

Union Calendar No. 452

107TH CONGRESS
2^D SESSION

H. R. 5559

[Report No. 107-722]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2002

Mr. ROGERS of Kentucky, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Transportation and related agencies for

1 the fiscal year ending September 30, 2003, and for other
2 purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$82,474,000, of which not to exceed \$4,355,000 shall be
9 available for the immediate Office of the Secretary and
10 Deputy Secretary; not to exceed \$14,950,000 shall be
11 available for the Office of the General Counsel; not to ex-
12 ceed \$12,024,000 shall be for the Under Secretary for
13 Transportation Policy; not to exceed \$7,415,000 shall be
14 available for the Office of the Assistant Secretary for
15 Budget and Programs; not to exceed \$2,453,000 shall be
16 available for the Office of the Assistant Secretary for Gov-
17 ernment Affairs; not to exceed \$27,686,000 shall be avail-
18 able for the Office of the Assistant Secretary for Adminis-
19 tration; not to exceed \$1,926,000 shall be available for the
20 Office of Public Affairs; not to exceed \$611,000 shall be
21 available for the Board of Contract Appeals; not to exceed
22 \$1,304,000 shall be available for the Office of Small and
23 Disadvantaged Business Utilization; not to exceed
24 \$9,750,000 shall be available for the Office of the Chief
25 Information Officer: *Provided*, That not to exceed \$60,000

1 shall be for allocation within the Department for official
2 reception and representation expenses as the Secretary
3 may determine: *Provided further*, That notwithstanding
4 any other provision of law, excluding fees authorized in
5 Public Law 107–71, there may be credited to this appro-
6 priation up to \$2,500,000 in funds received in user fees:
7 *Provided further*, That none of the funds provided in this
8 Act shall be available for the position of Assistant Sec-
9 retary for Public Affairs.

10 OFFICE OF CIVIL RIGHTS

11 For necessary expenses of the Office of Civil Rights,
12 \$8,500,000.

13 TRANSPORTATION PLANNING, RESEARCH, AND
14 DEVELOPMENT

15 For necessary expenses for conducting transportation
16 planning, research, systems development, development ac-
17 tivities, and making grants, to remain available until ex-
18 pended, \$11,157,000.

19 TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

20 Necessary expenses for operating costs and capital
21 outlays of the Transportation Administrative Service Cen-
22 ter, not to exceed \$131,766,000, shall be paid from appro-
23 priations made available to the Department of Transpor-
24 tation: *Provided*, That such services shall be provided on
25 a competitive basis to entities within the Department of

1 Transportation: *Provided further*, That the above limita-
2 tion on operating expenses shall not apply to non-DOT
3 entities: *Provided further*, That no funds appropriated in
4 this Act to an agency of the Department shall be trans-
5 ferred to the Transportation Administrative Service Cen-
6 ter without the approval of the agency modal adminis-
7 trator: *Provided further*, That no assessments may be lev-
8 ied against any program, budget activity, subactivity or
9 project funded by this Act unless notice of such assess-
10 ments and the basis therefor are presented to the House
11 and Senate Committees on Appropriations and are ap-
12 proved by such Committees.

13 MINORITY BUSINESS RESOURCE CENTER PROGRAM

14 For the cost of guaranteed loans, \$500,000, as au-
15 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
16 cluding the cost of modifying such loans, shall be as de-
17 fined in section 502 of the Congressional Budget Act of
18 1974: *Provided further*, That these funds are available to
19 subsidize total loan principal, any part of which is to be
20 guaranteed, not to exceed \$18,367,000. In addition, for
21 administrative expenses to carry out the guaranteed loan
22 program, \$400,000.

23 MINORITY BUSINESS OUTREACH

24 For necessary expenses of Minority Business Re-
25 source Center outreach activities, \$3,000,000, to remain

1 available until September 30, 2004: *Provided*, That not-
2 withstanding 49 U.S.C. 332, these funds may be used for
3 business opportunities related to any mode of transpor-
4 tation.

5 NEW HEADQUARTERS BUILDING

6 For necessary expenses of customizing the Depart-
7 ment of Transportation's new base building and related
8 advisory services, \$25,000,000 to remain available until
9 expended.

10 PAYMENTS TO AIR CARRIERS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 In addition to funds made available from any other
13 source to carry out the essential air service program under
14 49 U.S.C. 41731 through 41742, to be derived from the
15 Airport and Airway Trust Fund, \$50,000,000, to remain
16 available until expended.

17 TRANSPORTATION SECURITY ADMINISTRATION

18 AVIATION SECURITY

19 For necessary expenses of the Transportation Secu-
20 rity Administration related to providing civil aviation secu-
21 rity services pursuant to Public Law 107-71,
22 \$4,355,726,000, to remain available until expended, of
23 which \$176,691,200 shall be derived from a reimburse-
24 ment from "Federal Aviation Administration, Facilities
25 and equipment," for explosives detection systems: *Pro-*

1 *vided*, That security service fees authorized under 49
2 U.S.C. 44940 shall be credited to this appropriation as
3 offsetting collections and used for providing civil aviation
4 security services authorized by that section: *Provided fur-*
5 *ther*, That the sum herein appropriated from the General
6 Fund shall be reduced on a dollar-for-dollar basis as such
7 offsetting collections are received during fiscal year 2003,
8 so as to result in a final fiscal year appropriation from
9 the General Fund estimated at not more than
10 \$1,705,726,000: *Provided further*, That none of the funds
11 in this Act shall be used to recruit or hire personnel into
12 the Transportation Security Administration which would
13 cause the agency to exceed a staffing level of 45,000 full-
14 time permanent positions: *Provided further*, That funds
15 provided in this Act for the Transportation Security Ad-
16 ministration's Credentialing Project shall include funds to
17 initiate pilot projects during fiscal year 2003 at locations
18 on the East Coast and West Coast, to be determined by
19 the Transportation Security Administration: *Provided fur-*
20 *ther*, That such pilot projects shall include the various
21 technologies necessary for successful technology evaluation
22 and development of requirements, including card, reader,
23 and database technologies.

1 MARITIME AND LAND SECURITY

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to maritime and land transpor-
4 tation security grants and services pursuant to Public Law
5 107-71, \$206,864,000, to remain available until ex-
6 pended.

7 RESEARCH AND DEVELOPMENT

8 For necessary expenses of the Transportation Secu-
9 rity Administration for research and development related
10 to transportation security, \$129,519,000, to remain avail-
11 able until expended.

12 SUPPORT SERVICES

13 For necessary expenses of the Transportation Secu-
14 rity Administration for intelligence and agency-wide sup-
15 port activities pursuant to Public Law 107-71,
16 \$453,891,000, to remain available until expended.

17 COAST GUARD

18 OPERATING EXPENSES

19 For necessary expenses for the operation and mainte-
20 nance of the Coast Guard, not otherwise provided for; pur-
21 chase of not to exceed five passenger motor vehicles for
22 replacement only; payments pursuant to section 156 of
23 Public Law 97-377, as amended (42 U.S.C. 402 note);
24 and recreation and welfare, \$4,305,456,000, of which
25 \$1,300,000,000 shall be available for defense-related ac-

1 tivities; and of which \$25,000,000 shall be derived from
2 the Oil Spill Liability Trust Fund: *Provided*, That none
3 of the funds appropriated in this or any other Act shall
4 be available for pay of administrative expenses in connec-
5 tion with shipping commissioners in the United States:
6 *Provided further*, That none of the funds provided in this
7 Act shall be available for expenses incurred for yacht docu-
8 mentation under 46 U.S.C. 12109, except to the extent
9 fees are collected from yacht owners and credited to this
10 appropriation: *Provided further*, That of the amounts
11 made available under this heading, not less than
12 \$17,686,000 shall be used solely to increase staffing at
13 Search and Rescue stations, surf stations and command
14 centers, increase the training and experience level of indi-
15 viduals serving in said stations through targeted retention
16 efforts, revise personnel policies and expand training pro-
17 grams, and to modernize and improve the quantity and
18 quality of personal safety equipment, including survival
19 suits, for personnel assigned to said stations: *Provided fur-*
20 *ther*, That the Department of Transportation Inspector
21 General shall audit and certify to the House and Senate
22 Committees on Appropriations that the funding described
23 in the preceding proviso is being used solely to supplement
24 and not supplant the Coast Guard's level of effort in this
25 area in fiscal year 2002.

