

by the Government of the People's Republic of China.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. CORZINE), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oregon (Mr. SMITH), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. BAYH) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as "Protecting Older Americans From Fraud Month".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BUNNING, Mr. BAYH, and Mr. FITZGERALD):

S. 2817. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today I am introducing a bill to honor Abraham Lincoln in 2009, the bicentennial of his birth, by issuing a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of his life, in Kentucky, Indiana, Illinois, and Washington, D.C. The bill would also provide for a longer-term redesign of the reverse of 1-cent coins so that after 2009 they will bear an image emblematic of Lincoln's preservation of the United States as a single and united country.

Abraham Lincoln was one of our greatest leaders, demonstrating enormous courage and strength of character during the Civil War, perhaps the greatest crisis in our Nation's history. Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the Nation in Washington, D.C. He rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

Adhering to the belief that all men are created equal, Lincoln led the effort to free all slaves in the United States. Despite the great passions aroused by the Civil War, Lincoln had a generous heart and acted with malice

toward none and with charity for all. Lincoln made the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865. All Americans could benefit from studying the life of Abraham Lincoln.

The "Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the front design by sculptor Victor David Brenner the most enduring image on the nation's coinage. President Theodore Roosevelt was so impressed by Brenner's talent that he was chosen to design the likeness of Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier. In the nearly 100 years of production of the "Lincoln cent," there have been only two designs on the reverse: the original, featuring two wheat-heads, and the current representation of the Lincoln Memorial in Washington, D.C.

On the occasion of the bicentennial of Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, we should recognize his great achievement in ensuring that the United States remained on Nation, united and inseparable.

By Mr. DOMENICI:

S. 2818. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on Rules and Administration.

Mr. DOMENICI. Mr. President, the 2004 election is quickly approaching, and all Americans must be assured that when they cast their ballots, they will do so with the knowledge that the United States has done everything possible to ensure the election will be fair. Therefore, I rise today to introduce a commonsense election reform bill that will amend the law to add additional simple steps that will help ensure the integrity of the voting process and increase criminal penalties for those who knowingly and willfully commit fraud in voter registration.

There is a recent court decision in New Mexico that has taken the plain reading of a very clearly written statute and has turned it on its head. The statute says:

(4) a statement informing the applicant, that: (a) if the form is not submitted in person by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit with the form a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant—

I stress again, "in person."

(b) if the applicant does not submit the required identification, he will be required to do so when he votes in person or absentee.

I submit the statute could not be clearer. However, in a bizarre contor-

tion of logic, the New Mexico Secretary of State has determined that a third party can register 10, 100 or 1,000 voters. As long as that third party shows up in person at the county clerk's office, the actual voter does not have to show identification. Have we ever heard of anything more ridiculous?

I believe the root cause of this problem is the recent proliferation of 527s that have begun to pop up throughout the country, largely uncontrolled and unregulated. These 527s have taken unlimited financial contributions from individual and other private sources to conduct voter mobilization drives and other activities. I am not against registering as many as we can, but this and the ruling seem to me to leave many voters to be unfairly treated because their vote may be wiped out by those who have not followed the State statute.

While no one will argue against a laudable goal, as I indicated, of increasing voter registration and voter turnout, the unintended consequence of these activities I have described can be immense. The paid volunteers of these 527s are largely untrained, not familiar with communities in which they are working, nor are they familiar with the realities of election laws. In many cases, the volunteers are being paid by the number of people they are able to register. This has resulted in certain voters being registered two or more times at multiple addresses under multiple names.

My hometown paper, the Albuquerque Journal, has published stories about minors receiving voter registration cards in the mail as well as stories about paid volunteers telling convicted felons they have unlimited ability to register and vote. County clerks have also said they have been inundated with thousands of incomplete or illegible forms.

While no one can be sure of the exact effect of these 527s and what their effect will be on voter fraud in registration and in casting votes, the bill I am introducing today will amend the Help America Vote Act, called HAVA, by extending the identification requirements to individuals who have not themselves registered in person with their county clerk. In addition, it will enhance the penalties for individuals who knowingly and fraudulently register 10 or more people to vote.

I know many people will believe my intentions in introducing this legislation are partisan. Skeptics will say my motive is political. But voter fraud is not about partisanship or politics; it is about fairness. Voter fraud is not a political act; it is a criminal act.

Voting is the most important duty and responsibility of our citizens. Other reform issues have received a lot of attention, but I believe it is imperative to focus our attention on the fundamental issue of casting votes honestly and fairly. The Help America Vote Act, which we passed in 2002, and

the hundreds of new State laws that implement it fail to provide adequate uniform systems that verify voter identity, as I have indicated, or by court interpretation wipe out the protections that might be contemplated by clear and unambiguous statutes.

Requiring a voter to provide identification prior to voting is not an unreasonable imposition, given the responsibility and possibilities that are attendant to not doing that are truly monumental. Simple and straightforward reforms, such as the one I am proposing, will make it easier to vote but harder to cheat. Showing the American public that we are serious about elections and those who might seek to do it improperly will go a long way toward restoring confidence in the registration and balloting process.

I have already indicated that I sent the bill to the desk for appropriate referral.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2818

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

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and inconvertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic government "of the people, by the people, and for the people" in which every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a need to ensure that voter registration processes fairly incorporate every eligible American seeking to exercise the right to vote.

(7) Participation in the electoral process is a fundamental civic responsibility in which all eligible Americans should be encouraged to actively participate.

(8) There is a need to ensure that every eligible American seeking to exercise the right to vote has access to the electoral process through a uniform system of voter registration that includes each voter's personal registration with an appropriate State or local government election entity.

