

PUBLIC LAW 108-88—SEPT. 30, 2003

SURFACE TRANSPORTATION EXTENSION ACT
OF 2003

Public Law 108-88
108th Congress

An Act

Sept. 30, 2003
[H.R. 3087]

Surface
Transportation
Extension Act of
2003.
23 USC 101 note.

23 USC 104 note.

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. ADVANCES.

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

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

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

(b) PROGRAMMATIC DISTRIBUTIONS.—

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

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

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

(B) the ratio that—

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

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

(3) ADMINISTRATION OF FUNDS.—Funds authorized by the amendment made under subsection (d) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States

Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

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

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

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

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

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

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

“(c) ADVANCE AUTHORIZATION.—

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

“(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2003 shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

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

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2003, through February 29, 2004, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 that is—

(A) equal to the greater of—

(i) the State’s unobligated balance, as of October 1, 2003, of Federal-aid highway apportionments subject

to any limitation on obligations; except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii) $\frac{5}{12}$ of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; but

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

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

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

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

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

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

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

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation shall restore any funds that a

State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

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

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

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

SEC. 4. ADMINISTRATIVE EXPENSES.

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

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

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

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

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

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

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

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

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

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: “and \$58,333,333 for the period of October 1, 2003, through February 29, 2004”.

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

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

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

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

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

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

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

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

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

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

(A) by striking “and”; and

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

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

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

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

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

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

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

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

(A) in subsection (a)(1)—

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

(D);

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

(iii) by adding at the end the following:

“(F) \$58,333,333 for the period of October 1, 2003, through February 29, 2004.”;

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

(C) in subsection (c)—

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

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

“2004\$1,083,333,333.”.

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

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

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

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

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

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

(B) by inserting after “2003” the following: “, and \$22,916,667 for the period of October 1, 2003, through February 29, 2004”.

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

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

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

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

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

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

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

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

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

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

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

(A) by striking “2002, and” and inserting “2002”; and
(B) by inserting after “2003” the following: “, and \$11,250,000 for the period of October 1, 2003, through February 29, 2004”.

(c) METROPOLITAN PLANNING.—

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

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

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

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

“(d) TERRITORIES.—

“(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands \$15,166,667 for the period of October 1, 2003, through February 29, 2004.

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

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

“(e) ALASKA HIGHWAY.—

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

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

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

“(f) OPERATION LIFESAVER.—

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

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

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

“(g) BRIDGE DISCRETIONARY.—

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

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

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

“(h) INTERSTATE MAINTENANCE.—

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

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

Applicability.

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

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

“(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—

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

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

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

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

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

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

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

“(k) NONDISCRIMINATION.—

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

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

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

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

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

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

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

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

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

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

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

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

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

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

(G) in subsection (g)(1)—

(i) by striking “and”; and

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

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

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

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

(A) by striking “and”; and

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

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

(1) by striking “and”; and

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

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337) is amended by inserting after “2003” the following: “, and \$30,000,000 for the period of October 1, 2003, through February 29, 2004”.

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

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

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

- (1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—
 - (A) in subsection (a)(3) by striking “6” and inserting “7”; and
 - (B) in subsection (a)(4)(C) by striking “and sixth” and inserting “, sixth, and seventh”; and
- (2) AUTHORIZATION OF APPROPRIATIONS.—Section 2009(a)(4) of such Act (112 Stat. 337) is amended—
 - (A) by striking “and” the last place it appears; and
 - (B) by inserting before the period at the end the following: “, and \$16,666,667 for the period of October 1, 2003, through February 29, 2004”.

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

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

- (1) in paragraph (1) by striking “2003” and inserting “2004”; and
- (2) in paragraph (2) by striking “2003” and inserting “2004”.

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

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—

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

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

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

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

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

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

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

(B) by striking the period at the end of paragraph

(3) and inserting a semicolon;

(C) by striking the period at the end of paragraph
(4) and inserting “; and”; and
(D) by adding at the end the following:
“(5) \$8,333,333 for the period of October 1, 2003 through February 29, 2004.”.

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

(d) CRASH CAUSATION STUDY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770-1771), \$416,667 for the period of October 1, 2003 through February 29, 2004.