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of acquisition, construction,
3 renovation, and improvement of aids to navigation, shore
4 facilities, vessels, and aircraft, including equipment related
5 thereto, \$725,000,000, of which \$20,000,000 shall be de-
6 rived from the Oil Spill Liability Trust Fund; of which
7 \$11,715,000 shall be available to acquire, repair, renovate
8 or improve vessels, small boats and related equipment, to
9 remain available until September 30, 2007; \$2,700,000
10 shall be available to acquire new aircraft and increase
11 aviation capability, to remain available until September
12 30, 2005; \$114,200,000 shall be available for other equip-
13 ment, to remain available until September 30, 2005;
14 \$31,385,000 shall be available for shore facilities and aids
15 to navigation facilities, to remain available until Sep-
16 tember 30, 2005; \$65,000,000 shall be available for per-
17 sonnel compensation and benefits and related costs, to re-
18 main available until September 30, 2004; and
19 \$500,000,000 shall be available for the Integrated Deep-
20 water Systems program, to remain available until Sep-
21 tember 30, 2007: *Provided*, That the Commandant of the
22 Coast Guard is authorized to dispose of surplus real prop-
23 erty, by sale or lease, and the proceeds shall be credited
24 to this appropriation as offsetting collections and made
25 available only for the National Distress and Response Sys-

1 tem Modernization program, to remain available for obli-
2 gation until September 30, 2004: *Provided further*, That
3 upon initial submission to the Congress of the fiscal year
4 2004 President's budget, the Secretary of Transportation
5 shall transmit to the Congress a comprehensive capital in-
6 vestment plan for the United States Coast Guard which
7 includes funding for each budget line item for fiscal years
8 2004 through 2008, with total funding for each year of
9 the plan constrained to the funding targets for those years
10 as estimated and approved by the Office of Management
11 and Budget: *Provided further*, That the Director, Office
12 of Management and Budget shall submit the budget re-
13 quest for the IDS integration contract delineating sub-
14 headings which include the following: systems integrator,
15 ship construction, aircraft, equipment, and communica-
16 tion, providing specific assets and costs under each sub-
17 heading.

18 ENVIRONMENTAL COMPLIANCE AND RESTORATION

19 For necessary expenses to carry out the Coast
20 Guard's environmental compliance and restoration func-
21 tions under chapter 19 of title 14, United States Code,
22 \$17,000,000, to remain available until expended.

23 ALTERATION OF BRIDGES

24 For necessary expenses for alteration or removal of
25 obstructive bridges, \$17,000,000, to remain available until

1 uation; maintenance, rehabilitation, lease and operation of
2 facilities and equipment, as authorized by law,
3 \$21,000,000, to remain available until expended, of which
4 \$3,500,000, shall be derived from the Oil Spill Liability
5 Trust Fund: *Provided*, That there may be credited to and
6 used for the purposes of this appropriation funds received
7 from State and local governments, other public authori-
8 ties, private sources, and foreign countries, for expenses
9 incurred for research, development, testing, and evalua-
10 tion.

11 FEDERAL AVIATION ADMINISTRATION

12 OPERATIONS

13 For necessary expenses of the Federal Aviation Ad-
14 ministration, not otherwise provided for, including oper-
15 ations and research activities related to commercial space
16 transportation, administrative expenses for research and
17 development, establishment of air navigation facilities, the
18 operation (including leasing) and maintenance of aircraft,
19 subsidizing the cost of aeronautical charts and maps sold
20 to the public, lease or purchase of passenger motor vehi-
21 cles for replacement only, in addition to amounts made
22 available by Public Law 104-264, \$7,060,203,000, of
23 which \$3,585,068,000 shall be derived from the Airport
24 and Airway Trust Fund: *Provided*, That none of the funds
25 in this Act shall be available for the Federal Aviation Ad-

1 ministration to finalize or implement any regulation that
2 would promulgate new aviation user fees not specifically
3 authorized by law after the date of the enactment of this
4 Act: *Provided further*, That there may be credited to this
5 appropriation funds received from States, counties, mu-
6 nicipalities, foreign authorities, other public authorities,
7 and private sources, for expenses incurred in the provision
8 of agency services, including receipts for the maintenance
9 and operation of air navigation facilities, and for issuance,
10 renewal or modification of certificates, including airman,
11 aircraft, and repair station certificates, or for tests related
12 thereto, or for processing major repair or alteration forms:
13 *Provided further*, That of the funds appropriated under
14 this heading, not less than \$6,000,000 shall be for the
15 contract tower cost-sharing program: *Provided further*,
16 That funds may be used to enter into a grant agreement
17 with a nonprofit standard-setting organization to assist in
18 the development of aviation safety standards: *Provided*
19 *further*, That none of the funds in this Act shall be avail-
20 able for new applicants for the second career training pro-
21 gram: *Provided further*, That none of the funds in this Act
22 shall be available for paying premium pay under 5 U.S.C.
23 5546(a) to any Federal Aviation Administration employee
24 unless such employee actually performed work during the
25 time corresponding to such premium pay: *Provided fur-*

1 *ther*, That none of the funds in this Act may be obligated
2 or expended to operate a manned auxiliary flight service
3 station in the contiguous United States: *Provided further*,
4 That none of the funds in this Act for aeronautical chart-
5 ing and cartography are available for activities conducted
6 by, or coordinated through, the Transportation Adminis-
7 trative Service Center.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, and improvement by con-
12 tract or purchase, and hire of air navigation and experi-
13 mental facilities and equipment as authorized under part
14 A of subtitle VII of title 49, United States Code, including
15 initial acquisition of necessary sites by lease or grant; en-
16 gineering and service testing, including construction of
17 test facilities and acquisition of necessary sites by lease
18 or grant; construction and furnishing of quarters and re-
19 lated accommodations for officers and employees of the
20 Federal Aviation Administration stationed at remote local-
21 ities where such accommodations are not available; and
22 the purchase, lease, or transfer of aircraft from funds
23 available under this heading; to be derived from the Air-
24 port and Airway Trust Fund, \$2,981,022,000; of which
25 not to exceed \$2,559,904,000 shall remain available until

1 September 30, 2005, and of which not to exceed
2 \$421,118,000 shall remain available until September 30,
3 2003: *Provided*, That there may be credited to this appro-
4 priation funds received from States, counties, municipali-
5 ties, other public authorities, and private sources, for ex-
6 penses incurred in the establishment and modernization
7 of air navigation facilities: *Provided further*, That upon ini-
8 tial submission to the Congress of the fiscal year 2004
9 President's budget, the Secretary of Transportation shall
10 transmit to the Congress a comprehensive capital invest-
11 ment plan for the Federal Aviation Administration which
12 includes funding for each budget line item for fiscal years
13 2004 through 2008, with total funding for each year of
14 the plan constrained to the funding targets for those years
15 as estimated and approved by the Office of Management
16 and Budget.

17 RESEARCH, ENGINEERING, AND DEVELOPMENT

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For necessary expenses, not otherwise provided for,
20 for research, engineering, and development, as authorized
21 under part A of subtitle VII of title 49, United States
22 Code, including construction of experimental facilities and
23 acquisition of necessary sites by lease or grant,
24 \$138,000,000, to be derived from the Airport and Airway
25 Trust Fund and to remain available until September 30,

1 2005: *Provided*, That there may be credited to this appro-
 2 priation funds received from States, counties, municipali-
 3 ties, other public authorities, and private sources, for ex-
 4 penses incurred for research, engineering, and develop-
 5 ment.

6 GRANTS-IN-AID FOR AIRPORTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For liquidation of obligations incurred for grants-in-
 11 aid for airport planning and development, and noise com-
 12 patibility planning and programs as authorized under sub-
 13 chapter I of chapter 471 and subchapter I of chapter 475
 14 of title 49, United States Code, and under other law au-
 15 thorizing such obligations; for procurement, installation,
 16 and commissioning of runway incursion prevention devices
 17 and systems at airports of such title; and for inspection
 18 activities and administration of airport safety programs,
 19 including those related to airport operating certificates
 20 under 49 U.S.C. 44706, \$3,100,000,000, to be derived
 21 from the Airport and Airway Trust Fund and to remain
 22 available until expended: *Provided*, That none of the funds
 23 under this heading shall be available for the planning or
 24 execution of programs the obligations for which are in ex-
 25 cess of \$3,400,000,000 in fiscal year 2003, notwith-
 26 standing 49 U.S.C. 47117(h): *Provided further*, That not-

1 withstanding any other provision of law, not more than
2 \$62,820,000 of funds limited under this heading shall be
3 obligated for administration.

4 SMALL COMMUNITY AIR SERVICE DEVELOPMENT

5 For necessary expenses to carry out the Small Com-
6 munity Air Service Development Pilot Program pursuant
7 to 49 U.S.C. 41743, \$20,000,000, to remain available
8 until expended.

9 FEDERAL HIGHWAY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 Necessary expenses for administration and operation
12 of the Federal Highway Administration, not to exceed
13 \$370,042,000 shall be paid in accordance with law from
14 appropriations made available by this Act to the Federal
15 Highway Administration together with advances and reim-
16 bursements received by the Federal Highway Administra-
17 tion.