(9) Congress has authority under section 4 of Article I of the Constitution of the United States, section 5 of the Fourteenth Amendment to the Constitution of the United States, and section 2 of the Fifteenth Amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by unfair voting systems.

(10) Congress has an obligation to ensure that the States and localities improve elec-

tion administration and to ensure the integrity of full participation of all Americans in the democratic election process.

#### SEC. 2. REQUIREMENTS FOR VOTERS WHO DO NOT REGISTER IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS NOT REGISTERING IN PERSON.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

"(A) the individual—

"(i) registered to vote in a jurisdiction by mail; or

"(ii) did not register to vote in a jurisdiction in person with an officer or employee of a State or local government entity; and"

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

"For purposes of subparagraph (A)(ii), an individual shall not be considered to have registered in person if the registration is made by a person other than the person whose name appears on the voter registration form."

(b) CONFORMING AMENDMENT.—The heading for subsection (b) of section 303 of such Act is amended by inserting "AND WHO DO NOT REGISTER IN PERSON" after "MAIL".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 303 of the Help America Vote Act of 2002.

#### SEC. 3. INCREASED PENALTIES RELATING TO FRAUDULENT VOTER REGISTRATION IN CASES INVOLVING 10 OR MORE VIOLATIONS.

(a) FALSE INFORMATION IN REGISTERING OR VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by inserting at the end the following: "In the case of any person who is found to have been in violation of this section with respect to 10 or more voter registrations, this section shall be applied by substituting '\$20,000' for '\$10,000' and by substituting 'ten years' for 'five years' with respect to each such violation."

(b) PENALTY UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 12 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-10) is amended by inserting at the end the following: "In the case of any person who is found to have been in violation of paragraph (2)(A) with respect to 10 or more registration applications, such person shall be fined not less \$500,000 (\$1,000,000 in the case of an organization) or shall be imprisoned not more than 10 years, or both, and any such fine shall be paid into the general fund of the Treasury as provided in the preceding sentence."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring after the date of the enactment of this Act.

By Mr. SPECTER:

S. 2819. A bill to provide education to students in grades 8, 9, and 10 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Higher Education Preparation Program Act of 2004, which is legislation designed to expand higher educational opportunities for American students. There is no doubt as to the benefit of receiving a post-secondary education. The level of education that individuals accumulate has an important influence

on their experience in the labor market. According to 2002 U.S. Census Bureau statistics on educational attainment and earnings, the mean earnings of men with a bachelor's degree is \$63,354, while the mean earnings of men with a high school degree is \$32,363. This is a difference of more than \$30,000 or 97 percent.

In recent years, there have been clear signs that more Americans are pursuing higher education opportunities. In June 2002, USA Today reported that 63 percent of high school graduates go to college immediately after graduation, the highest percentage in U.S. history. Yet not all of the news on college graduation rates has been good. Only 18 percent of African Americans and 11 percent of Hispanic high school graduates earn a bachelor's degree by their late twenties, compared to 33 percent of whites according to the National Center for Education Statistics (NCES) in 2001. Further, in 2000, NCES reported that 22 percent of low-income, college qualified high school graduates do not pursue post-secondary education, compared to 4 percent of high-income graduates.

As I travel through Pennsylvania, I still hear from too many middle school and high school students that they do not have the preparation necessary to enroll in higher education institutions. On a recent trip to the Commonwealth, I joined Andrew McKelvey—the founder of the McKelvey Foundation—to announce federal funding for entrepreneurial scholarships to rural, low-income Pennsylvania high school graduates. During that trip, I talked to Mr. McKelvey regarding the need to not only ensure access to funding for students to pursue higher education, but the need to both inform students about the importance of higher education, as well as prepare students for the application process.

The bill I am introducing today, the Higher Education Preparation Program Act of 2004, will help to educate middle school and high school students in grades 8, 9, and 10, about higher education opportunities. This bill will create a program which will both provide students with information on higher education opportunities and prepare students for the process of applying to institutions of higher education by providing access to higher education preparation instruction. The availability of information on higher education opportunities makes an enormous difference to students contemplating continuing their education at the undergraduate level.

My legislation will provide a grant to a nonprofit organization to develop a core curriculum to be taught in the classroom to equip middle and high school students with the appropriate skills and knowledge to pursue post-secondary education. Given the importance of higher education, it makes sense to prepare students for the undergraduate process as part of their

class instruction to ensure that all students have access to the necessary information to attain their goals. To this end, middle schools and high schools participating in the program would dedicate one hour each week of their classroom activity to higher education preparation of students utilizing the core curriculum.

Additionally, I seek to create a network of intensive academic support for students by encouraging public-private partnerships to emphasize the importance of higher education. Partnerships with private entities create a unique opportunity for middle schools and high schools to supplement and enhance the core curriculum by offering appropriate enrichments, including guest speakers, videos and web-based services. For example, through these partnerships, middle school and high school students will gain first-hand knowledge of the skills that businesses are seeking by having the opportunity to speak with business leaders, as well as perhaps tour local facilities. This will underscore the significance and importance of higher education for students as they embark on their future career paths.

To implement this initiative, my bill would authorize \$10 million annually for fiscal years 2005 through 2010, for a nonprofit organization to develop a core curriculum which has as its cornerstone higher education preparation, as well as to establish this higher education preparation demonstration project. Under this project, five State educational agencies would be awarded federal funding to offer higher education preparation programs using the core curriculum in middle and high schools with historically low rates of student application and admission to post-secondary institutions.

It is my hope that this Act will ensure that students who wish to enroll in a higher education institution will have access to the tools and resources necessary to help them plan for undergraduate study. We must take this step to encourage students to pursue their educational goals especially those who might not otherwise have this opportunity. I urge my colleagues to join me in cosponsoring this Act, and urge its swift adoption.

