lost.

New highway projects will be shelved, safety grants will not be provided to States, transit

construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The total amounts provided in H.R. 3087 reflects 5/12s of the budget authority and associated outlays in the 2004 budget resolution that Congress passed this year.

I would like to thank Chairman JIM NUSSLE and his staff for their cooperation in drafting the provisions of this bill under the jurisdiction of the budget committee.

I also want to thank Chairman BILL THOMAS and his staff for their assistance in preparing the provisions in the jurisdiction of the Ways and Means Committee.

H.R. 3087 provides over \$14 billion in contract authority to the States to continue the Federal Highway Program and over \$3 billion to continue grants to transit agencies around the country.

It provides \$142 million for the Federal Motor Carrier Safety Administration to make grants to the States to enforce commercial safety regulations and to continue truck and bus inspections at our southern border with Mexico.

H.R. 3087 provides \$125 million to the National Highway Traffic Safety Administration for highway safety grants, occupant protection grants, and alcohol driving countermeasure grants.

This legislation will allow the temporary transfer of funds among core highway programs, to give States flexibility in administering their programs under a short-term extension.

However, the bill provides that any transfers will be restored when the next highway and transit authorization bill is passed.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now. All of the programs and the operations of the agencies will come to a screeching halt again.

I want to stress my continued commitment to a multi-year reauthorization bill but, and I also remain committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs.

On a national basis, congestion costs more than \$67 billion annually—more than 3.6 billion hours of delay and 5.7 billion gallons of excess fuel consumed.

The average driver is losing more than a week and a half of work, 62 hours a year, sitting in gridlock. The average cost of congestion per peak road traveler is \$1,160 a year.

For every \$1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained.

Nearly a third of all fatal crashes each year are caused by substandard road conditions and roadside hazards.

More than 42,000 Americans are killed and 3.3 million are seriously injured each year on the Nation's highways.

Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent to introduce a bill before we adjourn this session of Congress. I am working cooperatively with my ranking minority member, Congressman OBERSTAR to achieve a bipartisan agreement that will result in the best possible bill. We expect to produce legislation that is developed in consultation with the Members of this House to solve our transportation problems, provide more equity to states, and reduce gridlock throughout the Nation.

In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of H.R. 3087, to extend our highway safety motor carrier safety programs for the next 5 months.

I extend my commiserations to our chairman, who had the honesty and the integrity to say we really should be here doing a 6-month extension. He knows, I know, and we both agreed, and 74 members of our committee agreed in cosponsoring the 6-month extension, that is the right policy to do for this country, and he has labored mightily with the other body, as we affectionately say in this House, to reason, rightly and properly, to get the right policy. But it could not be done, unfortunately.

The bill before us will extend to February 29 the funding for our transportation programs at 5/12ths of the fiscal year 2004 budget resolution. I want to specify those dollar amounts: Highways, \$14.73 billion; transit, \$3.04 billion; motor carrier safety and National Highway Traffic Safety Administration, \$266.32 million; for a total of \$18.04 billion.

Members and the State transportation departments that they represent should have no concerns about the continued flow of dollars for our highway and transit programs. We are assuring that those dollars move forward, because we also extend the landmark legacy of TEA-21, which is the budget firewalls guaranteed account, which assures that the dollars collected at the pump will be translated into highway and transit projects on the other side, and that all of those dollars will be invested in the Nation's surface transportation infrastructure, and not to mask the growing size of the Federal deficit.

But this stopgap is no substitute for the long-term bill. We need to work together, as the chairman has said, to fashion the 6-year bill that will be the successor to TEA-21, and that, in my expectation and every reasonable assessment of the Nation's congestion problems, transportation needs in urban, suburban and rural areas, adds up to \$375 billion in needs over the next 6 years, a 60 percent increase over TEA-21.

We have the formula with which to do that. We have the Member understanding, the Member resolve and the staff expertise to craft that legislation, get it done, and move forward, lest we come to a point where this statement has yet again to be made: "Time is running out in our effort to reauthorize our Federal highway, mass transit and other related transit programs."

That is taken from a statement I made on this floor, together with then Chairman BUD SHUSTER, March 9, 1998.

We had just come to the end of a 6-month extension of our transportation program, of ISTEA. We had crafted a bill in committee known as BESTEA. We were ready to bring that bill to the House floor. But, because of obstructions from the other body, problems with the House leadership and problems with the executive branch at the time, we were bottled up. So we came to this floor at that point to extend those programs 2 more months. They would run out May 1, so we extended it to June 11, and on June 8, President Clinton signed TEA-21 into law.