18 FEDERAL-AID HIGHWAYS

19 (LIMITATION ON OBLIGATIONS)

20 (HIGHWAY TRUST FUND)

21 None of the funds in this Act shall be available for
22 the implementation or execution of programs, the obliga-
23 tions for which are in excess of \$27,653,143,000 for Fed-
24 eral-aid highways and highway safety construction pro-
25 grams for fiscal year 2003: *Provided*, That within the
26 \$27,653,143,000 obligation limitation on Federal-aid

1 highways and highway safety construction programs, not
2 more than \$462,500,000 shall be available for the imple-
3 mentation or execution of programs for transportation re-
4 search (sections 502, 503, 504, 506, 507, and 508 of title
5 23, United States Code, as amended; section 5505 of title
6 49, United States Code, as amended; and sections 5112
7 and 5204–5209 of Public Law 105–178) for fiscal year
8 2003: *Provided further*, That this limitation on transpor-
9 tation research programs shall not apply to any authority
10 previously made available for obligation.

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (HIGHWAY TRUST FUND)

13 For carrying out the provisions of title 23, United
14 States Code, that are attributable to Federal-aid high-
15 ways, including the National Scenic and Recreational
16 Highway as authorized by 23 U.S.C. 148, not otherwise
17 provided, including reimbursement for sums expended
18 pursuant to the provisions of 23 U.S.C. 308,
19 \$30,000,000,000 or so much thereof as may be available
20 in and derived from the Highway Trust Fund, to remain
21 available until expended.

22 (RESCISSION)

23 Of the unobligated balances made available under
24 Public Law 103–331, Public Law 102–388, Public Law
25 102–240, Public Law 102–143, Public Law 101–516,

1 Public Law 97–424, Public Law 101–164, Public Law
2 100–17, and Public Law 95–599, \$5,609,337 is rescinded.

3 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

4 For necessary expenses for the Appalachian Develop-
5 ment Highway System as authorized under section
6 1069(y) of Public Law 102–240, as amended,
7 \$100,000,000, to remain available until expended.

8 EMERGENCY RELIEF

9 (HIGHWAY TRUST FUND)

10 For the “Emergency Relief Program,” as authorized
11 by 23 U.S.C. 125, for emergency expenses to respond to
12 natural disasters or catastrophic failures from external
13 causes, \$55,000,000, to be derived from the Highway
14 Trust Fund and to remain available until expended.

15 FEDERAL MOTOR CARRIER SAFETY

16 ADMINISTRATION

17 MOTOR CARRIER SAFETY

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 For necessary expenses for administration of motor
20 carrier safety programs and motor carrier safety research,
21 pursuant to section 104(a)(1)(B) of title 23, United States
22 Code, not to exceed \$92,857,000 shall be paid in accord-
23 ance with law from appropriations made available by this
24 Act and from any available takedown balances to the Fed-
25 eral Motor Carrier Safety Administration, together with

1 advances and reimbursements received by the Administra-
2 tion and \$24,587,000 in budget authority to be derived
3 from the Highway Trust Fund: *Provided*, That such
4 amounts shall be available to carry out the functions and
5 operations of the Federal Motor Carrier Safety Adminis-
6 tration.

7 NATIONAL MOTOR CARRIER SAFETY PROGRAM

8 (LIQUIDATION OF CONTRACT AUTHORIZATION)

9 (LIMITATION ON OBLIGATIONS)

10 (HIGHWAY TRUST FUND)

11 For payment of obligations incurred in carrying out
12 49 U.S.C. 31102, 31106 and 31309, \$190,000,000, to be
13 derived from the Highway Trust Fund and to remain
14 available until expended: *Provided*, That none of the funds
15 in this Act shall be available for the implementation or
16 execution of programs the obligations for which are in ex-
17 cess of \$190,000,000 for “Motor Carrier Safety Grants”,
18 and “Information Systems”.

19 BORDER ENFORCEMENT PROGRAM

20 (HIGHWAY TRUST FUND)

21 To continue the Border Enforcement Program under
22 section 350 of the Department of Transportation and Re-
23 lated Agencies Appropriations Act, 2002, \$59,967,000, to
24 be derived from the Highway Trust Fund, for necessary
25 expenses.

1 NATIONAL HIGHWAY TRAFFIC SAFETY
2 ADMINISTRATION
3 OPERATIONS AND RESEARCH

4 For expenses necessary to discharge the functions of
5 the Secretary, with respect to traffic and highway safety
6 under chapter 301 of title 49, United States Code, and
7 part C of subtitle VI of title 49, United States Code
8 \$131,433,000, of which \$98,161,131 shall remain avail-
9 able until September 30, 2005: *Provided*, That none of the
10 funds appropriated by this Act may be obligated or ex-
11 pended to plan, finalize, or implement any rulemaking to
12 add to section 575.104 of title 49 of the Code of Federal
13 Regulations any requirement pertaining to a grading
14 standard that is different from the three grading stand-
15 ards (treadwear, traction, and temperature resistance) al-
16 ready in effect.

17 OPERATIONS AND RESEARCH
18 (LIQUIDATION OF CONTRACT AUTHORIZATION)
19 (LIMITATION ON OBLIGATIONS)
20 (HIGHWAY TRUST FUND)

21 For payment of obligations incurred in carrying out
22 the provisions of 23 U.S.C. 403, to remain available until
23 expended, \$72,000,000, to be derived from the Highway
24 Trust Fund; *Provided*, That none of the funds in this Act
25 shall be available for the planning or execution of pro-
26 grams the total obligations for which, in fiscal year 2003,

1 are in excess of \$72,000,000 for programs authorized
2 under 23 U.S.C. 403.

3 NATIONAL DRIVER REGISTER

4 (HIGHWAY TRUST FUND)

5 For expenses necessary to discharge the functions of
6 the Secretary with respect to the National Driver Register
7 under chapter 303 of title 49, United States Code,
8 \$2,000,000, to be derived from the Highway Trust Fund,
9 and to remain available until expended.

10 HIGHWAY TRAFFIC SAFETY GRANTS

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in carrying out
15 the provisions of 23 U.S.C. 402, 405, and 410, to remain
16 available until expended, \$225,000,000, to be derived from
17 the Highway Trust Fund: *Provided*, That none of the
18 funds in this Act shall be available for the planning or
19 execution of programs the total obligations for which, in
20 fiscal year 2003, are in excess of \$225,000,000 for pro-
21 grams authorized under 23 U.S.C. 402, 405, and 410, of
22 which \$165,000,000 shall be for “Highway Safety Pro-
23 grams” under 23 U.S.C. 402, \$20,000,000 shall be for
24 “Occupant Protection Incentive Grants” under 23 U.S.C.
25 405, and \$40,000,000 shall be for “Alcohol-Impaired
26 Driving Countermeasures Grants” under 23 U.S.C. 410:

1 *Provided further*, That none of these funds shall be used
2 for construction, rehabilitation, or remodeling costs, or for
3 office furnishings and fixtures for State, local, or private
4 buildings or structures: *Provided further*, That not to ex-
5 ceed \$8,150,000 of the funds made available for section
6 402, not to exceed \$1,000,000 of the funds made available
7 for section 405, and not to exceed \$2,000,000 of the funds
8 made available for section 410 shall be available to
9 NHTSA for administering highway safety grants under
10 chapter 4 of title 23, United States Code: *Provided further*,
11 That not to exceed \$500,000 of the funds made available
12 for section 410 “Alcohol-Impaired Driving Counter-
13 measures Grants” shall be available for technical assist-
14 ance to the States.

15 FEDERAL RAILROAD ADMINISTRATION

16 SAFETY AND OPERATIONS

17 For necessary expenses of the Federal Railroad Ad-
18 ministration, not otherwise provided for, \$117,363,000, of
19 which \$6,636,000 shall remain available until expended.

20 RAILROAD RESEARCH AND DEVELOPMENT

21 For necessary expenses for railroad research and de-
22 velopment, \$27,325,000, to remain available until ex-
23 pended.

1 ing \$521,476,000 for quarterly grants for operating ex-
2 penses of which not to exceed \$150,000,000 shall be uti-
3 lized for the support of long distance trains, and
4 \$241,000,000 for quarterly grants for general capital im-
5 provements: *Provided*, That within 60 days of enactment
6 of a final Department of Transportation and Related
7 Agencies Appropriations bill for fiscal year 2003 but not
8 later than February 15, 2003, Amtrak shall transmit to
9 the Secretary of Transportation and the House and Sen-
10 ate Committees on Appropriations a work plan for
11 projects to be funded in fiscal year 2003 under section
12 24104(a) of title 49, United States Code: *Provided further*,
13 That the work plan shall include a description of the work
14 to be funded, along with cost estimates and an estimated
15 timetable for completion of the projects covered by this
16 work plan: *Provided further*, That not later than January
17 1, 2003, April 1, 2003, July 1, 2003, and September 30,
18 2003, Amtrak shall submit to the Secretary of Transpor-
19 tation and the House and Senate Committees on Appro-
20 priations a supplemental quarterly report regarding the
21 work plan, which shall describe the work completed to
22 date, any changes to the work plan, and reasons for such
23 changes. The quarterly report shall also include an amend-
24 ed work plan to reflect any such changes: *Provided further*,
25 That none of the funds in this Act may be used for oper-

1 ating expenses and capital projects, excluding payments
2 made on October 1, 2002, not on the National Railroad
3 Passenger Corporation's fiscal year 2003 operating and
4 capital work plan: *Provided further*, That none of the
5 funds under this heading may be obligated or expended
6 until the National Railroad Passenger Corporation agrees
7 to continue abiding by the provisions of paragraphs 1, 2,
8 3, 5, 9, and 11 of the summary of conditions for the direct
9 loan agreement of June 28, 2002, in the same manner
10 as in effect on the date of enactment of this Act.