By Mr. MCCAIN:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The "Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act," otherwise known as

"The SAVE LIVES Act." This bill is drafted in response to the 9-11 Commission's Final Report, which recommended the "expedited and increased assignment of radio spectrum for public safety purposes."

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Now is the time for Congressional action before another national emergency or crisis takes place. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would provide funds for public safety agencies to purchase emergency communications equipment, require the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study whether additional spectrum is necessary to support emergency communications systems, authorize a DHS program promoting interoperable emergency communications systems, provide funds to ensure no consumers' television set goes "dark" due to public safety's use of this television spectrum, mandate labeling of all analog television sets to better prepare consumers for the digital transition, support a consumer education program on digital television and required the FCC to complete its outstanding digital television proceedings.

The 9-11 Commission's Final Report found, "The inability to communicate was a critical element at the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state, and federal levels remains an important problem." This bill would improve public safety interoperability and capability as quickly as possible.

However, the 24 MHz of spectrum promised to public safety organizations is currently being used by the television broadcasters, and will not be available until the broadcasters complete the transition to digital television. At a recent Senate Commerce Committee hearing, Federal Communications Commission (FCC) Chairman Michael K. Powell stated that absent intervening legislation broadcasters may not be able to vacate this spectrum for "decades" or "multiples of decades."

Therefore, this bill would set a firm deadline for the completion of the digital television transition: December 31, 2008. This date ensures that this spectrum would be available for use by police, fire fighters and other first responders no later than January 1, 2009. Is this soon enough? No, I wish it could be sooner. But after hearing testimony from Chairman Powell, public safety organizations and broadcasters at a recent Senate Commerce Committee hearing, I decided that a December 31, 2008 date presents the most reasonable deadline providing numerous benefits to consumers and public safety organizations, including: 1. Adequate time for public safety agencies to begin building their interoperable communications networks to operate in the 700 MHz band; 2. Sufficient time for the government to auction some of the remaining spectrum in the 700 MHz band to raise funds for the purchase and installation of new interoperable public safety communications equipment; 3. The certainty that manufacturers need to warrant the development and build-out of interoperable public safety communications equipment for use in the 700 MHz band; 4. Preparation time for consumers and the government to get ready for the completion of the digital transition, including time to purchase more digital television sets and time for the government to implement a subsidy program to ensure no television sets go "dark" on January 1, 2009; 5. A seamless transition period where all television stations migrate at once to digital broadcasting; and, 6. Sufficient time for the FCC to complete its outstanding proceedings regarding the digital television transition.

In addition to setting a firm date for public safety's use of the spectrum, the bill would require the FCC, in consultation with DHS, to conduct a study to assess public safety organizations' future communications needs, including the need for additional spectrum, the need for a nationwide interoperable broadband mobile communications network, the ability of public safety organizations to use broadband and narrowband applications, and whether other first responders such as hospital and health care workers should be included in a nation-wide interoperable communications system. If our Nation's first responders need more spectrum to perform their work safely, then Congress should ensure that more spectrum is available at the same time the public safety organizations begin preparing to use the promised 24 MHz. This allows for efficiency and ensures that public safety organizations will not be subjected to multiple implementations of new communications equipment.

This bill would also ask the FCC to study the advisability of reallocating some of the spectrum in the 700 MHz band for unlicensed wireless broadband uses. Unlicensed wireless broadband has many prospective benefits to our

Nation and allows the potential for pervasive connectivity nationwide. The bill would require the FCC to report back to the Senate and House Commerce Committees within one year of the bill's enactment on both studies' findings; however, nothing in the bill would preclude the FCC from taking action with respect to spectrum for unlicensed uses before completion of its report.

The SAVE LIVES Act would authorize one of the President's top E-Government initiatives: DHS' Wireless Public SAFETY Interoperability Communications Program, commonly referred to as SAFECOM. This program serves as the umbrella program within the Federal Government to coordinate the efforts of local, tribal, state and Federal public safety agencies to promote effective, efficient and interoperable wireless communications. SAFECOM has been moved between the Department of Justice and the Department of Treasury and now resides at DHS. By authorizing SAFECOM within its rightful place, DHS, it ensures the program will remain available to assist our Nation's first responders and localities.

SAFECOM has served as a consultant to many states and localities assisting with the development of their interoperable emergency communications systems. However, most importantly, SAFECOM has completed the development of critical standards for public safety communications equipment mandating interoperability, which is now included as a condition on all monies provided to localities by the Federal Government for public safety communications equipment. This should provide for greater national interoperability and decreased costs for localities. Recognizing the need for a centralized office to handle all aspects of emergency communications planning, the Administration created SAFECOM and this bill would authorize it.

Additionally, this bill would appropriate auction revenues from the sale of returned analog broadcast spectrum to create a subsidy to limit the disruption of broadcast services to the public, especially for those who rely exclusively on over-the-air broadcast television. The total cost of this subsidy program is not to exceed \$1 billion. This may sound like a great deal on money, especially to a fiscal conservative like myself; however, it is only a small portion of the revenues it is believed the auction of this spectrum will generate. And most importantly, it is a small cost to ensure that all Americans have access to over-the-air television. Local television broadcasting is truly an important part of our homeland security and often an important communications vehicle in the event of a national, regional or local emergency.

The New America Foundation testified before the Commerce Committee in June 2004 that the auction of the analog television spectrum can be ex-

pected to yield between \$30-to-\$40 billion in revenue to the Treasury. Last week in testimony before the Senate Commerce Committee, FCC Chairman Powell stated that he has heard estimates as high as \$70 billion. Based on these projections, the \$1 billion to fund a consumer subsidy program would be less than three percent of the total expected auction revenues from the analog television spectrum.