We have always done our work in this Committee on Transportation and Infrastructure. We work together. We did our job. But there were others who did not do theirs.

I went on to say, "If we do not pass this extension, funds will run out by May 1. States will face the summer construction season without assurance of Federal transportation funds."

We are here recounting the same story.

"We have to move on a multiyear surface transportation bill, but we need to ensure that the bill we produce adequately addresses the Nation's transportation needs. The bill we have crafted in committee provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, to improve mass transit and other alternative modes, enhance safety, protect the environment, and the bill has strong bipartisan support and is a testimony to Transportation Committee Chairman BUD SHUSTER's leadership."

I would say the same, the bill that we can craft in this committee will be a tribute to the leadership of the gentleman from Alaska (Chairman YOUNG) and that of the gentleman from Wisconsin (Chairman PETRI) and our ranking member, the gentleman from Illinois (Mr. LIPINSKI.)

We are at the point we were 6 years ago. We are resolved to move ahead, move ahead resolutely, to do the right thing for public policy, to provide the funding levels that we know are needed by this country to move our transportation system ahead, to attack congestion at its source and to sustain the mobility of this great Nation of ours.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Surface Transportation, who does an outstanding job.

Mr. PETRI. Mr. Speaker, this stop-gap measure is needed to give the Committee on Transportation and Infrastructure and our colleagues on the Senate authorizing committees time to finalize the long-term surface transportation authorization bill.

Though much work has been done on the bill, there are challenges remaining, including identifying the needed resources to support a \$375 billion level of funding over 6 years and addressing

the concerns of donor States who want to get a better return on their contribution to the Highway Trust Fund.

This short-term extension is a must-pass bill. If Congress does not pass a bill and send it to the President before the end of the month, four Department of Transportation agencies will close their doors and furlough their employees: The Federal Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

Without passage of this extension, new highway projects will be shelved, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The bill before us provides over \$17 billion in new funding authority, which reflects 5 months' worth or  $\frac{5}{12}$ ths of the budget authority and associated outlays in the 2004 budget resolution that Congress passed earlier this year.

Some groups have expressed concern about a provision in H.R. 3087 that allows the temporary transfer of funds among core highway programs to give States flexibility, if needed, in administering their programs under a short-term extension. However, this bill provides that any transfers will be restored when the next highway bill and transit authorization bill is passed.

When this provision was included in the surface transportation extension bill that bridged the gap between ISTEA and TEA-21, nearly half the States did not utilize this authority at all, and every State fully restored all transferred funds. We will monitor this process closely again to ensure that increased flexibility does not lead to funds being used for ineligible purposes, and that funds are not needlessly transferred.

I urge my colleagues to support the passage of H.R. 3087 today. It is vitally important that this bill be passed by both the House and Senate and delivered to the President before September 30. Our economy cannot withstand the shutdown of the national surface transportation program.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Surface Transportation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member, my good friend the gentleman from Minnesota (Mr. OBERSTAR), for yielding time, and I want to state that I rise in very strong support of H.R. 3087. We know why we have to pass this legislation. It is a 5-month extension. We have to keep the projects that are going on continuing to move through the system. We have to continue to keep people working. So there is no doubt in my mind that this bill should be passed, will be passed, and has to be passed.

I believe that we on the Committee on Transportation and Infrastructure,

the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI) and myself and the staff on both sides of the committee, have worked very, very hard in producing a 6-year bill. I think we have overwhelming support on the committee for a bill that will generate \$375 billion.

□ 1530

That is what not only we believe is necessary for an adequate bill, but I believe that people in the administration feel that way and people in the Senate feel that way. The Senate itself has come up with a bill of approximately \$317 billion. They feel that that is probably the most that we can get.

But I think that most of us in the House on the Committee on Transportation and Infrastructure still refuse to accept the scaling down of this bill. I believe that we can get \$375 billion by spending down the trust fund, by collecting the interest into the trust fund that now goes to general revenue, by making a couple of fixes pertaining to the ethanol situation, and by either bonding, indexing, or increasing the user fee, and remember, it is a user fee. No greater American than Ronald Reagan said it was a user fee. He said a nickel for America is not too much to expect.