11 FEDERAL TRANSIT ADMINISTRATION

12 ADMINISTRATIVE EXPENSES

13 For necessary administrative expenses of the Federal
14 Transit Administration's programs authorized by chapter
15 53 of title 49, United States Code, \$14,600,000: *Provided*,
16 That no more than \$73,000,000 of budget authority shall
17 be available for these purposes: *Provided further*, That of
18 the funds in this Act available for the execution of con-
19 tracts under section 5327(c) of title 49, United States
20 Code, \$2,000,000 shall be reimbursed to the Department
21 of Transportation's Office of Inspector General for costs
22 associated with audits and investigations of transit-related
23 issues, including reviews of new fixed guideway systems:
24 *Provided further*, That not to exceed \$2,600,000 for the
25 National transit database shall remain available until ex-

1 pended: *Provided further*, That upon submission to the
2 Congress of the fiscal year 2004 President’s budget, the
3 Secretary of Transportation shall transmit to Congress
4 the annual report on new starts, proposed allocations of
5 funds for fiscal year 2004: *Provided further*, That the
6 amount herein appropriated shall be reduced by \$100,000
7 per day for each day after initial submission of the Presi-
8 dent’s budget that the report has not been submitted to
9 the Congress.

10 FORMULA GRANTS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out 49 U.S.C. 5307,
13 5308, 5310, 5311, 5327, and section 3038 of Public Law
14 105–178, \$767,800,000, to remain available until ex-
15 pended: *Provided*, That no more than \$3,839,000,000 of
16 budget authority shall be available for these purposes: *Pro-*
17 *vided further*, That notwithstanding section 3008 of Public
18 Law 105–178, \$50,000,000 of the funds to carry out 49
19 U.S.C. 5308 shall be transferred to and merged with fund-
20 ing provide for the replacement, rehabilitation, and pur-
21 chase of buses and related equipment and the construction
22 of bus-related facilities under “Federal Transit Adminis-
23 tration, Capital investment grants”.

1 UNIVERSITY TRANSPORTATION RESEARCH

2 For necessary expenses to carry out 49 U.S.C. 5505,
3 \$1,200,000, to remain available until expended: *Provided*,
4 That no more than \$6,000,000 of budget authority shall
5 be available for these purposes.

6 TRANSIT PLANNING AND RESEARCH

7 For necessary expenses to carry out 49 U.S.C. 5303,
8 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and
9 5322, \$24,200,000, to remain available until expended:
10 *Provided*, That no more than \$122,000,000 of budget au-
11 thority shall be available for these purposes: *Provided fur-*
12 *ther*, That \$5,250,000 is available to provide rural trans-
13 portation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000
14 is available to carry out programs under the National
15 Transit Institute (49 U.S.C. 5315), \$8,250,000 is avail-
16 able to carry out transit cooperative research programs
17 (49 U.S.C. 5313(a)), \$60,385,600 is available for metro-
18 politan planning (49 U.S.C. 5303, 5304, and 5305),
19 \$12,614,400 is available for State planning (49 U.S.C.
20 5313(b)); and \$31,500,000 is available for the national
21 planning and research program (49 U.S.C. 5314).

22 TRUST FUND SHARE OF EXPENSES

23 (LIQUIDATION OF CONTRACT AUTHORIZATION)

24 (HIGHWAY TRUST FUND)

25 For payment of obligations incurred in carrying out
26 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327,

1 5334, 5505, and sections 3037 and 3038 of Public Law
2 105–178, \$5,781,000,000, to remain available until ex-
3 pended, and to be derived from the Mass Transit Account
4 of the Highway Trust Fund: *Provided*, That
5 \$3,071,200,000 shall be paid to the Federal Transit Ad-
6 ministration’s formula grants account: *Provided further*,
7 That \$97,800,000 shall be paid to the Federal Transit Ad-
8 ministration’s transit planning and research account: *Pro-*
9 *vided further*, That \$58,400,000 shall be paid to the Fed-
10 eral Transit Administration’s administrative expenses ac-
11 count: *Provided further*, That \$4,800,000 shall be paid to
12 the Federal Transit Administration’s university transpor-
13 tation research account: *Provided further*, That
14 \$120,000,000 shall be paid to the Federal Transit Admin-
15 istration’s job access and reverse commute grants pro-
16 gram: *Provided further*, That \$2,428,800,000 shall be paid
17 to the Federal Transit Administration’s capital investment
18 grants account.

19 CAPITAL INVESTMENT GRANTS

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out 49 U.S.C. 5308,
22 5309, 5318, and 5327, \$607,200,000, to remain available
23 until expended: *Provided*, That no more than
24 \$3,036,000,000 of budget authority shall be available for
25 these purposes: *Provided further*, That there shall be avail-

1 able for fixed guideway modernization, \$1,214,400,000;
2 there shall be available for the replacement, rehabilitation,
3 and purchase of buses and related equipment and the con-
4 struction of bus facilities, \$607,200,000, which shall in-
5 clude \$50,000,000 made available under 5309(m)(3)(C)
6 of this title, plus \$50,000,000 transferred from “Federal
7 Transit Administration, Formula Grants”; and there shall
8 be available for new starts \$1,214,400,000, together with
9 \$2,883,828 of the funds made available under “Federal
10 Transit Administration, Capital investment grants” in
11 Public Law 105–66, together with \$8,116,030 of the
12 funds made available under “Federal Transit Administra-
13 tion, Capital investment grants” in Public Law 105–277,
14 together with \$12,437,113 of the funds made available
15 under “Federal Transit Administration, Capital invest-
16 ment grants” in Public Law 106–69; to be available as
17 follows:

18 Alaska/Hawaii ferries, \$10,296,000;
19 Atlanta, GA, North Springs (North Line Exten-
20 sion), \$16,110,000;
21 Baltimore, MD, Central LRT Double Tracking
22 Project, \$10,500,000;
23 Boston, MA, South Boston Piers Transitway,
24 \$681,824;

1 Charlotte, NC, South Corridor Light Rail Tran-
2 sit Project, \$14,000,000;
3 Chicago, IL, Douglas Branch Reconstruction,
4 \$55,000,000;
5 Chicago, IL, North Central Corridor Commuter
6 Rail, \$20,000,000;
7 Chicago, IL, Ravenswood Reconstruction,
8 \$4,000,000;
9 Chicago, IL, South West Corridor Commuter
10 Rail, \$20,000,000;
11 Chicago, IL, Union Pacific West Line Exten-
12 sion, \$12,000,000;
13 Cleveland, OH, Euclid Corridor Transportation
14 project, \$4,000,000;
15 Dallas, TX, North Central Light Rail Exten-
16 sion, \$70,000,000;
17 Denver, CO Southeast Corridor LRT,
18 \$70,000,000;
19 Ft. Lauderdale, FL, Tri-County Commuter Rail
20 Upgrades, \$39,689,213;
21 Little Rock, AR, River Rail Streetcar Project,
22 \$700,000;
23 Los Angeles, CA, Eastside Corridor LRT,
24 \$8,200,000;

1 Los Angeles, CA, North Hollywood Red Line,
2 \$40,485,912;
3 Lowell, MA–Nashua, NH, Commuter Rail Ex-
4 tension, \$5,000,000;
5 Maryland, MARC Commuter Rail Improve-
6 ments, \$11,500,000;
7 Memphis, TN, Medical Center Rail Extension,
8 \$15,610,000;
9 Minneapolis, MN, Hiawatha Corridor LRT,
10 \$60,000,000;
11 Minneapolis, MN, Northstar Corridor Com-
12 muter Rail, \$7,000,000;
13 Nashville, TN, East Corridor Commuter Rail,
14 \$6,000,000;
15 New Jersey, Hudson-Bergen Light Rail—
16 MOS1, \$19,200,000;
17 New Jersey, Hudson-Bergen Light Rail—
18 MOS2, \$50,000,000;
19 New Orleans, LA, Canal Street Streetcar,
20 \$22,000,000;
21 New Orleans, LA, Desire Corridor, \$1,200,000;
22 New York, NY, Long Island Rail Road, East
23 Side Access Project, \$15,000,000;
24 New York, NY, Second Avenue Subway,
25 \$4,000,000;