One billion may even be more than enough to assist the 17.4 million over-the-air consumers because this figure assumes that digital-to-analog converter boxes will retail for approximately \$75 per box in 2008. Last week, Motorola testified that they would introduce a digital-to-analog converter box for \$67 per unit in the near term. Motorola calculated that such a price per unit would cap the cost of providing converters at less than \$840 million nationwide to all over-the-air consumers. This week Zenith Electronics announced that the company intends to retail digital-to-analog converter boxes at \$50 to \$70 per unit within four years.

The bill would also establish the parameters for the subsidy program, requiring the program to be developed by the Department of Commerce in conjunction with the Office of Management and Budget and established no later than January 1, 2008. The bill would require the program to give priority to funding equipment or services to low income viewers, to offer these viewers technology neutral options and to be conducted at the lowest feasible administrative cost.

The bill would also authorize any remaining funds from the subsidy program, along with other auction monies, to be used to establish a grant program to provide public safety organizations with emergency communications equipment so these groups can begin using the 24 MHz of spectrum by January 2009. The specific amount would be determined by the Director of the Office of Management and Budget and be based on a National Baseline Interoperability study currently being conducted by SAFECOM. This study is currently being performed to determine the precise amount that is already being provided by the Federal government to local and regional public safety organizations for the purchase of new communications equipment and for the funding of emergency communications training.

There are numerous grant programs throughout the Federal government, however no agency has ever studied how much money from how many grants is being provided to localities. After this study is completed, as required by this legislation by December 31, 2005, the Federal government will best know how much money is necessary to ensure that public safety organizations have the equipment necessary to immediately begin using the 700 MHz spectrum in January 2009.

At the September 8, 2004 Senate Commerce Committee hearing, a represent-

ative of public safety organizations testified, "There also needs to be expanded funding for equipment, and more extensive planning and cooperation among public safety personnel at all levels of government. This includes local governments who must interoperate with their neighbors and with overlapping jurisdictions, regional authorities covering large metropolitan areas and sometimes crossing state borders, states through their State Interoperability Executive Committees (SIECs), and the Federal Government." This bill would respond to such requests from public safety organizations and localities. Just providing spectrum to public safety is not enough. Without funds to purchase new equipment, this spectrum may sit fallow after being vacated by the broadcasters. This would be an unfair result to broadcasters, public safety organizations and American citizens.

In pursuit of educating consumers about the digital television transition, the bill would require, after September 30, 2005, the labeling of all analog television sets to communicate to buyers that the purchase of additional equipment may be necessary after December 31, 2008. The bill would also require retailers to post the same information at the store.

Also in an effort to educate consumers about the digital television transition, the bill would require, within one year of enactment, that the Department of Commerce report back to the Senate and House Commerce Committees any recommendations on an effective program to educate consumers about the digital television transition; the need, if any, for Federal funding, and the duration of such a program. Lastly, the bill would require the FCC to issue a decision on some remaining DTV proceedings, including a proceeding on whether cable or satellite companies should be required to carry broadcasters' multi-cast channels and whether broadcasters should have additional public interest requirements as part of the DTV transition.

Specifically, the 9-11 Commission's Final Report gave Congress clear directives: accelerate the availability of spectrum for public safety and provide more spectrum for public safety. Public safety organizations have stated that neither of these goals can be met without increasing funding for public safety. This legislation charts a course to achieve all three of these objectives without stranding over-the-air television consumers.

As you may be aware, Senator LIEBERMAN and I introduced S. 2774 earlier this month implementing the 9-11 Commission's final recommendations, including the recommendation that Congress should support H.R. 1425, "The Homeland Emergency Response Operations Act," commonly known as "The HERO Act." The HERO Act would set an earlier date of December 31, 2006 for the return of this spectrum. Senator LIEBERMAN and I included this language in our bill S. 2774.

After introducing S. 2774, I heard criticisms from some consumers and broadcasters that the HERO Act was flawed as it did not ensure continued over-the-air broadcast television service. Public safety organizations also remained skeptical that they would have the funds necessary to purchase equipment to operate on the newly acquired spectrum. Therefore, last week, as Chairman of the Commerce Committee, I held a Committee hearing to examine the benefits and shortcomings of the HERO Act, and whether there are other policy proposals that could achieve the same result, providing spectrum and equipment expeditiously to public safety organizations, without potentially forcing some television broadcast stations to go "dark."

I heard testimony that in order to meet the HERO Act's December 31, 2006 deadline, at least 40 broadcast stations, and possibly more, broadcasting on this spectrum would be required to vacate. In many of these markets, there is no available spectrum for station relocation, meaning this legislation may force some stations, including many Spanish language stations, to cease over-the-air broadcasting possibly harming consumers. As the CEO of PAXTV, a broadcaster who broadcasts on 17 of these 40 affected stations, aptly stated, "Our money was invested on the basis that we would be treated equally with all television stations during the transition. The [HERO Act] discriminates against us."

I heard testimony from public safety representatives that the 24 MHz was not enough, that more spectrum and more funds were needed to ensure adequate interoperable emergency communications systems are in place to ensure the safety of first responders and the public. Chief Devine of the Missouri State Highway Patrol stated, "Inadequate spectrum leads to congested channels and interference among licensees, potentially blocking life-saving radio communications and generating confusion during critical incidents. Additional spectrum capacity would alleviate that congestion and allow for much faster 'ramping up' of communications capability when major emergencies occur."