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

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

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

(1) in paragraph (1) by inserting “and for the period of October 1, 2003, through February 29, 2004” after “2003”;
(2) in paragraph (2)(B) by inserting after clause (ii) the following:

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

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

(4) in paragraph (3)(C) by inserting after “2003” the following: “(and \$20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)”.
Urban areas.
49 USC 5337
note.

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

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

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

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

- (1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”;
- (2) by striking “and” at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);
- (3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;
- (4) by adding at the end of paragraph (2)(A) the following:
 - (vi) \$1,292,948,344 for the period of October 1, 2003, through February 29, 2004.”;
- (5) by adding at the end in paragraph (2)(B) the following:
 - (vi) \$323,459,169 for the period of October 1, 2003, through February 29, 2004.”; and
- (6) in paragraph (2)(C) by inserting after “a fiscal year” the following: “(other than for the period of October 1, 2003, through February 29, 2004)”.

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

- (1) \$2,020,813 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;
- (2) \$20,833,334 shall be available to carry out section 5308 of such title; and
- (3) of the remaining amount—
 - (A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;
 - (B) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and
 - (C) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

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

- (1) in the heading to paragraph (2) by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004” after “2003”;
- (2) by striking “and” at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);
- (3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting “; and”;
- (4) by adding at the end of paragraph (2)(A) the following:
 - (vi) \$1,022,503,342 for the period of October 1, 2003, through February 29, 2004.”; and
- (5) by adding at the end of paragraph (2)(B) the following:
 - (vi) \$255,801,669 for the period of October 1, 2003, through February 29, 2004.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) by adding at the end of paragraph (1) the following: “(F) \$2,187,500 for the period of October 1, 2003, through February 29, 2004.”; and

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

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

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

(2) in paragraph (2)(A)—

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

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

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

(D) by adding at the end the following:

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface

23 USC 101 note.

Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) are amended by inserting “and for the period of October 1, 2003, through February 29, 2004,” after “2003.”.

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

SEC. 9. SPORT FISHING AND BOATING SAFETY.

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

- (1) by striking “and” at the end of paragraph (4);
- (2) by inserting “and” after the semicolon at the end of paragraph (5); and
- (3) by inserting after paragraph (5) the following:

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

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

- (1) by redesignating paragraph (4) as paragraph (5);
- (2) by inserting after paragraph (3) the following:

“(4) FIRST 5 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through February 29, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$34,166,667, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

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

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

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

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

“(c) Of the amount transferred to the Secretary of Transportation under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), \$2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which \$833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to

replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.”.

Federal Register,
publication.

SEC. 10. BUDGET LIMITATIONS.

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

2 USC 901.

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

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2004) as paragraph (1) and in such redesignated paragraph strike “(1) with respect to fiscal year 2004”, redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

“(1) with respect to fiscal year 2004—

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

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

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

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

2 USC 900.

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

(2) in subparagraph (C)—

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

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

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

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

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

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

- (1) by striking “and” at the end of paragraph (4);
- (2) by striking the period at the end of paragraph (5) and inserting “; and”; and
- (3) by adding at the end the following:
“(6) for fiscal year 2004, \$34,498,000,000.”

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

- (1) by striking “and” at the end of paragraph (4);
- (2) by striking the period at the end of paragraph (5) and inserting “; and”; and
- (3) by adding at the end the following:
“(6) for fiscal year 2004, \$7,303,000,000.”

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

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

26 USC 9503.

(a) **HIGHWAY TRUST FUND.**—

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

- (A) in the matter before subparagraph (A), by striking “October 1, 2003” and inserting “March 1, 2004”;
- (B) by striking “or” at the end of subparagraph (D),
- (C) by striking the period at the end of subparagraph (E) and inserting “, or”,
- (D) by inserting after subparagraph (E), the following new subparagraph:

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

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

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

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

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

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

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

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

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

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “October 1, 2003” and inserting “March 1, 2004”. 26 USC 9503.

(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— 26 USC 9504.

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

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

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

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 9503 note.

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

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

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

Approved September 30, 2003.

LEGISLATIVE HISTORY—H.R. 3087 (S. 1640):

SENATE REPORTS: No. 108-54 accompanying S. 1640 (Comm. on Environment and Public Works).

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Sept. 24, considered and passed House.
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