1 Newark-Elizabeth, NJ, Rail Link, \$60,000,000;
2 Northern Indiana, South Shore Commuter Rail
3 project, \$3,000,000;
4 Oceanside-Escondido, CA, Rail Corridor,
5 \$15,000,000;
6 Orange County, CA, Centerline Light Rail
7 Project, \$1,800,000;
8 Phoenix, AZ, Central Phoenix/East Valley
9 Light Rail, \$18,000,000;
10 Pittsburgh, PA, North Shore Connector LRT,
11 \$7,025,000;
12 Pittsburgh, PA, Stage II LRT Reconstruction,
13 \$26,250,000;
14 Portland, OR, Interstate MAX LRT Extension,
15 \$70,000,000;
16 Puget Sound, WA, Sounder Commuter Rail,
17 \$5,000,000;
18 Raleigh, NC, Phase I Regional Rail Project,
19 \$5,000,000;
20 Salt Lake City, UT, CBD to University LRT,
21 \$68,760,000;
22 Salt Lake City, UT, Medical Center Extension,
23 \$20,000,000;
24 Salt Lake City, UT, North-South LRT,
25 \$718,006;

1 San Diego, CA, Mission Valley East LRT Ex-
2 tension, \$65,000,000;

3 San Francisco, CA, BART Extension to San
4 Francisco Airport, \$100,000,000;

5 San Francisco, CA, Third Street Light Rail
6 Project, phase II, \$1,750,000;

7 San Jose, CA, Silicon Valley Rapid Transit
8 Corridor Project, \$250,000;

9 San Juan, PR, Tren Urbano, \$59,740,000;

10 St. Louis, MO, Metrolink St. Clair Extension,
11 \$3,368,422;

12 Washington D.C./MD, Largo Extension,
13 \$60,000,000; and

14 Washington, D.C., Dulles Corridor Rapid Tran-
15 sit Project, \$35,000,000.

16 JOB ACCESS AND REVERSE COMMUTE GRANTS

17 Notwithstanding Public Law 105–178, as amended,
18 for necessary expenses to carry out section 3037 of the
19 Federal Transit Act of 1998, \$30,000,000, to remain
20 available until expended: *Provided*, That no more than
21 \$150,000,000 of budget authority shall be available for
22 these purposes: *Provided further*, That up to \$300,000 of
23 the funds provided under this heading may be used by the
24 Federal Transit Administration for technical assistance

1 RESEARCH AND SPECIAL PROGRAMS

2 ADMINISTRATION

3 RESEARCH AND SPECIAL PROGRAMS

4 For expenses necessary to discharge the functions of
5 the Research and Special Programs Administration,
6 \$40,677,000, of which \$645,000 shall be derived from the
7 Pipeline Safety Fund, and of which \$3,250,000 shall re-
8 main available until September 30, 2005: *Provided*, That
9 up to \$1,200,000 in fees collected under 49 U.S.C.
10 5108(g) shall be deposited in the general fund of the
11 Treasury as offsetting receipts: *Provided further*, That
12 there may be credited to this appropriation, to be available
13 until expended, funds received from States, counties, mu-
14 nicipalities, other public authorities, and private sources
15 for expenses incurred for training, for reports publication
16 and dissemination, and for travel expenses incurred in per-
17 formance of hazardous materials exemptions and approv-
18 als functions.

19 PIPELINE SAFETY

20 (PIPELINE SAFETY FUND)

21 (OIL SPILL LIABILITY TRUST FUND)

22 For expenses necessary to conduct the functions of
23 the pipeline safety program, for grants-in-aid to carry out
24 a pipeline safety program, as authorized by 49 U.S.C.
25 60107, and to discharge the pipeline program responsibil-
26 ities of the Oil Pollution Act of 1990, \$58,697,000, of

1 which \$7,472,000 shall be derived from the Oil Spill Li-
2 ability Trust Fund and shall remain available until Sep-
3 tember 30, 2005; of which \$51,225,000 shall be derived
4 from the Pipeline Safety Fund, of which \$22,786,000
5 shall remain available until September 30, 2005.

6 EMERGENCY PREPAREDNESS GRANTS

7 (EMERGENCY PREPAREDNESS FUND)

8 For necessary expenses to carry out 49 U.S.C.
9 5127(c), \$200,000, to be derived from the Emergency
10 Preparedness Fund, to remain available until September
11 30, 2005: *Provided*, That not more than \$14,300,000 shall
12 be made available for obligation in fiscal year 2003 from
13 amounts made available by 49 U.S.C. 5116(i), 5127(c),
14 and 5127(d): *Provided further*, That none of the funds
15 made available by 49 U.S.C. 5116(i), 5127(c), and
16 5127(d) shall be made available for obligation by individ-
17 uals other than the Secretary of Transportation, or his
18 designee.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
22 General to carry out the provisions of the Inspector Gen-
23 eral Act of 1978, as amended, \$57,421,000: *Provided*,
24 That the Inspector General shall have all necessary au-
25 thority, in carrying out the duties specified in the Inspec-

1 tor General Act, as amended (5 U.S.C. App. 3) to inves-
2 tigate allegations of fraud, including false statements to
3 the government (18 U.S.C. 1001), by any person or entity
4 that is subject to regulation by the Department: *Provided*
5 *further*, That the funds made available under this heading
6 shall be used to investigate, pursuant to section 41712 of
7 title 49, United States Code: (1) unfair or deceptive prac-
8 tices and unfair methods of competition by domestic and
9 foreign air carriers and ticket agents; and (2) the compli-
10 ance of domestic and foreign air carriers with respect to
11 item (1) of this proviso.

12 SURFACE TRANSPORTATION BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the Surface Transpor-
15 tation Board, including services authorized by 5 U.S.C.
16 3109, \$19,450,000: *Provided*, That notwithstanding any
17 other provision of law, not to exceed \$1,000,000 from fees
18 established by the Chairman of the Surface Transpor-
19 tation Board shall be credited to this appropriation as off-
20 setting collections and used for necessary and authorized
21 expenses under this heading: *Provided further*, That the
22 sum herein appropriated from the general fund shall be
23 reduced on a dollar-for-dollar basis as such offsetting col-
24 lections are received during fiscal year 2003, to result in

1 a final appropriation from the general fund estimated at
2 no more than \$18,450,000.

3 TITLE II

4 RELATED AGENCIES

5 ARCHITECTURAL AND TRANSPORTATION

6 BARRIERS COMPLIANCE BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the Architectural and
9 Transportation Barriers Compliance Board, as authorized
10 by section 502 of the Rehabilitation Act of 1973, as
11 amended \$5,194,000: *Provided*, That, notwithstanding
12 any other provision of law, there may be credited to this
13 appropriation funds received for publications and training
14 expenses.

15 NATIONAL TRANSPORTATION SAFETY BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the National Transpor-
18 tation Safety Board, including hire of passenger motor ve-
19 hicles and aircraft; services as authorized by 5 U.S.C.
20 1309, but at rates for individuals not to exceed the per
21 diem rate equivalent to the rate for a GS-15; uniforms,
22 or allowances therefor, as authorized by law (5 U.S.C.
23 5901-5902) \$71,270,000, of which not to exceed \$2,000
24 may be used for official reception and representation ex-
25 penses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

1 SEC. 301. During the current fiscal year applicable
2 appropriations to the Department of Transportation shall
3 be available for maintenance and operation of aircraft;
4 hire of passenger motor vehicles and aircraft; purchase of
5 liability insurance for motor vehicles operating in foreign
6 countries on official department business; and uniforms,
7 or allowances therefor, as authorized by law (5 U.S.C.
8 5901–5902).

9 SEC. 302. Such sums as may be necessary for fiscal
10 year 2003 pay raises for programs funded in this Act shall
11 be absorbed within the levels appropriated in this Act or
12 previous appropriations Acts.

13 SEC. 303. Appropriations contained in this Act for
14 the Department of Transportation shall be available for
15 services as authorized by 5 U.S.C. 3109, but at rates for
16 individuals not to exceed the per diem rate equivalent to
17 the rate for an Executive Level IV.

18 SEC. 304. None of the funds in this Act shall be avail-
19 able for salaries and expenses of more than 107 political
20 and Presidential appointees in the Department of Trans-
21 portation: *Provided*, That none of the personnel covered
22 by this provision or political and Presidential appointees

1 in an independent agency funded in this Act may be as-
2 signed on temporary detail outside the Department of
3 Transportation or such independent agency.

4 SEC. 305. None of the funds in this Act shall be used
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 306. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, unless expressly so provided herein.

13 SEC. 307. The expenditure of any appropriation
14 under this Act for any consulting service through procure-
15 ment contract pursuant to section 3109 of title 5, United
16 States Code, shall be limited to those contracts where such
17 expenditures are a matter of public record and available
18 for public inspection, except where otherwise provided
19 under existing law, or under existing Executive order
20 issued pursuant to existing law.