In an effort to expeditiously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of The SAVE LIVES Act.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2821. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the "Small Business Reauthorization and Manufacturing Assistance Act of 2004," that reauthorizes programs administered by the

Small Business Administration under the Small Business Act and the Small Business Investment Act of 1958, and contains significant improvements to SBA programs.

I am confident that the bill before us will accelerate our efforts to work with the other body to resolve outstanding issues that are blocking passage of a larger Small Business Administration reauthorization bill. It is my hope Congress can send a final bill to help small businesses to the President for signature before the close of the 108th Congress.

The bill before us contains many provisions that are substantively similar to the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, which was passed by the Senate on September 26, 2003.

The fundamental purpose of the SBA is to "aid, counsel, assist, and protect the interests of small-business concerns." The methods for carrying out the mandates set forth by Congress include a wide array of financial, procurement, management, and technical assistance programs tailored to encourage small business growth and expansion. As the economy continues to recover and grow, it is essential that Congress send a message that affirms long-term stability in the programs the SBA provides to the small business community.

In the 50-year period since the establishment of the SBA, there have been many revisions and additions to the methods and organizational structure used by the SBA to respond to the evolving needs of the small business. This bill I introduce today builds on those changes.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the government's most cost-effective instruments for economic development.

SBA's current loan portfolio of more than 200,000 loans worth more than \$45 billion makes it the largest single supporter of small businesses in the country. In this year alone, lenders have made 83,912 loans to small businesses in the SBA's two major loan programs, with a total value of \$16.5 billion.

Moreover, the SBA's Small Business Investment Company program's current portfolio of more than 16,900 financings with an initial investment amount of \$17.2 billion makes it the largest single equity-type backer of U.S. businesses in the Nation. Since 1958 the venture capital program has put more than \$42.3 billion into the hands of small business owners, and this year it has produced investments of more than \$2.6 billion in small businesses.

The SBA estimates that thus far in the current fiscal year its loan and venture capital programs have provided small businesses with \$19.7 billion in various forms of financing, and have allowed small businesses to create or retain 716,144 jobs.

In my home State of Maine, almost 2,500 SBA loans have been made since 1999, for a total of over \$288 million, to small businesses that might not have qualified for loans through lending channels not supported by the SBA.

Each year, there are 3 to 4 million new business start-ups and one in 25 adult Americans are taking steps to start a business. These small business owners now want to make plans for the future, including decisions that will create approximately two-thirds of all net new jobs and help sustain local communities, according to a recent survey by the National Federation of Independent Business.

Over the last five years the SBA's programs and services have helped create and retain over 6.2 million jobs. According to the SBA, the \$65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 will create or retain close to 500,000 jobs.

The SBA also estimates that reauthorizing the agency will result in the creation or retention of an estimated 3.3 million jobs over the next 5 years. During that same period, the SBA and its programs are predicted to support over 1 million jobs through prime contracts and subcontracts.

In September 2003, the Senate unanimously passed a bill that I had introduced to reauthorize for 3 years the SBA and its programs, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. However, the other body has been stalled for almost a year in its consideration of legislation to reauthorize the SBA.

In a highly competitive and dynamic economy, too much is at stake for small firms, and the economy as a whole, to let this legislation languish. With passage of a new multi-year reauthorization bill, we will ensure that the SBA is well-positioned to help small businesses. Clearly, this is not the time to delay legislation that directly benefits the backbone of our economy, and our hope for the future—the small firms that are most responsible for putting people to work.

With the close of the 108th Congress rapidly approaching, the time to act is now!

I urge my colleagues to support this bill for the benefit of small businesses, our economy, and our Nation.

By Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 2822. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, just this week—and this is only Tuesday—the American Association of State Highway and Transportation Officials, known as AASHTO, which is comprised of the transportation leaders from the 50 States—the State of Missouri has a

director of the department of transportation, the State of Ohio has a director of the department of transportation, the State of Nevada does; their titles may vary a little bit, but that is their job; that is who this AASHTO is composed of, among others—they have called this week upon Congress to immediately pass a “well funded, six year reauthorization” of the Nation’s transportation program. I agree with them. But as you know, this program expired a year ago and the States have been operating under a series of short-term extensions. This has disrupted their construction programs, delayed safety improvements, and interrupted funding to transit operators.

The fact is, we are not going to have a 6-year reauthorization bill this year for a lot of reasons, not the least of which is that we passed, as the Presiding Officer knows, a bill that was advocated for and supported by the senior Senator from the State of Missouri, a bill that passed this House by a huge margin, a bill that created funding at a level of \$318 billion over the period of time of the bill. That bill did not increase the Federal deficit a skinny dime, not anything. It was a good bill, and we were stunned to learn that the President wanted a bill at a much lower level, some \$250-odd billion. Why? I have spoken to some of his closest friends around here, and they have not got a reason for that.

We have now some in this body who are bowing to pressure from the White House and are trying to write a bill at \$284 billion, which is \$28 billion more than what the President said he would agree to. Both of these are well below the spending limits called for by the U.S. Department of Transportation as to what they need, what their analysis is, and that which is sought by the entire transportation industry.

Not only do we have a resolution from AASHTO, the transportation directors, but we also have a letter from the United States Conference of Mayors which is quite clear and basically says the same thing. We also have a resolution from the Association of Metropolitan Planning Organizations.

In the absence of a well-funded, multiyear reauthorization bill, the Nation’s State transportation officials have called for at least a 6-month extension of the current program.