So we on the Committee on Transportation and Infrastructure on both sides of the aisle I know will redouble our effort between now and the time that this extension expires to bring in a bill that will adequately address the infrastructure and transportation and transit needs of this Republic. I know that the gentleman from Wisconsin (Mr. PETRI) is committed to that, I know that the gentleman from Alaska (Chairman YOUNG) is committed to that, I know that the gentleman from Minnesota (Ranking Member OBERSTAR) is committed to that, and I am certainly committed to that.

So let us move forward with this 5-month extension, but let us redouble our efforts to produce a bill that brings the American people \$375 billion.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 3087 to extend current law for 5 months to ensure that our Nation's highways and transit systems continue to operate as Congress deliberates on long-term reauthorization of Federal aid.

I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) for their leadership, as well as the ranking members of the full committee and the subcommittee, for their vision for a transportation program that will not only maintain, but modernize and improve our Nation's ailing transportation system. I know it is not

an ideal situation to be here today to consider a short-term extension; but recognizing the difficult issues involved in reaching a consensus on a robust and comprehensive 6-year bill, it is necessary to take this action.

Although I support and recognize the urgent need for enacting this short-term extension, I must reluctantly point out that this legislation ties transportation funding levels to the fiscal year 2004 budget resolution. This means new money will be apportioned to States based on the same inequitable distribution formulas that have disadvantaged donor States such as Michigan for decades. For too long, the State of Michigan has sent more Federal fuel tax money to Washington than it has received in return. In fact, on a 4-year average under TEA 21, Michigan ranks 48 out of all States on the return of Federal highway funds. Michigan is not receiving its fair share.

I continue to be encouraged by the willingness and desire of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) to pursue a plan that achieves equity for donor States such as Michigan as they address the serious infrastructure needs of this country. Hopefully, over the next 5 months, we will make progress on legislation to reach the goal of a 95 percent guarantee for all States. However, regardless of the next course of action at the end of February, it will be unacceptable for any transportation funding to neglect donor State equity.

Again, I look forward to working with the chairmen of the full committee and the subcommittee and our ranking members to address the wide range of issues that they are wrestling with, and I look forward to helping them in any way that I can.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank our hard-working ranking member for yielding me this time, and I thank both of our ranking members and both of our Chairs of our committee and our subcommittee for the diligent work they have put in. I congratulate them on that and on trying to get us as far as we could thus far.

We are on suspension, which is really the only thing we could do, and it probably is the easiest thing we can do; and when you are doing the easiest thing, you have to watch out. Everybody knows that if something happened after 5 months and we were not ready, we would have to be right back here extending this bill. We just have to. We are not going to let a transportation bill expire. That is why I am sorry it is not for 6 months.

I am glad we are doing this on the floor today. For me it is a message for now and it is a message for the future. In this jobless recovery, folks out there need to know that we are working on jobs, and when they hear this bill is on

the floor, they think, oh, goodness, at least they are not going to cut off what jobs are still going and maybe there will be some jobs coming. I am terribly concerned about a jobless rate of 6.4 percent, and 6.9 percent in my own district. Among African Americans, it is an amazing 11.5 percent, more than twice what it is for whites, and 5.5 percent for Hispanics, 50 percent higher than it is for whites. I hope we will not forget what this bill means to Americans: roads. Transportation means that we are going to put people to work, and today we are saying that we are trying our best to do that.

Mr. Speaker, I want to second the remarks of our ranking member about funding, the \$375 million figure. I have begun to understand that figure as I became a member of the Committee on Homeland Security, and more and more of what I am asking for roads really has to do with security. The money I am asking for really has to do with things like bridges and tunnels because you cannot get out of the District of Columbia the way it is now if there were an emergency.

So I ask us all to focus on this bill, to focus on getting it done now, and to focus on doing what we have to do to get it out at the earliest possible moment.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what the gentlewoman has talked about, about getting out of Washington, D.C. As the gentlewoman knows, I am very sympathetic; and we will be addressing it in the full bill to try to solve some of those problems of having the ability to get the people out of Washington, if necessary, in a quick fashion.

Our biggest goal of, I believe, the gentleman from Minnesota (Mr. OBERSTAR) and members of the committee is to really address the issues of congestion across this whole Nation. I have had the privilege of being in 40 different States in the last 2 years. The gentleman from Minnesota (Mr. OBERSTAR) has traveled with me and the gentleman from Wisconsin (Mr. PETRI). We go across this Nation, and we find a tremendous equal problem in every big city. New York, with all due respect to New York, if that one bridge was blown up, you would have 12 million people stranded with no way to supply. San Francisco and, I would suggest, L.A., Houston. So we have a national problem about congestion and the ability to move product and people to and from; and it is my hope on this committee, with the members of this committee and with the help of the gentleman from Minnesota (Mr. OBERSTAR) and the staffs which we have, we will work really hard and we will be able to introduce a bill before we break this session that will meet those needs.