21 SEC. 308. None of the funds in this Act shall be used
22 to implement section 404 of title 23, United States Code.

23 SEC. 309. The limitations on obligations for the pro-
24 grams of the Federal Transit Administration shall not
25 apply to any authority under 49 U.S.C. 5338, previously

1 made available for obligation, or to any other authority
2 previously made available for obligation.

3 SEC. 310. (a) No recipient of funds made available
4 in this Act shall disseminate personal information (as de-
5 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
6 ment of motor vehicles in connection with a motor vehicle
7 record as defined in 18 U.S.C. 2725(1), except as provided
8 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
9 2721.

10 (b) Notwithstanding subsection (a), the Secretary
11 shall not withhold funds provided in this Act for any
12 grantee if a State is in noncompliance with this provision.

13 SEC. 311. None of the funds in this Act shall be avail-
14 able to plan, finalize, or implement regulations that would
15 establish a vessel traffic safety fairway less than five miles
16 wide between the Santa Barbara Traffic Separation
17 Scheme and the San Francisco Traffic Separation
18 Scheme.

19 SEC. 312. Notwithstanding any other provision of
20 law, airports may transfer, without consideration, to the
21 Federal Aviation Administration (FAA) instrument land-
22 ing systems (along with associated approach lighting
23 equipment and runway visual range equipment) which
24 conform to FAA design and performance specifications,
25 the purchase of which was assisted by a Federal airport-

1 aid program, airport development aid program or airport
2 improvement program grant: *Provided*, That, the Federal
3 Aviation Administration shall accept such equipment,
4 which shall thereafter be operated and maintained by FAA
5 in accordance with agency criteria.

6 SEC. 313. Notwithstanding any other provision of
7 law, and except for fixed guideway modernization projects,
8 funds made available by this Act under “Federal Transit
9 Administration, Capital investment grants” for projects
10 specified in this Act or identified in reports accompanying
11 this Act not obligated by September 30, 2005, and other
12 recoveries, shall be made available for other projects under
13 49 U.S.C. 5309.

14 SEC. 314. Notwithstanding any other provision of
15 law, any funds appropriated before October 1, 2002, under
16 any section of chapter 53 of title 49, United States Code,
17 that remain available for expenditure may be transferred
18 to and administered under the most recent appropriation
19 heading for any such section.

20 SEC. 315. None of the funds in this Act may be used
21 to compensate in excess of 350 technical staff-years under
22 the federally funded research and development center con-
23 tract between the Federal Aviation Administration and the
24 Center for Advanced Aviation Systems Development dur-
25 ing fiscal year 2003.

1 SEC. 316. Funds received by the Federal Highway
2 Administration, Federal Transit Administration, and Fed-
3 eral Railroad Administration from States, counties, mu-
4 nicipalities, other public authorities, and private sources
5 for expenses incurred for training may be credited respec-
6 tively to the Federal Highway Administration’s “Federal-
7 Aid Highways” account, the Federal Transit Administra-
8 tion’s “Transit Planning and Research” account, and to
9 the Federal Railroad Administration’s “Safety and Oper-
10 ations” account, except for State rail safety inspectors
11 participating in training pursuant to 49 U.S.C. 20105.

12 SEC. 317. Notwithstanding 31 U.S.C. 3302, funds re-
13 ceived by the Bureau of Transportation Statistics from the
14 sale of data products, for necessary expenses incurred pur-
15 suant to 49 U.S.C. 111 may be credited to the Federal-
16 aid highways account for the purpose of reimbursing the
17 Bureau for such expenses: *Provided*, That such funds shall
18 be subject to the obligation limitation for Federal-aid
19 highways and highway safety construction.

20 SEC. 318. None of the funds in this Act shall, in the
21 absence of express authorization by Congress, be used di-
22 rectly or indirectly to pay for any personal service, adver-
23 tisement, telegraph, telephone, letter, printed or written
24 material, radio, television, video presentation, electronic
25 communications, or other device, intended or designed to

1 influence in any manner a Member of Congress or of a
2 State legislature to favor or oppose by vote or otherwise,
3 any legislation or appropriation by Congress or a State
4 legislature after the introduction of any bill or resolution
5 in Congress proposing such legislation or appropriation,
6 or after the introduction of any bill or resolution in a State
7 legislature proposing such legislation or appropriation:
8 *Provided*, That this shall not prevent officers or employees
9 of the Department of Transportation or related agencies
10 funded in this Act from communicating to Members of
11 Congress or to Congress, on the request of any Member,
12 or to members of a State legislature, or to a State legisla-
13 ture, through the proper official channels, requests for leg-
14 islation or appropriations which they deem necessary for
15 the efficient conduct of business.

16 SEC. 319. Notwithstanding any other provision of
17 law, rule or regulation, the Secretary of Transportation
18 is authorized to allow the issuer of any preferred stock
19 heretofore sold to the Department to redeem or repur-
20 chase such stock upon the payment to the Department of
21 an amount determined by the Secretary.

22 SEC. 320. None of the funds in this Act may be used
23 to make a grant unless the Secretary of Transportation
24 notifies the House and Senate Committees on Appropria-
25 tions not less than 3 full business days before any discre-

1 tionary grant award, letter of intent, or full funding grant
2 agreement totaling \$1,000,000 or more is announced by
3 the department or its modal administrations from: (1) any
4 discretionary grant program of the Federal Highway Ad-
5 ministration other than the emergency relief program; (2)
6 the airport improvement program of the Federal Aviation
7 Administration; (3) any program of the Federal Transit
8 Administration other than the formula grants and fixed
9 guideway modernization programs; or (4) any port secu-
10 rity grants of the Transportation Security Administration:
11 *Provided*, That no notification shall involve funds that are
12 not available for obligation.

13 SEC. 321. (a) None of the funds made available in
14 this Act shall be available for the design or construction
15 of a light rail system in Houston, Texas.

16 (b) Notwithstanding (a), amounts made available in
17 this Act or previous Acts under the heading “Federal
18 Transit Administration, Capital investment grants” for a
19 Houston, Texas, Metro advanced transit plan project shall
20 be available for obligation or expenditure subject to the
21 following conditions:

22 (1) Sufficient amounts shall be used for major
23 investment studies in 4 major corridors.

24 (2) The Texas Department of Transportation
25 shall review and comment on the findings of the

1 studies under paragraph (1). Any comments by such
2 department on such findings shall be included in any
3 final report on such studies.

4 (3) If a final report on the studies under para-
5 graph (1) is not available for at least the 1-month
6 period preceding the date of any referendum held by
7 the City of Houston, Texas, or by a county of Texas,
8 regarding approval of the issuance of bonds for
9 funding a light rail system in Houston, Texas, all in-
10 formation developed by such studies regarding pas-
11 senger and cost estimates for such a system shall be
12 made available to the public at least 1 month before
13 the date of the referendum.

14 SEC. 322. None of the funds made available in this
15 Act may be used for engineering work related to an addi-
16 tional runway at Louis Armstrong New Orleans Inter-
17 national Airport.

18 SEC. 323. None of the funds in this Act shall be used
19 to pursue or adopt guidelines or regulations requiring air-
20 port sponsors to provide to the Federal Aviation Adminis-
21 tration and the Transportation Security Administration
22 without cost building construction, maintenance, utilities
23 and expenses, or space in airport sponsor-owned buildings
24 for services relating to air traffic control, air navigation,
25 aviation security or weather reporting: *Provided*, That the

1 prohibition of funds in this section does not apply to nego-
2 tiations between the agency and airport sponsors to
3 achieve agreement on “below-market” rates for these
4 items or to grant assurances that require airport sponsors
5 to provide land without cost to the FAA for air traffic
6 control facilities and the TSA for necessary security check-
7 points.

8 SEC. 324. Notwithstanding any other provision of
9 law, whenever an allocation is made of the sums author-
10 ized to be appropriated for expenditure on the Federal
11 lands highway program, and whenever an apportionment
12 is made of the sums authorized to be appropriated for ex-
13 penditure on the surface transportation program, the con-
14 gestion mitigation and air quality improvement program,
15 the National Highway System, the Interstate maintenance
16 program, the bridge program, the Appalachian develop-
17 ment highway system, and the minimum guarantee pro-
18 gram, the Secretary of Transportation shall deduct a sum
19 in such amount not to exceed 1.4 percent of all sums so
20 made available to administer the provisions of law to be
21 financed from appropriations for the program authorized
22 under chapters 1 and 2 of title 23, United States Code,
23 and to make transfers in accordance with section
24 104(a)(1)(A)(ii) of title 23, United States Code: *Provided*,
25 That any deduction by the Secretary of Transportation

1 in accordance with this subsection shall be deemed to be
2 a deduction under section 104(a)(1)(A) of title 23, United
3 States Code, and the sum so deducted shall remain avail-
4 able until expended.