I ask unanimous consent that the resolution dated September 20, 2004, from the American Association of State Highway and Transportation Officials be printed in the RECORD, along with the documents I spoke of from the United States Conference of Mayors and the Association of Metropolitan Planning Organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### POLICY RESOLUTION PR-06-04

Whereas, rescission of previously apportioned contract authority has become commonplace in recent appropriations bills, and

Whereas, the Transportation Equity Act for the 21st Century, authorizing funding for

federal-aid highway, transit and highway transit safety programs, expired on September 30, 2003;

Whereas, the AASHTO Board of Directors passed a resolution on May 16, 2004 calling for prompt enactment of a well-funded, six-year reauthorization bill;

Whereas, the Congress has not yet passed a well funded, six-year reauthorization bill;

Whereas, further extensions are intolerable and have the following negative impacts on the Nation’s transportation system: Disruption to the construction program, adverse effects on transportation decision making, safety improvements delayed, funding disruptions to grant recipients;

Whereas, prompt enactment of such a bill before the adjournment of the 108th Congress remains the top priority of state departments of transportation: Now, therefore, be it

*Resolved*, if Congress determines that an extension is absolutely necessary, then it should be for six months to avoid a series of disruptive and harmful shorter term extensions; and be it further

*Resolved*, That such extension should provide for funding at levels higher than FY 2004; and be it further

*Resolved*, That immediate reauthorization of the highway and transit program at maximum funding levels is urgently needed and preferable to any extension; and be it further

*Resolved*, That a six-month extension of the federal-aid highway and transit programs should, to the maximum extent possible, apportion highway funds to the States through the existing core highway programs.

#### THE UNITED STATES CONFERENCE OF MAYORS,

Washington, DC, September 21, 2004.

Hon. DON YOUNG,

*Chair, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.*

Hon. JAMES OBERSTAR,

*Ranking Member, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.*

Hon. JAMES M. INHOFE,

*Chair, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

Hon. JAMES M. JEFFORDS,

*Ranking Member, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR CONFEREES: In August, The United States Conference of Mayors met in Chicago, Illinois for a special leadership meeting to release its updated 4-point policy agenda for keeping America Strong: Mayors ’04 Metro Agenda for America’s Cities.

A major cornerstone of that agenda is transportation investment of no less than \$318 billion over six years for the reauthorization of the nation’s surface transportation law (TEA-21) to build a 21st Century Transportation system with modern transit, bridges, large-scale transportation infrastructure projects, and metro highway systems with new technologies that link major metro areas, cut the time people spend in traffic, create more jobs, and move goods and services more productively.

Should Congress determine an extension is necessary to meet an investment of \$318 billion over six-years, the nation’s mayors urge the adoption of a simple extension of no less than six months avoiding disruption to the transportation program occurring under short-term extensions.

Maintaining the Conference’s support for a \$318 billion transportation bill requires continued balanced transportation investment in our metropolitan areas including:

#### PUBLIC TRANSPORTATION INVESTMENT

Recognizing that public transportation reduces congestion, the nation’s mayors urge no less than \$56.5 billion for public transportation to stimulate a dramatic expansion of high-capacity public transit systems, including light rail, heavy rail, commuter rail, and bus service.

Funding for the transit program from the general fund and the Mass Transit Account of the Highway Trust Fund should be guaranteed and we support maintaining current federal-local matching shares for the transit program as authorized under ISTEA and TEA-21.

Oppose efforts to increase funding for the highway program by reducing funding for the transit program by maintaining the 20% transit-80% highway share.

Support the historical funding allocation of 40% for rail modernization, 40% for the new starts program and 20% for the bus and bus facilities program as included in H.R. 3550.

Recognizing that cities throughout the United States are embracing less expensive, fixed guideway transit projects like streetcars, trolleys and bus rapid transit, we support the establishment of a new Small Starts Program with modified Federal rules to expedite these projects.

#### METROPOLITAN INFRASTRUCTURE INVESTMENT

Acknowledging that 32 percent of our major roads are in poor condition and 29 percent of the nation’s bridges are structurally deficient or functionally obsolete, we urge you to fund the core highway programs at no less than the \$261.5 billion identified in the Senate bill.

Recognizing that it is difficult for localities and states to dedicate adequate resources to build, rebuild, or repair large-scale infrastructure projects addressing freight and goods movement, safety, and aging and congested transportation infrastructure, we urge no less than \$6.6 billion for “Projects of National and Regional Significance.”

#### ENVIRONMENTAL INVESTMENT

The Congestion Mitigation and Air Quality Program (CMAQ) should be funded at the Senate’s \$13.4 billion level in response to the growing number of non-attainment areas designated under the 8-hour ozone and fine particulate matter standards.

Oppose efforts designed to divert CMAQ funds to other purposes, undermining commitments to metropolitan areas to fund the clean air mandate. Recognizing that metropolitan areas are struggling with the contamination of drinking water and the clean-up of streams, rivers, lakes and ponds from stormwater discharge, including oil, grease, lead and mercury, the nation’s mayors support the establishment of a Highway Stormwater Discharge Mitigation Program as designed in S. 1072.

#### SAFETY AND INCREASED PUBLIC INVESTMENT

Recognizing that safe routes for bicycles, walking and other non-motorized transportation choices are still inadequate in many metropolitan areas, the nation’s mayors support the Safe Routes to School program as designed and funded H.R. 3550 and also support maximum funding for Transportation Enhancements.

We urge you to support the metropolitan planning fund provision in the Senate bill that would increase the take down for metropolitan areas from 1 percent to 1.5 percent. We believe this adjustment will enhance clean air efforts, increase public involvement and will improve congestion relief efforts.