Mr. Speaker, if I had full authority, we would not only meet the needs; we would be able to have the money. But under this system, this is a two-tiered

system; it has to go from this committee to another committee, and that committee will have the responsibility of trying to raise the funds to meet the needs that we are going to pass out of the committee to do the job for the people, to be able to move the people in case of an emergency, but also to make sure that commerce continues to grow. Without the ability to grow, without the ability to have transportation, our economy will shrink. So that is my goal on the committee, and I am confident we can achieve those goals. The American public wants to do this. I am confident that as time goes by there will be a greater bit of wisdom in certain parts of this great city of ours to understand the needs as I have presented to the committee and the committee will be able to send to the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this.

While I too regret that we are not going to have a longer bill, it is better to allow more time and allow the bipartisan leadership of our committee to craft adequate funding, funding that the people want and Congress will support, if we are able to bring it to the floor, far better than to have an inadequate funding level that we are saddled with over the next 6 years.

One point I want to make this afternoon, however, is that there is a broad coalition of support for the policy structure of TEA 21. It is not broken and it does not need to be fixed. Recently the House sent a strong message when it soundly rejected the weakening of guaranteed funding for transportation enhancement activities as outlined in TEA 21. It would send the wrong message about our commitment if we would allow dollars to be redirected from investments critical in areas like highway safety, transportation enhancement activities, metropolitan congestion, and clean air. These are part of the coalition that are going to permit our leadership to bring a strong package to the floor and get overwhelming support.

So I was concerned about the provision that had State departments of transportation having wider latitude to shift dollars. I am pleased that we are going to be clear that this provision will not extend the transferability clause. I am pleased that there is a commitment to make sure that it does not ultimately result in shortchanging the programs. I appreciate anything we can do to clarify this, because this is the single most important economic development issue, the single most important environmental issue; and, yes, as we have heard, it has critical national security components.

I appreciate the work that is being done within our committee, with our

leadership, and I appreciate the ability on the floor today to clarify exactly what the intent is, so we build the coalition, not weaken it, and give the American public legislation that they deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I will insert into the RECORD at this point a letter from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, to myself regarding H.R. 3087.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, September 23, 2003.

Hon. DON YOUNG,  
Chairman, Committee on Transportation & Infrastructure,

Rayburn HOB, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that the House is expected to consider a five-month extension of TEA21 and concerns have arisen as to whether this would have adverse budgetary implications for highway, highway safety, and mass transit programs when a long-term extension is considered next year.

In particular, concerns have been raised that the Committee on Transportation and Infrastructure would be penalized should the short-term extension expire before the Congressional Budget Office (CBO) releases its baseline projections early next year. As you know, CBO is generally prohibited from assuming the continuation of any expired mandatory program.

I am confident your committee will not be penalized for any temporary lapse in its spending authorities. For purposes of enforcing either the 2004 or 2005 budget resolution, the appropriate baseline would be the baseline underlying the budget resolution. The 2004 budget resolution assumes a multi-year extension of TEA21, and I can assure you that the House budget resolution for 2005 will also assume such an extension and I will work to maintain that position in conference.

Further, it would be my intent, if necessary, to request that CBO produce an alternative baseline that assumes a full year extension and I would use this baseline to develop the FY 2005 budget resolution. Accordingly, it will make little difference as to whether the House ultimately adopts a five- or six month extension. Either way, I will make every attempt to ensure that the operative baseline reflects the continuation of these critical highway, highway safety, and mass transit programs.

If I may be of any assistance as you move this important bill, please do not hesitate to contact me or Rich Meade, Chief of Staff of the Budget Committee, at 6-7270.

Sincerely,

JIM NUSSLE,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise to engage the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), in a colloquy.

I am concerned about the transfer authority provided under sections 3(a) and (b) of the bill. This provision, as I understand it, allows States during this interim period to transfer funds

from critical highway safety, transportation enhancement, and congestion mitigation and air quality programs. I want to be assured that the real intent of this provision is to give States additional authority for those cases where it is needed on a project-by-project basis to move funds beyond which current law would allow.