5 SEC. 325. Notwithstanding any other provision of
6 law, States may use funds provided in this Act under sec-
7 tion 402 of title 23, United States Code, to produce and
8 place highway safety public service messages in television,
9 radio, cinema and print media, and on the Internet in ac-
10 cordance with guidance issued by the Secretary of Trans-
11 portation: *Provided*, That any State that uses funds for
12 such public service messages shall submit to the Secretary
13 a report describing and assessing the effectiveness of the
14 messages: *Provided further*, That \$8,000,000 of the funds
15 allocated for innovative seat belt projects under section
16 157 of title 23, United States Code, and \$8,000,000 of
17 funds allocated under section 163 of title 23, United
18 States Code, shall be used by the States, as directed by
19 the National Highway Traffic Safety Administrator, to
20 purchase advertising in broadcast or print media to sup-
21 port the national mobilizations conducted in all fifty
22 States, aimed at increasing seat belt use and reducing al-
23 cohol-impaired driving: *Provided further*, That up to
24 \$2,000,000 of the funds allocated for innovative seat belt
25 projects under sections 157 and 163 of title 23, United

1 States Code, shall be used by the Administrator to evalu-
2 ate the effectiveness of State seat belt and alcohol-im-
3 paired driving programs that purchase advertising as pro-
4 vided by this section.

5 SEC. 326. None of the funds in this Act may be obli-
6 gated for the Office of the Secretary of Transportation
7 to approve assessments or reimbursable agreements per-
8 taining to funds appropriated to the modal administra-
9 tions in this Act, except for activities underway on the
10 date of enactment of this Act, unless such assessments
11 or agreements have completed the normal reprogramming
12 process for Congressional notification.

13 SEC. 327. None of the funds in this Act may be ex-
14 pended to issue, implement, or enforce a regulation that
15 diminishes or revokes an exemption authorized under sec-
16 tion 345 of the National Highway System Designation Act
17 of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C.
18 31136 note) before the Secretary of Transportation deter-
19 mines by a rulemaking proceeding that the exemptions
20 granted are not in the public interest and adversely affects
21 the safety of commercial motor vehicles with respect to
22 such exemption that is required under subsection (c) of
23 such section and, as under subsection (d), if a result of
24 monitoring the safety performance of drivers of commer-
25 cial vehicles that are subject to an exemption under section

1 345, the Secretary determines that public safety has been
2 severely affected by an exemption granted under this sec-
3 tion, the Secretary shall report to Congress that deter-
4 mination: *Provided*, That this limitation shall not preclude
5 the Secretary from revoking an exemption granted to an
6 individual, farm, company, or other entity under section
7 345 of Public Law 104–59 for national security reasons.

8 SEC. 328. Notwithstanding sections 22101 (c) and
9 (d), 22103, 22105(a), and 22108(b) of title 49, United
10 States Code, the Secretary of Transportation shall make
11 a grant under chapter 221 of such title in the amount
12 of \$690,287 to the State of Iowa for a rail infrastructure
13 rehabilitation project on the Iowa Northern Railway. Such
14 funds shall be provided from unexpended balances in the
15 Local Rail Freight Assistance program under such chap-
16 ter 221.

17 SEC. 329. Notwithstanding 10 U.S.C. 1116(c), pay-
18 ments into the Department of Defense Medicare-Eligible
19 Retiree Health Care Fund for fiscal year 2003 under 10
20 U.S.C. 1116(a) shall be from funds available in the Coast
21 Guard Operating Expenses account.

22 SEC. 330. Funds provided in Public Law 106–69 for
23 the Wilmington, Delaware, downtown transit connector
24 and funds provided in Public Law 106–346 for the Wil-

1 mington downtown corridor project shall be available for
2 Wilmington, Delaware, commuter rail improvements.

3 SEC. 331. Notwithstanding any other provision of
4 law—

5 (1) in section 1602 of the Transportation Eq-
6 uity Act for the 21st Century—

7 (A) item number 426 (112 Stat. 272) is
8 amended by striking “Louisiana Highway 16”
9 and inserting the following: “Louisiana High-
10 way 1026”;

11 (B) item number 696 (112 Stat. 383), re-
12 lating to Gettysburg, Pennsylvania, is amended
13 by inserting after “Gettysburg comprehensive
14 road improvement study” the following: “and
15 construction of projects identified in the study”;

16 (C) item number 230 is amended by strik-
17 ing “Construct new exit 46A on I-90 at route
18 170 in North Chili” and inserting “Monroe
19 County transportation improvements on Long
20 Pond Road, Pattonwood Road, and Leyll road”;

21 (D) item number 1344 (112 Stat. 306) is
22 amended by striking “Upgrade” and all that
23 follows through “City” and inserting the fol-
24 lowing “Upgrade Frederic Douglas Circle and

1 Manahattan Avenue from West 110th Street to
2 West 125th Street, New York City”;

3 (E) item number 1108 is amended by
4 striking “Construct” and all that follows
5 through “Brownsville” and inserting “Con-
6 struct west Rail Project in or near Brownsville,
7 including a new railroad international bridge
8 crossing over the Rio Grande River”;

9 (F) item number 1269 (112 Stat. 303) is
10 amended by striking “Implement” and all that
11 follows through “system” and inserting the fol-
12 lowing “Bronx, NY Center Transportation
13 Project”;

14 (G) item number 933 (112 Stat. 291) is
15 amended by striking “Redesign” and all that
16 follows through “City” and inserting the fol-
17 lowing “Design, construction and related en-
18 hancement of the Grand Concourse between E.
19 161st St. and E. 166th St., New York City”;

20 (H) item number 75 (112 Stat. 259) is
21 amended by striking “Construct” and all that
22 follows through “Route” and inserting the fol-
23 lowing “Bronx, NY River Greenway”; and

24 (I) item number 1735 (112 Stat. 320) is
25 amended by inserting “, including Type II noise

1 abatement projects along Interstate 95 in
2 Bensalem Township between Exit 25 and 26,
3 Bucks County” after “improvements”;

4 (2) section 3030(d)(3) of the Transportation
5 Equity Act for the 21st Century (Public Law 105–
6 178) is amended by redesignating the second sub-
7 paragraph (D) (as added by section 361 of Public
8 Law 107–87) as subparagraph (E) and by inserting
9 at the end:

10 “(F) Port of Anchorage Intermodal pas-
11 senger and freight facility.”;

12 (3) of the \$668,000 appropriated under the
13 heading “Surface Transportation Projects” in Public
14 Law 103–331 for CA 113 railroad grade separation,
15 California, the unobligated share shall be available
16 for railroad grade separation for the City of Dixon,
17 Solano County, California;

18 (4) the \$500,000 appropriated under the head-
19 ing “Surface Transportation Projects” in Public
20 Law 103–331 for 6th and 7th Sts. improvements
21 Brownsville, TX may be used to construct the West
22 Rail project in or near Brownsville, including a new
23 international railroad bridge crossing over the Rio
24 Grand River;

1 (5) section 610, section 609(c), and the last
2 sentence of section 604(b)(1) of Public Law 97–468
3 are repealed;

4 (6) for the purpose of further leveraging Fed-
5 eral resources and enhancing private investment
6 supporting the financing of public toll roads in Or-
7 ange County, California, authorized by section
8 129(d) of title 23, United States Code, the Secretary
9 of Transportation shall modify the agreements en-
10 tered into with the San Joaquin Hills Transpor-
11 tation Corridor Agency and the Foothill Eastern
12 Transportation Corridor Agency pursuant to section
13 339 of Public Law 102–388, section 336 of Public
14 Law 103–331 and section 356 of Public Law 104–
15 50, to extend the term of coverage provided by such
16 lines throughout the term of the revenue bonds
17 issued to acquire, finance or refinance those facili-
18 ties: *Provided*, That notwithstanding any other pro-
19 vision of law, such modifications shall be deemed eli-
20 gible under section 184 of title 23, United States
21 Code, and shall be funded under section 188 of title
22 23, United States Code: *Provided further*, That not-
23 withstanding any other provision of law, any
24 amounts of the original Federal lines of credit not
25 drawn upon, up to the combined original principal

1 amount of \$240,000,000, shall continue to be avail-
2 able for draws until such revenue bonds have been
3 retired: *Provided further*, That notwithstanding any
4 other provision of law, not more than 20 percent of
5 the combined original principal amount shall be
6 available for draws in any one year: *Provided further*,
7 That notwithstanding any other provision of law,
8 any draw (except for operation and maintenance ex-
9 penses) shall be repaid not later than five years fol-
10 lowing the year in which such revenue bonds have
11 been retired. In implementing this section, the Sec-
12 retary may modify other terms of the existing Fed-
13 eral lines of credit, including by combining them into
14 a single line of credit the principal amount of which
15 is limited to \$240,000,000, provided that the mar-
16 ginal budgetary cost of any such additional modifica-
17 tions is funded under section 188 of title 23, United
18 States Code; and

19 (7) For the purpose of any applicable law, for
20 fiscal year 2003, the city of Norman, Oklahoma,
21 shall be considered to be part of the Oklahoma City
22 Transportation Management Area.