OPPOSE TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM PROVISION THAT PREEMPTS LOCAL AND STATE RIGHTS-OF-WAY AUTHORITY

We urge you to oppose the Transportation Technology Innovation and Demonstration Program provision in S. 1072 (Section 2105 (a)(5)) and H.R. 3550 (Section 5205 (g)(4)) that preempts a local or state government from enforcing its rights-of-way management rules on companies seeking to provide Intelligent Vehicle Highway Systems.

We urge you to respect the unimpeded right of local government as owners/trustees of the rights-of-way to manage their rights-of-way and to receive compensation, including collection of all costs, including recovery of reasonable rent, for the rights-of-way by companies seeking access to the rights-of-way to provide Intelligent Vehicle Highway Systems.

Transportation is a top priority for America's mayors. Transportation is an economic stimulus. It creates jobs and helps ensure that metropolitan economies thrive and in turn the nation's economy.

The United States Conference of Mayors would be pleased to supply additional information to further your assessment of these issues before the conference committee. With strong backing from mayors across the nation on these issues, we stand ready to work with you on the reauthorization of TEA-21.

Sincerely,

TOM COCHRAN,  
Executive Director.

RESOLUTION OF THE ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS TRANSPORTATION REAUTHORIZATION

Whereas, The Transportation Efficiency Act for the 21st Century, authorizing federal funding for highway and transit programs, expired on September 30, 2003; and

Whereas, the Congress has not yet passed a well-funded six-year reauthorization bill; and

Whereas, the last extension funds transportation projects through September 24, 2004, nearly the end of the federal fiscal year; and

Whereas, Metropolitan Planning Organizations (MPOs) develop their long range plans and Transportation Improvement Programs based on the expectation that predictable funding will be distributed for core programs, as has consistently been done in the first four TEA-21 extensions; and

Whereas, ongoing extensions impede quality planning; and

Whereas, after the 2000 census, 46 new MPOs were created without additional funds distributed to MPOs: Now, let it be

*Resolved* That the Association of Metropolitan Planning Organizations (AMPO) urges Congress to promptly pass either a multi-year fully funded bill or a one-year extension, bearing in mind the needs of MPOs; and be it further

*Resolved* That money in the extension should be distributed by formula to core programs and earmarks should be deferred until reauthorization legislation; and be it further

*Resolved*, That core program funding should be spent for its intended purpose and not flexed into other areas, particularly CMAQ and STP suballocated to TMAs; and be it further

*Resolved* That Congress and the Administration take corrective action in order to ensure that the calculation for the allocation of FHWA metropolitan planning (PL) funds and urban attributable suballocated funds includes the minimum guarantee amount for the FY 2005 apportionment, whether a multi-year bill or a one-year extension is passed.

Mr. REID. As this Congress draws to a close, there continue to be large ob-

stacles standing in the way of a well-funded, multiyear reauthorization. For this reason, I have joined with my friend and colleague Senator BOND in a bipartisan effort and have introduced this day a clean 6-month extension of the highway, transit, and highway safety programs. It certainly is my hope this would provide State and local officials with the predictability they need to effectively manage our transportation system.

I remain committed to working in a bipartisan way to achieve a successful reauthorization of the Nation's surface transportation laws. I hope we can move forward on this 6-month extension. It is important we do that. It is important we do it as quickly as possible. There is even some disagreement as to when the bill runs out, when we close down the Department of Transportation, whether it is this Friday or next Friday. The fact is, we have to do it very soon.

I appreciate the attention of Members.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2822

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Surface Transportation Extension Act of 2004, Part VI".

**SEC. 2. ADVANCES.**

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 876), to each State in the ratio that—

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

(2) all States' total fiscal year 2004 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—

- (A) the interstate maintenance program;
- (B) the National Highway System program;
- (C) the bridge program;
- (D) the surface transportation program;
- (E) the congestion mitigation and air quality improvement program;
- (F) the recreational trails program;
- (G) the Appalachian development highway system program; and
- (H) the minimum guarantee.

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

- (A) the amount apportioned to the State under subsection (a); by
- (B) the ratio that—

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

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

(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(l) of the Transportation Equity Act for the 21st Century (as added by 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 \$1,400,000,000 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 in the first sentence by inserting after "2004," the following: "and in the period of October 1, 2004, through March 31, 2005,".

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

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

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

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

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

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

"(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2004, Part VI 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, 2004, through March 31, 2005, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department

of Transportation for fiscal year 2005 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2004, of Federal-aid highway apportionments subject to any limitation on obligations, except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available 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 2004 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 2004 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 2005 shall not exceed \$17,450,000,000, except that this limitation shall not apply to \$319,500,000 in obligations for minimum guarantee for the period of October 1, 2004, through March 31, 2005.

(3) **TIME PERIOD FOR OBLIGATIONS OF FUNDS.**—No funds shall be obligated for any Federal-aid highway program project after March 31, 2005, until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program that is enacted after the date of enactment of this Act.

(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 2005 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 2005.

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

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

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

(c) **RESTORATION OF APPORTIONMENTS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary 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 \$225,000,000 for fiscal year 2005.

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

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

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

(1) **FEDERAL LANDS HIGHWAYS.**—

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

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

(ii) by adding at the end the following: “The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be \$6,500,000 instead of \$13,000,000.”

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

(C) **PARK ROADS AND PARKWAYS.**—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$82,500,000 for the period of October 1, 2004, through March 31, 2005”.

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

(2) **NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.**—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$70,000,000 for the period of October 1, 2004, through March 31, 2005”.

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

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

(B) **SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.**—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105

Stat. 2005; 118 Stat. 878), of funds made available by the amendment made by subparagraph (A)—

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

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

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

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

(5) **VALUE PRICING PILOT PROGRAM.**—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 878) is amended—

(A) by striking “and”; and

(B) by inserting before the period at the end the following: “, and \$5,500,000 for the period of October 1, 2004, through March 31, 2005”.

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

(7) **COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.**—

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

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

(8) **SAFETY GRANTS.**—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 879) is amended by inserting before the period at the end the following: “and \$250,000 for the period of October 1, 2004, through March 31, 2005”.

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

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

(A) in subsection (a)(1)—

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

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

(iii) by adding at the end the following:

“(G) \$70,000,000 for the period of October 1, 2004, through March 31, 2005.”;

(B) in subsection (a)(2)—

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

(ii) by inserting after “2004” the following: “and \$1,000,000 for the period of October 1, 2004, through March 31, 2005”; and

(C) in subsection (c)—

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

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

“2005 .....	\$1,300,000,000.”.
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(b) **AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.**—

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

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



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

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

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

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

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

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

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

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

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

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

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

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

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

(B) by inserting after “2004” the following: “, and \$62,000,000 for the period of October 1, 2004, through March 31, 2005”.

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

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

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

(C) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$120,000,000 for the period of October 1, 2004, through March 31, 2005.

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

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

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

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

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$250,000 for the period of October 1, 2004, through March 31, 2005”.

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

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 6. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

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

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “2004” and inserting “2004, and \$36,000,000 for the period October 1, 2004, through March 31, 2005”.

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

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

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

#### SEC. 7. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

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

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

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

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

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by adding at the end the following:

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

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

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

#### 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), in the matter preceding subparagraph (A), by adding at the end the following: “and for the period of October 1, 2004 through March 31, 2005.”;

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

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

(3) in paragraph (3)(B), by striking “2004” and inserting “2004 (and \$1,500,000 shall be available for the period October 1, 2004, through March 31, 2005)”; and

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

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

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

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

(2) in subparagraph (A)—

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

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

(C) by adding at the end the following:

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

(1) in subparagraph (B)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

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

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

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

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

(1) in the paragraph heading by adding after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A)—

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

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

(C) by adding at the end the following:

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

(2) in subparagraph (B)—

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

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

(C) by adding at the end the following:

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

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

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

(2) in subparagraph (A)—

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

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

(C) by adding at the end the following:

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

(1) in subparagraph (B)—

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

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

(C) by adding at the end the following:

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

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

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

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

(2) in subparagraph (A)—

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

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

(C) by adding at the end the following:

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

(1) in subparagraph (B)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

(3) not less than \$2,000,000 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$500,000 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)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by adding after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

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

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

(4) in subparagraph (C)—

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

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

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

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

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

(B) \$1,000,000 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 title 49, United States Code, 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 Federal Transit Act of 1998 (112 Stat. 857).

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

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

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

(2) in subparagraph (A)—

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

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

(C) by adding at the end the following:

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

(2) in subparagraph (B)—

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

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

(C) by adding at the end the following:

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

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)—

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

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

(C) by adding at the end the following:

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

(2) in paragraph (1)(B)—

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

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

(C) by adding at the end the following:

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

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

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

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

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

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

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

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

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

(o) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 (112 Stat. 394; 118 Stat. 708) is amended—

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

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

(3) by adding at the end the following:

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

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal

Transit Act of 1998 (112 Stat. 361; 118 Stat. 885) is amended by inserting “(or, in the case of the period of October 1, 2004, through March 31, 2005, \$2,425,000) after “\$4,850,000”.

(q) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note; 118 Stat. 885) is amended—

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

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

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

(t) **TREATMENT OF FUNDS.**—Section 8(t) of the Surface Transportation Extension Act of 2003 is amended—

(1) in paragraph (1), by striking “and by section 7 of the Surface Transportation Extension Act of 2004, Part IV” and inserting “by section 7 of the Surface Transportation Extension Act of 2004, Part IV, and by section 8 of the Surface Transportation Extension Act of 2004, Part VI”; and

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

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

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

(a) **HIGHWAY TRUST FUND.**—

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

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

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

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

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

“(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part VI.”; and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2004, Part VI”.

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

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

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

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

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

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

(E) in the matter after subparagraph (J), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2004, Part VI”.

(b) **AQUATIC RESOURCES TRUST FUND.**—

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

striking “Surface Transportation Extension Act of 2004, Part V” each place it appears and inserting “Surface Transportation Extension Act of 2004, Part VI”.

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

(A) by striking “October 1, 2004” and inserting “April 1, 2005”; and

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

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

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

(d) **TEMPORARY RULE REGARDING ADJUSTMENTS.**—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on March 31, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

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

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

#### **SUBMITTED RESOLUTIONS**

#### **SENATE RESOLUTION 430—DESIGNATING NOVEMBER 2004 AS “NATIONAL RUNAWAY PREVENTION MONTH”**

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 430

Whereas the prevalence of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been thrown out of their homes by their families, who have been physically, sexually, and emotionally abused at home, who have been discharged by State custodial systems without adequate transition plans, who have lost their parents through death or divorce, and who are too poor to secure their own basic needs;

Whereas effective programs supporting runaway youth and assisting young people in remaining at home with their families succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national responsibility;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support services that address the critical needs of such youth;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

*Resolved*, That the Senate designates November 2004 as “National Runaway Prevention Month”.

#### **SENATE RESOLUTION 431—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS SECURITY COUNCIL SHOULD IMMEDIATELY CONSIDER AND TAKE APPROPRIATE ACTIONS TO RESPOND TO THE GROWING THREATS POSED BY CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL**

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FEINGOLD, Mrs. DOLE, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LEAHY, Mr. LUGAR, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council has detained over 1,300 prisoners of conscience, including National League for Democracy leaders and supporters of democracy;

Whereas, under the repressive rule of the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia;

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the