Further, it is my understanding that in cases where funds are transferred, section 3(c) specifically requires the restoration of any transferred funds promptly after the date of enactment of any subsequent law reauthorizing the Federal aid highway program, whether it be a short-term extension act or multiyear reauthorization legislation.

Therefore, this transferability provision expires at the end of the 5-month period on February 29, 2004; and any funds borrowed are required to be restored.

I yield to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways, Transit, and Pipelines.

Mr. PETRI. Mr. Speaker, the gentlewoman from California is correct. Section 3(c) specifically states that the transferability provision applies only during this 5-month period, and any funds used will be restored.

Mrs. TAUSCHER. Mr. Speaker, reclaiming my time, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the committee.

Mr. OBERSTAR. Mr. Speaker, I appreciate the issue the gentlewoman has raised. It is identical to the issue the gentleman from Oregon addressed in the well just moments ago.

Although the bill allows States to transfer funds among programs during this 5-month period where they deem necessary, the restoration of any funds borrowed will begin upon enactment of any subsequent law reauthorizing the program, whether a short-term additional extension or a multiyear reauthorization. The restoration of funds is specifically required by section 3(c) of the pending bill.

I further want to make clear that I will not support efforts to change the effect of section 3(c) of the bill to allow the transfer authority to be extended beyond February 29, 2004. I thank the gentlewoman for her vigilance and the gentleman from Oregon similarly.

Mrs. TAUSCHER. Mr. Speaker, I appreciate the help of the gentleman from Wisconsin (Chairman PETRI) and the gentleman from Minnesota (Ranking Member OBERSTAR) on this. I really understand the clarification, and I support the bill.

□ 1545

Mr. OBERSTAR. Mr. Speaker I yield myself such time as I may consume.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I wish to include in the RECORD the statement

I referred to earlier of March 9, 1998 on our previous TEA 21 legislation. I just want to underscore the importance of what we are doing. A very short-term extension, a very short leash on this program. And to also point out how critically important it is going to be for us not only to do our work in the committee which I am confident, absent external pressures, we can accomplish, but also to move that bill through this body and get into conference with the other body and resolve what will be clearly differences between the two Houses; that is going to take considerable amounts of time and effort.

I would ideally like to see in the balance of this year, not just, I am not just talking about the legislative session, but the balance of this calendar year, that this body will stay in session, so that when we do, and I am confident that we will, complete work in our committee on a bill, a 6-year extension, we could bring it to this floor and pass it to this body before the end of this calendar year, so that we are ready to go at the beginning of next year with conference.

But absent that, look at this time frame. We will convene in January. Typically, the House, then exhausted from its holiday recess, will recess again to await the message of the President on the State of the Union. And then having heard that message on the State of the Union, exhausted from the burdens imposed on us by the President, we will recess again and not come back until the beginning of February.

Now, the gentleman from Alaska (Mr. YOUNG) is smiling but he has been here 2 years longer than I, and he knows exactly what happens in this body, and that is exactly what will happen.

So then we will come back here some time in February and hope we can escape from under the burden of the Presidents' Day recess and then pass that bill. And then we will have the blink of an eye in which to conference with the other body and bring a bill back before the end of February.

I am afraid if we do not get this bill done, through this body by the Christmas recess, then we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. So our responsibility is serious, is substantial. We have a big job to do. I am confident we can get it done in our committee. I am just not confident about the overall structure and the time frame remaining in this session.

I do not want to be back on this floor saying again what I said 6 years ago, time is running out.

TIME IS RUNNING OUT FOR A NEW HIGHWAY BILL

(By James L. Oberstar)

Time is running out in our effort to reauthorize our federal highway, mass transit and other related transportation programs.

The Intermodal Surface Transportation Efficiency Act of 1992 expired last September 30, and the fund provided by the six-month extension approved in the waning days of the 1997 session will run out by May 1. Without new Congressional action, states will have to face the summer construction season without an assurance of federal transportation funds.

It is imperative we move as soon as possible on a new, multiyear surface transportation bill, but we also need to ensure that the bill we produce adequately addresses the nation's transportation needs. In the House, H.R. 2400, the Building Efficient Surface Transportation Enhancement Act (BESTEA), is pending in the Committee on Transportation and Infrastructure. This bill, I firmly believe, provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, improve mass transit and other alternative modes, enhance safety, and protect the environment. The bill has strong bipartisan support and is a testimony to Transportation Committee Chairman Bud Shuster's (R-Pa.) leadership.

In recent weeks, the Senate has moved ahead on its ISTEA successor, and I applaud my Senate colleagues for that. I also applaud their efforts to increase funding, especially for mass transit programs, and bring the spending levels in their bill closer to those in BESTEA. However, the Senate bill's funding levels rely heavily on budget authority, promises that may or may not lead to actual funding.

In the House, we are working to overcome the spending restrictions imposed by last year's balanced budget agreement. While I support the effort to eliminate the budget deficit, recent projections by the Office of Management and Budget and the Congressional Budget Office have shown that the budget deficit will actually be eliminated this year, years ahead of the schedule anticipated by the budget agreement. Still, Budget Committee Chairman John Kasich (R-Ohio) and others insist on strict adherence to the conservative spending limits contained in that agreement.

To his credit, Speaker Newt Gingrich has formed a task force to look into the issue. The Speaker himself chairs the task force, which also includes Chairman Shuster, Kasich, and Surface Transportation Subcommittee Chairman Thomas Petri (R-Wis.). This task force has been charged with finding a way to make more funds available for transportation programs without violating the integrity of the budget agreement. This is a difficult task, and I wish them success.

In some quarters, this issue is being characterized as an effort to take funding away from education, defense, agriculture and other discretionary programs and spend that money on roads, bridges and mass transit. That is not true. Funding for transportation is drawn from a trust fund dedicated to this purpose.

Federal fuel taxes (currently 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel fuel) are collected from motorists, truckers and other road users for maintenance and enhancement of our transportation infrastructure. These taxes are deposited in the Highway Trust Fund.

The budget agreement, however, maintains a high surplus in the trust fund in order to cover overspending elsewhere in the budget and present the illusion of balance. The Highway Trust Fund was never intended to cover deficits in other programs or to act as a bank for the rest of the government. To allow such an enormous surplus to accumulate in order to spend more money on non-transportation programs is a major breach of faith with users to pay the fuel taxes and expect—and deserve—these funds to be spent for transportation purposes.

As we work to eliminate our federal budget deficit, this country also faces a huge and growing infrastructure deficit. Almost 254,000 miles of highway pavement are in poor condition. One of every three bridges is structurally deficient or functionally obsolete. Nearly one of every two transit rail yards, stations and bridges is in poor condition. Yet, every year federal, state and local governments spend \$17 billion less than the amount needed simply to maintain these facilities at their current condition and capacity.

BESTEA would help overcome this infrastructure deficit, authorizing \$179.8 billion, a 48 percent increase over ISTEA, for highway programs and \$36.7 billion, a 15 percent increase, in transit funding through 2003.

Reauthorization of ISTEA will set our national transportation priorities well into the 21st Century. Chairman Shuster, Chairman Petri, Subcommittee Ranking Democrat Nick Joe Rahall (D-W.V.) and I believe BESTEA continues and improves upon the transportation policies and programs set forth in ISTEA. We will continue to work together and are determined to bring BESTEA to a vote on the House floor in time to rescue the states from the transportation-funding limbo in which they will find themselves in six weeks if we do not act quickly.

Time is running out.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will state that the gentleman from Minnesota (Mr. OBERSTAR) makes a great statement, and I am well aware of what he said about the time frame.

As we know, my druthers were 6 months. That probably would not have solved the problem. But it is my goal to have a bill before this session is closed down, introduced and vetted, and it is our hope that we can do our job as the Committee on Transportation and Infrastructure, and that this House will move a bill over to the other body before the deadline; and I believe we can do that.

Now, whether the other body can achieve its goals with five committees that handle this legislation is another story, let alone the conference. So it is going to be very difficult. But our job in this House, and I hope the gentleman agrees with me, is to do our job and to move the legislation, to move the ball forward, get it to the goal line, and then, hopefully, they will have the wisdom to drive it over and make a touchdown with the help of the other body. If not, unfortunately, we will probably be back here, but that is not my intent. My intent is to achieve that goal. But now we have to pass this, get it down to the President, have him sign it so our highways across this Nation can continue to be built, the jobs will still be in place, and the infrastructure can continue to grow as it needs to be.

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this bill because without enactment of such an extension the current transportation law will expire on September 30, 2003 and it is important that transportation programs and projects continue while Congress continues to work toward their long-term renewal.

However, I am concerned about a provision in this bill that would grant States the ability to transfer unobligated funds between transportation programs during the extension period.

Regional governments in my State have similar concerns. They have let me know that they are worried that shifting funds from transportation enhancement and safety activities, mitigation for metropolitan traffic congestion, and clean air programs could seriously undermine planning activities for these projects and cause critical delays and disruptions.

There appears to be little need or justification for this provision, and I will continue to resist any attempt to weaken guaranteed funding for transportation enhancement activities when the transportation bill is reauthorized on a long-term basis.

In the meantime, I strongly urge the Colorado Department of Transportation to work cooperatively with local entities, particularly the Denver Regional Council of Governments, to ensure that these enhancement programs are safeguarded during the extension period.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to support the temporary extension of TEA-21 if it ultimately produces a robust and substantive six-year reauthorization bill.

However, there are some concerns regarding the 5-month extension of TEA-21.

The Transportation and Infrastructure Committee has traditionally worked in a bipartisan manner. We are the largest Committee in Congress working through several jurisdictions and grappling with, along with transportation, many pertinent issues such as air quality, economic development, health, goods movement and the job creation and economic stimulus just to name a few.

The Transportation reauthorization bill is far reaching and traditionally acts as an immediate economic stimulus to our nation's economy.

As a Committee we are committed to producing transportation reauthorization bill that meets the immediate and long-term needs of the American people.

As a former Speaker of the House once said "All politics are local."

Nothing could be closer to the truth. I would only add that in the case of transportation "all politics are local and so are their transportation funding decisions."

Since the passage of ISTEA, the question of how to meet the Nation's transportation infrastructure needs has been addressed increasingly at the regional and local levels of government.

Local officials have risen to the challenge of maintaining, improving, and expanding the surface transportation system, and their efforts through joint powers of authority have contributed to the highly successful programming of surface transportation projects in TEA-21.

Both ISTEA and TEA-21 fostered that successful programming by delegating greater responsibility to Metropolitan Planning Organizations, a policy further expanded upon by the California State Legislature to ensure a programming partnership between State and local government.

Accordingly, Southern California recognizes the importance of continuing and further expanding suballocation provisions into any extension of the federal-aid highway program.

My concerns are that this extension does not incorporate the suballocation process to adequately address regional transportation priorities. Instead, States are granted flexibility in

obligating federal-aid highway funds, potentially jeopardizing local efforts to resolve transportation and air quality challenges.

This provision of State flexibility may produce unintended consequences. Any significant changes in the flow of Federal funds could be detrimental to the region's ability to implement Transportation Control Measure (TCM) projects to alleviate traffic congestion and reduce emissions.

To date, the Southern California Association of Governments (SCAG) region has made great strides in implementing TCM strategies.

Without sufficient transportation control measures, Southern California's air quality conformity status could be jeopardized. A conformity lapse could result in the loss of approximately \$8 billion in near-term programming capacity.

What is needed in this extension and in the reauthorization of TEA-21 is the further delegation of programming authority to regions to work directly with their communities in making investment choices that are critical to ensuring safe and efficient transportation systems throughout the Nation.

The extension bill does require that States reimburse localities once TEA-21 is reauthorized.

My further concern is how long can we ask our local and regional transportation entities to do without funding?

We are here today voting on a 5 month extension bill; 5 months from now I do not want to stand here speaking on another extension bill.

We cannot afford to keep putting off our responsibilities to provide adequate and timely transportation funding to the American people and to our constituents.

Finally, I want to reiterate that I support this 5-month extension of TEA-21 if it keeps our national, regional and local transportation needs at the forefront of our Congressional priorities.

All politics are local and so are their transportation funding decisions. We must be prepared to act swiftly and decisively on the reauthorization of TEA-21 when Congress returns to work in January.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a member of the Transportation Committee, I would like to thank Chairman YOUNG, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member LIPINSKI for their leadership as our Committee continues to push a long-term surface transportation reauthorization bill.

I appreciate that they have made this an inclusive process.

Unfortunately, the Bush Administration and the House and Senate Republican leaderships now obstruct our efforts to pass a full 6 year reauthorization bill that we urgently need to bolster our economy and create desperately-needed jobs.

In tonight's Democratic special order, I will talk about the economic stimulus and job creation that Chairman YOUNG's \$375 billion dollar bill will provide our sluggish economy.

But right now, I want to highlight a serious concern I have regarding this short term extension.

The extra flexibility given to the States in this extension may create a dangerous challenge to the transportation priorities identified by local officials.

My district is in non-attainment, and the City of Dallas, like every other city in this country, is in a serious budget crunch.

If cities and MPO's do not receive adequate funding—even for a short time—congestion and air quality problems may worsen.

I would like to remind the leadership of the Transportation Committee that I, along with many of our colleagues, will not accept extra flexibility afforded to the States if we have to pass another extension after this one.

Cities and MPO's rely on federal transportation dollars just as the States do, and we should not disrupt a funding distribution scheme that we know works very well.

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 3087 and to offer my continued commitment to passing a long-term surface transportation bill that will adequately fund the transportation needs of our Nation.

Investment in our Nation's transportation infrastructure is central to a strong economy. High-quality roads enable the efficient movement of people and goods throughout the country, facilitate just-in-time delivery and move interstate and international trade across our borders. By contrast, congestion and traffic gridlock cause workers and others to lose valuable time and result in dramatically higher fuel consumption. Improved transit systems contain urban sprawl, promote economic growth and get people to work and to entertainment in a cost-effective, environmentally friendly manner. I firmly believe that a strong investment in transportation infrastructure will provide a stimulus for economic growth at a time when our economy needs a kick start.

An efficiently operating transportation system is vital to the economic health of my home State of Michigan. As the global center of the automobile industry, our manufacturers, among others, depend on the ability to ship and receive their products without delay. Manufacturers in West Michigan must be able to get their component parts to their destinations "just in time" for their use in the manufacturing process. This system breaks down when delivery trucks are stuck in traffic, causing significant lost productivity.

The national economic and social costs of congestion are staggering: \$67 billion annually in lost productivity and wasted motor fuel; 3.6 billion hours of delay; 5.7 billion gallons in excess fuel; 1,160 in costs to the average peak road traveler; and more than a week-and-a-half of work (62 hours a year) per worker lost while sitting in gridlock.

My constituents have been calling out for Congress to take steps to stimulate our economy. What better way to do so than to pass a robust, long-term transportation infrastructure bill?

I understand that this short-term extension is necessary to keep our surface transportation programs operating past September 30 and to give us more time to complete our work on a long-term bill. I also understand that this extension will not make major programmatic or funding changes from our current programs. But, I do want to take this opportunity to make one comment about funding equity. Michigan ranks 48th out of all States in terms of the rate of return for all federal highway funds. Michigan currently receives only a 43 percent return for transit funds. Since the inception of the federal highway system in 1956, Michigan has paid \$1.71 billion more into the Highway Trust Fund than it has received back, the fourth highest amount among all States. I am a co-sponsor of Mr. DELAY'S SHARE bill to mandate a 95 percent rate of return for highway

funds for all States, because Michigan needs to get its fair share. I also support the Transportation Committee leadership's reauthorization funding levels because their proposal will help bring equity to transportation funding and help bridge the historic gap between donor and donee States. We must pass a long-term bill that will address the equity needs of donor States and provide necessary improvements to our roads, bridges and transit systems.

I look forward to continuing work with Chairman YOUNG and my fellow Members of the Transportation Committee on the reauthorization of TEA-21.

Mr. LEVIN. Mr. Speaker, I am voting in favor of this bill today because not doing so would cause irreparable harm to the States.

The current highway funding bill expires 6 days from today, and unless we pass this extension, highway and transit programs will effectively be shut down. Passage of the measure before the House will extend the highway program for 5 months, until February 29, 2004.

The reason we are in the unenviable position of passing a short-term extension is due to the intransigence of some in the White House and in the Congress, who refuse to provide the funds necessary for an adequate reauthorization bill that fairly addresses the inequities of the current mechanisms by which the Federal government funds roads and transit in this country.

My home State of Michigan is a donor State, which means it sends more in gas tax revenue to Washington than it receives back in highway funding. For the past 5 years, Michigan has received on average 88 cents back for every dollar sent to Washington. At the same time, 25 States and the District of Columbia receive more than a dollar back for every dollar sent to Washington. The bill we are voting on continues this inequitable formula for another 5 months. It is to do more to level the playing field.

I have joined 141 of my colleagues in the House in cosponsoring legislation requiring a minimum return of 95 percent for all States. We can bring this policy change about in a number of ways, but the status quo is simply not acceptable.

Mr. Speaker, we are simply passing a stop-gap measure today. The time had come for the leadership in this House to buckle down and bring forth a long-term reauthorization bill that provides fair equity to all States and affords them the ability to enact their long-term goals.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3087, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within