23 SEC. 332. None of the funds made available under
24 this Act may be used to finalize or implement the proposed
25 rule entitled "Statewide Planning, Metropolitan Transpor-

1 tation Planning”, published by the Department of Trans-
2 portation in the Federal Register on June 19, 2002 (67
3 FR 41648 et seq.).

4 SEC. 333. None of the funds in this Act may be obli-
5 gated or expended by the Federal Motor Carrier Safety
6 Administration for the development or implementation of
7 a pilot program for the purpose of allowing commercial
8 drivers 18 to 20 years of age to operate the trucks and
9 buses of motor carriers in interstate commerce.

10 SEC. 334. Section 1023(h) of the Intermodal Surface
11 Transportation Efficiency Act of 1991 (23 U.S.C. 127
12 note, Public Law 102–240) is amended—

13 (1) in the subsection heading, by inserting
14 “OVER-THE-ROAD BUSES AND” before “PUBLIC”;
15 and

16 (2) in paragraph (1), by striking “to any vehi-
17 cle which” and inserting the following: “to—

18 “(A) any over-the-road bus (as defined in
19 section 301 of the Americans with Disabilities
20 Act of 1990 (42 U.S.C. 12181)); or

21 “(B) any vehicle that”.

22 SEC. 335. Funds appropriated or limited in this Act
23 shall be subject to the terms and conditions stipulated in
24 section 350 of Public Law 107–87, including that the Sec-
25 retary submit a report to the House and Senate Appro-

1 priations Committees annually on the safety and security
2 of transportation into the United States by Mexico-domi-
3 ciled motor carriers.

4 SEC. 336. (a) Section 11123 of title 49, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) by inserting “failure of existing com-
8 muter passenger transportation operations
9 caused by a cessation of service by the National
10 Railroad Passenger Corporation,” after “ces-
11 sation of operations,”;

12 (B) by striking “or” at the end of para-
13 graph (3);

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

16 (D) by adding at the end the following new
17 paragraph:

18 “(5) in the case of a failure of existing freight
19 or commuter rail passenger transportation oper-
20 ations caused by a cessation of service by the Na-
21 tional Railroad Passenger Corporation, direct the
22 continuation of the operations and dispatching,
23 maintenance, and other necessary infrastructure
24 functions related to the operations.”;

25 (2) in subsection (b)(3)—

1 (A) by striking “When” and inserting “(A)
2 Except as provided in subparagraph (B),
3 when”; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(B) In the case of a failure of existing freight or
7 commuter rail passenger transportation operations caused
8 by a cessation of service by the National Railroad Pas-
9 senger Corporation, the Board shall provide funding, to
10 the extent provided in advance in appropriations Acts, to
11 fully reimburse the directed service provider for its costs
12 associated with the activities directed under subsection
13 (a), including the payment of increased insurance pre-
14 miums. The Board shall order complete indemnification
15 against any and all claims associated with the provision
16 of service to which the directed rail carrier may be ex-
17 posed.”; and

18 (3) In the case of a failure of existing freight
19 or commuter rail passenger transportation oper-
20 ations caused by cessation of service by the National
21 Railroad Passenger Corporation, the Board may not
22 direct a rail carrier to undertake activities under
23 subsection (a) to continue such operations unless the
24 Board first affirmatively finds that the rail carrier

1 is operationally capable of conducting the directed
2 service in a safe and efficient manner.

3 (4) by adding at the end the following new sub-
4 sections:

5 “(e) For purposes of this section, the National Rail-
6 road Passenger Corporation and any entity providing com-
7 muter rail passenger transportation shall be considered
8 rail carriers subject to the Board’s jurisdiction.

9 “(f) For purposes of this section, the term ‘commuter
10 rail passenger transportation’ has the meaning given that
11 term in section 24102(4).”

12 (b) Section 24301(c) of title 49, United States Code,
13 is amended by inserting “11123,” after “except for sec-
14 tions”.

15 SEC. 337. The Secretary of Transportation shall, in
16 cooperation with the Federal Aviation Administrator, en-
17 courage implementation of a locally developed and exe-
18 cuted plan between the State of Illinois, the City of Chi-
19 cago, and other affected communities for the purpose of
20 modernizing O’Hare International Airport consistent with
21 a proposed runway redesign plan, including western air-
22 port access; developing a south suburban airport near
23 Peotone; continuing operation of Merrill C. Meigs Field;
24 and recognizing the importance of utilizing existing infra-
25 structure, such as the Greater Rockford and Gary/Chicago

1 Airports, to alleviate congestion and provide additional
2 aviation capacity. If such a plan cannot be developed and
3 executed by said parties, the Secretary and the Adminis-
4 trator shall work with Congress to develop and implement
5 a federal solution—including a modern O’Hare with east-
6 west parallel runways, expansion of the Gary/Chicago Air-
7 port, and an additional air carrier airport near Peotone,
8 Illinois—to address the aviation capacity crisis in the Chi-
9 cago area. The Secretary shall provide a report to Con-
10 gress, detailing the local progress on implementing a com-
11 prehensive aviation capacity expansion plan in the Chicago
12 region, no later than 90 days after enactment of this Act.

13 SEC. 338. The Air Transportation Safety and System
14 Stabilization Act (49 U.S.C. 40101 note) is amended—

15 (1) in section 408 by striking the last sentence
16 of subsection (c); and

17 (2) in section 402 by striking paragraph (1)
18 and inserting the following:

19 “(1) AIR CARRIER.—The term ‘air carrier’
20 means a citizen of the United States undertaking by
21 any means, directly or indirectly, to provide air
22 transportation and includes employees and agents
23 (including persons engaged in the business of pro-
24 viding air transportation security and their affili-
25 ates) of such citizen. For purposes of the preceding

1 sentence, the term ‘agent’, as applied to persons en-
2 gaged in the business of providing air transportation
3 security, shall only include persons that have con-
4 tracted directly with the Federal Aviation Adminis-
5 tration and commenced services no later than Feb-
6 ruary 17, 2002, to provide such security, and had
7 not been debarred for any period within 6 months
8 from that date.”.

9 SEC. 339. Not later than six months after the date
10 of enactment of this Act, the Administrator of the Federal
11 Aviation Administration (FAA) shall report to Congress
12 on the safety implications of allowing a small airport to
13 use “Grants-in-aid for airports” (Airport Improvement
14 Program) funds to build or equip a visual flight rule air
15 traffic control tower that would be operated under the
16 FAA’s contract tower program. The study shall also exam-
17 ine whether, for reasons of fairness and equity, small air-
18 ports that have already built and equipped contract air
19 traffic control towers should be eligible for reimbursement
20 from “Grants-in-aid for airports” funds.

21 SEC. 340. None of the funds made available in this
22 Act may be transferred to any department, agency, or in-
23 strumentality of the United States Government, except
24 pursuant to a transfer made by, or transfer authority pro-
25 vided in, this Act or any other appropriations Act.

1 SEC. 341. On February 15, 2003, and on each year
2 thereafter, the National Railroad Passenger Corporation
3 shall submit to the appropriate Congressional Committees
4 a report detailing the per passenger operating loss on each
5 rail line.

6 SEC. 342. Any explosive detection system required to
7 be purchased pursuant to 49 U.S.C. 44901(d) shall be
8 purchased by the Under Secretary of Transportation for
9 Security.

10 SEC. 343. Section 110(c)(1) of the Aviation and
11 Transportation Security Act (Public Law 107–71) is
12 amended by striking “Federal law enforcement officers”
13 and inserting “law enforcement officers” and 49 U.S.C.
14 44920(e) is amended by striking “Federal Government
15 law enforcement officers” and inserting “law enforcement
16 officers”.

17 SEC. 344. None of the funds made available in this
18 Act may be used to terminate or limit the restrictions im-
19 posed under Federal Aviation Administration Notice to
20 Airmen FDC 2/0199, issued on September 27, 2002, or
21 to grant waivers of, or exemptions from, such restrictions.

22 SEC. 345. None of the funds in this Act shall be used
23 to procure Coast Guard ships, including main diesel en-
24 gines, unless such procurement is in compliance with the
25 Buy American Act, 41 U.S.C. 10(a)–10(d).

1 SEC. 346. Title 49, United States Code is amended
2 by striking subsection (d) of section 13703 and relettering
3 subsequent subsections accordingly.

4 SEC. 347. No funds appropriated in this Act may be
5 used to apply or enforce a regulatory requirement for
6 strengthening of flight deck doors on classes of aircraft
7 not specifically required to take such action under Public
8 Law 107–71, section 104(a)(1), unless and until the
9 Under Secretary of Transportation for Security, after op-
10 portunity for notice and comment, determines that such
11 strengthening is necessary for aviation security purposes.

12 This Act may be cited as the “Department of Trans-
13 portation and Related Agencies Appropriations Act,
14 2003”.

Union Calendar No. 452

107TH CONGRESS
2^D SESSION

H. R. 5559

[Report No. 107-722]

A BILL

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

OCTOBER 7, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed