

108TH CONGRESS
1ST SESSION

S. 1640

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2003

Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Exten-
5 sion Act of 2003”.

1 **SEC. 2. ADVANCES.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 (referred to in this Act as the “Secretary”) shall apportion
4 funds made available under section 1101(c) of the Trans-
5 portation Equity Act for the 21st Century (112 Stat.
6 116), as amended by this Act, to each State in the ratio
7 that—

8 (1) the total fiscal year 2003 obligation author-
9 ity of the State for funds apportioned for the Fed-
10 eral-aid highway program; bears to

11 (2) the total fiscal year 2003 obligation author-
12 ity for all States for funds apportioned for the Fed-
13 eral-aid highway program.

14 (b) PROGRAMMATIC DISTRIBUTIONS.—

15 (1) PROGRAMS.—Of the funds apportioned to
16 each State under subsection (a), the Secretary shall
17 ensure that the State is apportioned an amount of
18 the funds, determined under paragraph (2), for each
19 of—

20 (A) the Interstate maintenance program;

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

23 (C) the bridge program;

24 (D) the surface transportation program;

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

1 (F) the recreational trails program;

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

4 (H) the minimum guarantee.

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

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

11 (B) the ratio that—

12 (i) the amount of funds apportioned
13 for the item to the State for fiscal year
14 2003; bears to

15 (ii) the total of the amount of funds
16 apportioned for all items under paragraph
17 (1) to the State for fiscal year 2003.

18 (3) ADMINISTRATION OF FUNDS.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), funds authorized by the
21 amendment made under subsection (d) shall be
22 administered as if the funds had been appor-
23 tioned, allocated, deducted, or set aside, as the
24 case may be, under title 23, United States
25 Code.

1 (B) DEDUCTIONS AND SET-ASIDES.—The
2 deductions and set-asides in sections
3 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A),
4 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1),
5 118(c)(1), 140(b), 140(c), and 144(g)(1) of
6 title 23, United States Code, shall not apply to
7 the funds described in subparagraph (A).

8 (4) SPECIAL RULES FOR MINIMUM GUAR-
9 ANTEE.—In carrying out the minimum guarantee
10 under section 105(c) of title 23, United States Code,
11 with funds apportioned under this section for the
12 minimum guarantee—

13 (A) the \$2,800,000,000 set forth in para-
14 graph (1) of that section shall be treated as
15 being \$1,166,667,000; and

16 (B) the aggregate of amounts apportioned
17 to the States under this section for the min-
18 imum guarantee shall be treated, for the pur-
19 pose of that section, as amounts made available
20 under section 105.

21 (5) EXTENSION OF OFF SYSTEM BRIDGE SET
22 ASIDE.—Section 144(g)(3) of title 23, United States
23 Code, is amended in the first sentence by inserting
24 after “2003” the following: “and in the period be-

1 ginning October 1, 2003, and ending February 29,
2 2004.”.

3 (c) REPAYMENT FROM FUTURE APPORTION-
4 MENTS.—

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

14 (2) PROGRAM CATEGORY RECONCILIATION.—
15 The Secretary may establish procedures under which
16 funds apportioned under subsection (a) for a pro-
17 gram category for which funds are not authorized
18 under a law described in paragraph (1) may be re-
19 stored to the Federal-aid highway program.

20 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
21 Section 1101 of the Transportation Equity Act for the
22 21st Century (112 Stat. 111) is amended by adding at
23 the end the following:

24 “(c) ADVANCE AUTHORIZATION.—

1 “(1) IN GENERAL.—There shall be available
2 from the Highway Trust Fund (other than the Mass
3 Transit Account) to carry out section 2(a) of the
4 Transportation Extension Act of 2003
5 \$13,570,125,000 for the period beginning October 1,
6 2003, and ending February 29, 2004.

7 “(2) SPECIAL RULE.—Funds apportioned under
8 section 2(a) of the Transportation Extension Act of
9 2003 shall be subject to a limitation on obligations
10 for Federal-aid highways and highway safety con-
11 struction programs.

12 “(3) CONTRACT AUTHORITY.—Funds made
13 available by this subsection shall be available for ob-
14 ligation in the same manner as if the funds were ap-
15 portioned under chapter 1 of title 23, United States
16 Code.”.

17 (e) LIMITATION ON OBLIGATIONS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 for the period beginning October 1, 2003, and end-
20 ing February 29, 2004, the Secretary shall allocate
21 to each State for programs funded under this section
22 and sections 3 and 5(c), an amount of obligation au-
23 thority made available under an Act making appro-
24 priations for the Department of Transportation for
25 fiscal year 2004 that is—

1 (A) equal to the greater of—

2 (i) the unobligated balance of the
3 State, as of October 1, 2003, of Federal-
4 aid highway apportionments subject to any
5 limitation on obligations (except that unob-
6 ligated balances of contract authority from
7 minimum guarantee and Appalachian de-
8 velopment highway system apportionments
9 for which obligation authority was made
10 available until used shall not be included
11 for the purpose of calculating the unobli-
12 gated balance of apportionments of a State
13 under this clause); or

14 (ii) 50 percent of the total fiscal year
15 2003 obligation authority of the State for
16 funds apportioned for the Federal-aid
17 highway program; but

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

22 (2) LIMITATION ON AMOUNT.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the total of all allocations
25 under paragraph (1) and allocations for pro-

1 grams funded under section 4 and 5 (other
2 than section 5(c)) shall not exceed
3 \$14,771,286,000.

4 (B) EXCEPTION.—Paragraph (1) shall not
5 apply to \$266,250,000 in obligations for the
6 minimum guarantee for the period beginning
7 October 1, 2003, and ending February 29,
8 2004.

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

15 (4) TREATMENT OF OBLIGATIONS.—Any obliga-
16 tion of an allocation of obligation authority made
17 under this subsection shall be considered to be an
18 obligation for Federal-aid highways and highway
19 safety construction programs for fiscal year 2004 for
20 the purpose of the matter under the heading “(LIMI-
21 TATION ON OBLIGATIONS)” under the heading
22 “FEDERAL-AID HIGHWAYS” in an Act making
23 appropriations for the Department of Transpor-
24 tation for fiscal year 2004.

1 (f) REVENUE ALIGNED BUDGET AUTHORITY.—Sec-
2 tion 110 of title 23, United States Code, shall not apply
3 to funds apportioned, allocated, deducted, or set aside
4 under this Act for the period beginning October 1, 2003,
5 and ending February 29, 2004.

6 **SEC. 3. TRANSFER OF UNOBLIGATED APPORTIONMENTS.**

7 (a) IN GENERAL.—In addition to any other authority
8 of a State to transfer funds, for fiscal year 2004, a State
9 may transfer any funds apportioned to the State for any
10 program under section 104(b) (including amounts appor-
11 tioned under section 104(b)(3) or set aside, made avail-
12 able, or suballocated under section 133(d)) or section 144
13 of title 23, United States Code), before, on, or after the
14 date of enactment of this Act, that are subject to any limi-
15 tation on obligations, and that are not obligated, to any
16 other of those programs.

17 (b) TREATMENT OF TRANSFERRED FUNDS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), any funds of a program described in sub-
20 section (a) that are transferred to another program
21 described in that subsection shall be subject to the
22 provisions of the program to which the funds are
23 transferred.

24 (2) EXCEPTION.—Funds of a program de-
25 scribed in subsection (a) that are transferred to a

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

4 (c) RESTORATION OF APPORTIONMENTS.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of a multiyear law reauthor-
7 izing the Federal-aid highway program enacted after
8 the date of enactment of this Act, the Secretary of
9 Transportation shall restore any funds that a State
10 transferred under subsection (a) for any project that
11 was ineligible to receive the funds except by oper-
12 ation of this section to the program category from
13 which the funds were transferred.

14 (2) PROGRAM CATEGORY RECONCILIATION.—
15 The Secretary may establish procedures under which
16 funds transferred under subsection (a) from a pro-
17 gram category for which funds are not authorized
18 may be restored to the Federal-aid highway pro-
19 gram.

20 (3) LIMITATION ON STATUTORY CONSTRUC-
21 TION.—No provision of law, except a statute enacted
22 after the date of enactment of this Act that ex-
23 pressly limits the application of this subsection, shall
24 impair the authority of the Secretary to restore
25 funds in accordance with this subsection.

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

3 **SEC. 4. ADMINISTRATIVE EXPENSES.**

4 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
5 There shall be available from the Highway Trust Fund
6 (other than the Mass Transit Account) for administrative
7 expenses of the Federal-aid highway program
8 \$187,500,000 for fiscal year 2004.

9 (b) CONTRACT AUTHORITY.—Funds made available
10 by this section shall—

11 (1) be available for obligation in the same man-
12 ner as if the funds were apportioned under chapter
13 1 of title 23, United States Code;

14 (2) be subject to a limitation on obligations for
15 Federal-aid highways and highway safety construc-
16 tion programs; and

17 (3) remain available until expended.

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

19 (a) AUTHORIZATION OF APPROPRIATIONS UNDER
20 TITLE I OF TEA-21.—

21 (1) FEDERAL LANDS HIGHWAYS.—

22 (A) INDIAN RESERVATION ROADS.—Sec-
23 tion 1101(a)(8)(A) of the Transportation Eq-
24 uity Act for the 21st Century (112 Stat. 112)
25 is amended by inserting before the period at the

1 end the following: “and \$114,583,000 for the
2 period beginning October 1, 2003, and ending
3 February 29, 2004 (except that the minimum
4 amount made available for that period that the
5 Secretary, in cooperation with the Secretary of
6 the Interior, shall reserve for Indian reservation
7 road bridges under section 202(d)(4) of title 23,
8 United States Code, shall be \$5,416,000 in-
9 stead of \$13,000,000)”.

10 (B) PUBLIC LANDS HIGHWAYS.—Section
11 1101(a)(8)(B) of the Transportation Equity
12 Act for the 21st Century (112 Stat. 112) is
13 amended by inserting before the period at the
14 end the following: “and \$102,500,000 for the
15 period beginning October 1, 2003, and ending
16 February 29, 2004.”

17 (C) PARK ROADS AND PARKWAYS.—Sec-
18 tion 1101(a)(8)(C) of the Transportation Eq-
19 uity Act for the 21st Century (112 Stat. 112)
20 is amended by inserting before the period at the
21 end the following: “and \$68,750,000 for the pe-
22 riod beginning October 1, 2003, and ending
23 February 29, 2004”.

24 (D) REFUGE ROADS.—Section
25 1101(a)(8)(D) of the Transportation Equity

1 Act for the 21st Century (112 Stat. 112) is
2 amended by inserting before the period at the
3 end the following: “and \$8,333,000 for the pe-
4 riod beginning October 1, 2003, and ending
5 February 29, 2004”.

6 (2) NATIONAL CORRIDOR PLANNING AND DE-
7 VELOPMENT AND COORDINATED BORDER INFRA-
8 STRUCTURE PROGRAMS.—Section 1101(a)(9) of the
9 Transportation Equity Act for the 21st Century
10 (112 Stat. 112) is amended by inserting before the
11 period at the end the following: “and \$58,333,000
12 for the period beginning October 1, 2003, and end-
13 ing February 29, 2004”.

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

16 (A) IN GENERAL.—Section 1101(a)(10) of
17 the Transportation Equity Act for the 21st
18 Century (112 Stat. 112) is amended by striking
19 “for each of fiscal year 1998” and all that fol-
20 lows and inserting “for fiscal year 1998,
21 \$38,000,000 for each of fiscal years 1999
22 through 2003, and \$15,833,000 for the period
23 beginning October 1, 2003, and ending Feb-
24 ruary 29, 2004”.

1 (B) SET ASIDE FOR ALASKA, NEW JERSEY,
2 AND WASHINGTON.—To carry out section 1064
3 of the Intermodal Surface Transportation Effi-
4 ciency Act of 1991 (23 U.S.C. 129 note; 105
5 Stat. 2005; 112 Stat. 185), of funds made
6 available by the amendment made by subpara-
7 graph (A)—

8 (i) \$4,166,000 shall be available to
9 carry out section 1064(d)(2) of that Act;

10 (ii) \$2,083,000 shall be available to
11 carry out section 1064(d)(3) of that Act;
12 and

13 (iii) \$2,083,000 shall be available to
14 carry out section 1064(d)(4) of that Act.

15 (4) NATIONAL SCENIC BYWAYS PROGRAM.—
16 Section 1101(a)(11) of the Transportation Equity
17 Act for the 21st Century (112 Stat. 113) is amend-
18 ed—

19 (A) by striking “and” the last place it ap-
20 pears; and

21 (B) by inserting before the period at the
22 end the following: “, and \$11,041,000 for the
23 period beginning October 1, 2003, and ending
24 February 29, 2004”.

1 (5) VALUE PRICING PILOT PROGRAM.—Section
2 1101(a)(12) of the Transportation Equity Act for
3 the 21st Century (112 Stat. 113) is amended—

4 (A) by striking “and”; and

5 (B) by inserting before the period at the
6 end the following: “, and \$4,583,000 for the pe-
7 riod of October 1, 2003, through February 29,
8 2004”.

9 (6) HIGHWAY USE TAX EVASION PROJECTS.—
10 Section 1101(a)(14) of the Transportation Equity
11 Act for the 21st Century (112 Stat. 113) is amend-
12 ed by inserting before the period at the end the fol-
13 lowing: “, and \$2,083,000 for the period beginning
14 October 1, 2003, and ending February 29, 2004”.

15 (7) COMMONWEALTH OF PUERTO RICO HIGH-
16 WAY PROGRAM.—

17 (A) IN GENERAL.—Section 1101(a)(15) of
18 the Transportation Equity Act for the 21st
19 Century (112 Stat. 113) is amended by insert-
20 ing before the period at the end the following:
21 “and \$45,833,000 for the period beginning Oc-
22 tober 1, 2003, and ending February 29, 2004”.

23 (B) CONFORMING AMENDMENT.—Section
24 1214(r)(1) of the Transportation Equity Act

1 for the 21st Century (112 Stat. 209) is amend-
2 ed by striking “2003” and inserting “2004”.

3 (8) TRANSPORTATION AND COMMUNITY AND
4 SYSTEM PRESERVATION PILOT PROGRAM.—Section
5 1221(e)(1) of the Transportation Equity Act for the
6 21st Century (23 U.S.C. 101 note; 112 Stat. 223)
7 is amended—

8 (A) by striking “1999 and” and inserting
9 “1999,”; and

10 (B) by inserting before the period at the
11 end the following: “and \$10,416,000 for the pe-
12 riod beginning October 1, 2003, and ending
13 February 29, 2004”.

14 (9) TRANSPORTATION INFRASTRUCTURE FI-
15 NANCE AND INNOVATION.—Section 188 of title 23,
16 United States Code, is amended—

17 (A) in subsection (a)(1)—

18 (i) in subparagraph (D), by striking
19 “and” at the end;

20 (ii) in subparagraph (E), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(F) \$54,166,000 for the period beginning
2 October 1, 2003, and ending February 29,
3 2004.”;

4 (B) in subsection (a)(2), by inserting after
5 “2003” the following: “and \$833,000 for the
6 period beginning October 1, 2003, and ending
7 February 29, 2004”; and

8 (C) in subsection (c)—

9 (i) by striking “2003” and inserting
10 “2004”; and

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

“2004 \$1,300,000,000.”.

13 (b) REAUTHORIZATION OF APPROPRIATIONS UNDER
14 TITLE V OF TEA-21.—

15 (1) SURFACE TRANSPORTATION RESEARCH.—

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

18 (A) by striking “2002, and” and inserting
19 “2002,”; and

20 (B) by inserting after “2003” the fol-
21 lowing: “and \$42,916,000 for the period begin-
22 ning October 1, 2003, and ending February 29,
23 2004”.

1 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—
2 Section 5001(a)(2) of the Transportation Equity Act
3 for the 21st Century (112 Stat. 419) is amended—

4 (A) by striking “2002, and” and inserting
5 “2002,”; and

6 (B) by inserting after “2003” the fol-
7 lowing: “and \$20,833,000 for the period begin-
8 ning October 1, 2003, and ending February 29,
9 2004”.

10 (3) TRAINING AND EDUCATION.—Section
11 5001(a)(3) of the Transportation Equity Act for the
12 21st Century (112 Stat. 420) is amended—

13 (A) by striking “2002, and” and inserting
14 “2002,”; and

15 (B) by inserting after “2003” the fol-
16 lowing: “and \$8,333,000 for the period begin-
17 ning October 1, 2003, and ending February 29,
18 2004”.

19 (4) BUREAU OF TRANSPORTATION STATIS-
20 TICS.—Section 5001(a)(4) of the Transportation
21 Equity Act for the 21st Century (112 Stat. 420) is
22 amended by inserting before the period at the end
23 the following: “, and \$12,916,000 for the period be-
24 ginning October 1, 2003, and ending February 29,
25 2004”.

1 (5) ITS STANDARDS, RESEARCH, OPERATIONAL,
2 TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of
3 the Transportation Equity Act for the 21st Century
4 (112 Stat. 420) is amended—

5 (A) by striking “2002, and” and inserting
6 “2002,”; and

7 (B) by inserting after “2003” the fol-
8 lowing: “, and \$45,833,000 for the period be-
9 ginning October 1, 2003, and ending February
10 29, 2004”.

11 (6) ITS DEPLOYMENT.—Section 5001(a)(6) of
12 the Transportation Equity Act for the 21st Century
13 (112 Stat. 420) is amended—

14 (A) by striking “2002, and” and inserting
15 “2002,”; and

16 (B) by inserting after “2003” the fol-
17 lowing: “, \$50,833,000 for the period beginning
18 October 1, 2003, and ending February 29,
19 2004”.

20 (7) UNIVERSITY TRANSPORTATION RE-
21 SEARCH.—Section 5001(a)(7) of the Transportation
22 Equity Act for the 21st Century (112 Stat. 420) is
23 amended—

24 (A) by striking “2002, and” and inserting
25 “2002,”; and

1 (B) by inserting after “2003” the fol-
2 lowing: “, \$11,041,000 for the period beginning
3 October 1, 2003, and ending February 29,
4 2004”.

5 (c) METROPOLITAN PLANNING.—Section 1101 of the
6 Transportation Equity Act for the 21st Century (112
7 Stat. 111) (as amended by section 2(d)) is amended by
8 adding at the end the following:

9 “(d) METROPOLITAN PLANNING.—

10 “(1) IN GENERAL.—In lieu of the amount set
11 aside under section 104(f) of title 23, United States
12 Code, there shall be available from the Highway
13 Trust Fund (other than the Mass Transit Account)
14 to carry out section 134 of title 23, United States
15 Code, \$81,166,000 for the period beginning October
16 1, 2003, and ending February 29, 2004.

17 “(2) DISTRIBUTION OF FUNDS.—The Secretary
18 shall distribute funds made available by this sub-
19 section to the States in accordance with section
20 104(f)(2) of title 23, United States Code.

21 “(3) CONTRACT AUTHORITY.—Funds made
22 available by this subsection shall—

23 “(A) be available for obligation in the same
24 manner as if the funds were apportioned under
25 chapter 1 of title 23, United State Code; and

1 “(B) shall be subject to a limitation on ob-
2 ligations for Federal-aid highways and highway
3 safety construction programs.”.

4 (d) TERRITORIES.—Section 1101 of the Transpor-
5 tation Equity Act for the 21st Century (112 Stat. 111)
6 (as amended by subsection (c)) is amended by adding at
7 the end the following:

8 “(e) TERRITORIES.—

9 “(1) IN GENERAL.—In lieu of the amounts de-
10 ducted under section 104(b)(1) of title 23, United
11 States Code, there shall be available from the High-
12 way Trust Fund (other than the Mass Transit Ac-
13 count) for the Virgin Islands, Guam, American
14 Samoa, and the Commonwealth of the Northern
15 Mariana Islands \$15,166,000 for the period begin-
16 ning October 1, 2003, and ending February 29,
17 2004.

18 “(2) CONTRACT AUTHORITY.—Funds made
19 available by this subsection shall—

20 “(A) be available for obligation in the same
21 manner as if the funds were apportioned under
22 chapter 1 of title 23, United States Code; and

23 “(B) shall be subject to a limitation on ob-
24 ligations for Federal-aid highways and highway
25 safety construction programs.”.

1 (e) OPERATION LIFESAVER.—Section 1101 of the
2 Transportation Equity Act for the 21st Century (112
3 Stat. 111) (as amended by subsection (d)) is amended by
4 adding at the end the following:

5 “(f) OPERATION LIFESAVER.—

6 “(1) IN GENERAL.—In lieu of the amount set
7 aside under section 104(d)(1) of title 23, United
8 States Code, there shall be available from the High-
9 way Trust Fund (other than the Mass Transit Ac-
10 count) to carry out the operation lifesaver program
11 under that section \$208,000 for the period begin-
12 ning October 1, 2003, and ending February 29,
13 2004.

14 “(2) CONTRACT AUTHORITY.—Funds made
15 available by this subsection shall—

16 “(A) be available for obligation in the same
17 manner as if the funds were apportioned under
18 chapter 1 of title 23, United States Code; and

19 “(B) shall be subject to a limitation on ob-
20 ligations for Federal-aid highways and highway
21 safety construction programs.”.

22 (f) BRIDGE DISCRETIONARY PROGRAM.—Section
23 1101 of the Transportation Equity Act for the 21st Cen-
24 tury (112 Stat. 111) (as amended by subsection (e)) is
25 amended by adding at the end the following:

1 “(g) BRIDGE DISCRETIONARY PROGRAM.—

2 “(1) IN GENERAL.—There shall be available
3 from the Highway Trust Fund (other than the Mass
4 Transit Account) \$41,666,000 to the Secretary for
5 use at the discretion of the Secretary in carrying out
6 section 144(g) of title 23, United States code, for
7 the period beginning October 1, 2003, and ending
8 February 29, 2004.

9 “(2) CONTRACT AUTHORITY.—Funds made
10 available by this subsection shall—

11 “(A) be available for obligation in the same
12 manner as if the funds were apportioned under
13 chapter 1 of title 23, United States Code; and

14 “(B) shall be subject to a limitation on ob-
15 ligations for Federal-aid highways and highway
16 safety construction programs.”.

17 (g) INTERSTATE MAINTENANCE.—Section 1101 of
18 the Transportation Equity Act for the 21st Century (112
19 Stat. 111) (as amended by subsection (f)) is amended by
20 adding at the end the following:

21 “(h) INTERSTATE MAINTENANCE.—

22 “(1) IN GENERAL.—There shall be available
23 from the Highway Trust Fund (other than the Mass
24 Transit Account) \$41,666,000 to the Secretary to
25 carry out projects described in section 118(c)(1) of

1 title 23, United States Code, for the period begin-
2 ning October 1, 2003, and ending February 29,
3 2004.

4 “(2) PROJECT SELECTION CRITERIA.—The
5 project selection criteria in section 118(c)(2) of title
6 23, United States Code, shall apply to amounts
7 made available by this subsection.

8 “(3) CONTRACT AUTHORITY.—Funds made
9 available by this subsection shall—

10 “(A) be available for obligation in the same
11 manner as if the funds were apportioned under
12 chapter 1 of title 23, United States Code;

13 “(B) be subject to a limitation on obliga-
14 tions for Federal-aid highways and highway
15 safety construction programs; and

16 “(C) remain available until expended.”.

17 (h) RECREATIONAL TRAILS ADMINISTRATIVE
18 COSTS.—Section 1101 of the Transportation Equity Act
19 for the 21st Century (112 Stat. 111) (as amended by sub-
20 section (g)) is amended by adding at the end the following:

21 “(i) RECREATIONAL TRAILS ADMINISTRATIVE
22 COSTS.—

23 “(1) IN GENERAL.—In lieu of the amount to be
24 deducted under section 104(h)(1) of title 23, United
25 States Code, there shall be available from the High-

1 way Trust Fund (other than the Mass Transit Ac-
 2 count) to the Secretary to pay costs incurred by the
 3 Secretary described in that section \$312,000 for the
 4 period beginning October 1, 2003, and ending Feb-
 5 ruary 29, 2004.

6 “(2) CONTRACT AUTHORITY.—Funds made
 7 available by this subsection shall—

8 “(A) be available for obligation in the same
 9 manner as if the funds were apportioned under
 10 chapter 1 of title 23, United States Code; and

11 “(B) shall be subject to a limitation on ob-
 12 ligations for Federal-aid highways and highway
 13 safety construction programs.”.

14 (i) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
 15 NATIONS IN HIGH SPEED RAIL CORRIDORS.—Section
 16 1101 of the Transportation Equity Act for the 21st Cen-
 17 tury (112 Stat. 111) (as amended by subsection (h)) is
 18 amended by adding at the end the following:

19 “(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
 20 NATIONS IN HIGH SPEED RAIL CORRIDORS.—

21 “(1) FUNDING.—

22 “(A) IN GENERAL.—Except as provided in
 23 subparagraph (B), in lieu of the amount to be
 24 set aside under section 104(d)(2) of title 23,
 25 United States Code, there shall be available

1 from the Highway Trust Fund (other than the
 2 Mass Transit Account) to the Secretary for
 3 elimination of hazards of railway-highway cross-
 4 ings in accordance with that section \$2,187,000
 5 for the period beginning October 1, 2003, and
 6 ending February 29, 2004.

7 “(B) EXCEPTION.—Not less than
 8 \$104,000 (instead of \$250,000) shall be avail-
 9 able for the period beginning October 1, 2003,
 10 and ending February 29, 2004, for eligible im-
 11 provements described in section 104(d)(2)(E) of
 12 title 23, United States Code.

13 “(2) CONTRACT AUTHORITY.—Funds made
 14 available by this subsection shall—

15 “(A) be available for obligation in the same
 16 manner as if the funds were apportioned under
 17 chapter 1 of title 23, United States Code; and

18 “(B) be subject to a limitation on obliga-
 19 tions for Federal-aid highways and highway
 20 safety construction programs.”.

21 (j) SEAT BELT SAFETY INCENTIVE GRANTS.—

22 (1) IN GENERAL.—Section 157 of title 23,
 23 United States Code, is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (3), by striking
2 “2001” and inserting “2002”; and

3 (ii) in paragraph (8)(B), by striking
4 “2001” and inserting “2002”;

5 (B) in subsection (b), by striking “2002”
6 and inserting “2003”;

7 (C) in subsection (c), by striking “2002”
8 each place it appears and inserting “2003”;

9 (D) in subsection (f)(4), by striking
10 “2002” and inserting “2003”;

11 (E) in subsection (g)(3)(B)—

12 (i) in the subparagraph heading, by
13 striking “2003” and inserting “2004”; and

14 (ii) by striking “2003” and inserting
15 “2004”.

16 (2) AUTHORIZATION.—Section 1101 of the
17 Transportation Equity Act for the 21st Century
18 (112 Stat. 111) (as amended by subsection (i)), is
19 amended by adding at the end the following:

20 “(k) SEAT BELT SAFETY INCENTIVE GRANTS.—

21 “(1) AUTHORIZATION.—There shall be available
22 from the Highway Trust Fund (other than the Mass
23 Transit Account) to carry out section 157 of title
24 23, United States Code, \$46,666,000 for the period

1 beginning October 1, 2003, and ending February 29,
2 2004.

3 “(2) CONTRACT AUTHORITY.—Funds made
4 available by this subsection shall—

5 “(A) be available for obligation in the same
6 manner as if the funds were apportioned under
7 chapter 1 of title 23, United States Code; and

8 “(B) be subject to a limitation on obliga-
9 tions for Federal-aid highways and highway
10 safety construction programs.”.

11 (k) PREVENTION OF INTOXICATED DRIVER INCEN-
12 TIVE GRANTS.—Section 1101 of the Transportation Eq-
13 uity Act for the 21st Century (112 Stat. 111) (as amended
14 by subsection (j)), is amended by adding at the end the
15 following:

16 “(l) PREVENTION OF INTOXICATED DRIVER INCEN-
17 TIVE GRANTS.—

18 “(1) AUTHORIZATION.—There shall be available
19 from the Highway Trust Fund (other than the Mass
20 Transit Account) to carry out section 163 of title
21 23, United States Code, \$45,833,000 for the period
22 beginning October 1, 2003, and ending February 29,
23 2004.

24 “(2) CONTRACT AUTHORITY.—Funds made
25 available by this subsection shall—

1 “(A) be available for obligation in the same
2 manner as if the funds were apportioned under
3 chapter 1 of title 23, United States Code;

4 “(B) be subject to a limitation on obliga-
5 tions for Federal-aid highways and highway
6 safety construction programs; and

7 “(C) remain available until expended.”.

8 (l) NONDISCRIMINATION.—Section 1101 of the
9 Transportation Equity Act for the 21st Century (112
10 Stat. 111) (as amended by subsection (k)) is amended by
11 adding at the end the following:

12 “(m) NONDISCRIMINATION.—

13 “(1) SKILLS TRAINING.—In lieu of the amount
14 to be deducted under section 140(b) of title 23,
15 United States Code, there shall be available from the
16 Highway Trust Fund (other than the Mass Transit
17 Account) to the Secretary for the administration of
18 that section \$4,166,000 for the period beginning Oc-
19 tober 1, 2003, and ending February 29, 2004.

20 “(2) ON-THE-JOB TRAINING.—In lieu of the
21 amount to be deducted under section 140(c) of title
22 23, United States Code, there shall be available from
23 the Highway Trust Fund (other than the Mass
24 Transit Account) to the Secretary for the adminis-
25 tration of that section \$4,166,000 for the period be-

1 ginning October 1, 2003, and ending February 29,
2 2004.

3 “(3) CONTRACT AUTHORITY.—Funds made
4 available by this subsection shall—

5 “(A) be available for obligation in the same
6 manner as if the funds were apportioned under
7 chapter 1 of title 23, United States Code;

8 “(B) be subject to a limitation on obliga-
9 tions for Federal-aid highways and highway
10 safety construction programs; and

11 “(C) remain available until expended.”.

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

20 (n) REDUCTION OF ALLOCATED PROGRAMS.—The
21 Secretary shall reduce the amount that would be made
22 available, but for this section, for fiscal year 2004 for allo-
23 cation under a program, that is continued both by a law
24 reauthorizing the program enacted after the date of enact-

1 ment of this Act and by this section, by the amount made
2 available for the program by this section.

3 (o) PROGRAM CATEGORY RECONCILIATION.—The
4 Secretary may establish procedures under which funds al-
5 located under this section for fiscal year 2004 for a pro-
6 gram category for which funds are not authorized for fis-
7 cal year 2004 under a multiyear law reauthorizing the
8 Federal-aid highway program enacted after the date of en-
9 actment of this Act may be restored to the Federal-aid
10 highway program.

11 (p) TRANSPORTATION INFRASTRUCTURE FINANCE
12 AND INNOVATION.—Section 1101 of the Transportation
13 Equity Act for the 21st Century (112 Stat. 111) (as
14 amended by subsection (l)) is amended by adding at the
15 end the following:

16 “(n) TRANSPORTATION INFRASTRUCTURE FINANCE
17 AND INNOVATION.—

18 “(1) IN GENERAL.—There shall be available
19 from the Highway Trust Fund (other than the Mass
20 Transit Account) \$54,166,000 to the Secretary to
21 carry out the program under subchapter II of chap-
22 ter 1 of title 23, United States Code, for the period
23 beginning October 1, 2003, and ending February 29,
24 2004.

1 “(2) ADMINISTRATIVE COSTS.—Of the funds
2 made available under paragraph (1), not more than
3 \$833,000 shall be available for administrative costs.

4 “(3) CONTRACT AUTHORITY.—Funds made
5 available by this subsection shall be—

6 “(A) available for obligation, except as pro-
7 vided in this section, in the same manner as if
8 the funds were made available under section
9 188 of title 23, United States Code; and

10 “(B) subject to any limitation on obliga-
11 tions for Federal-aid highways and highway
12 safety construction programs.

13 “(4) LIMITATION ON CREDIT AMOUNTS.—For
14 the period beginning October 1, 2003, and ending
15 February 29, 2004, principal amounts of Federal
16 credit instruments made available under subchapter
17 II of chapter 1 of title 23, United States Code, shall
18 be limited to \$1,300,000,000.”.

19 **SEC. 6. SPORT FISHING AND BOATING SAFETY.**

20 (a) FUNDING FOR NATIONAL OUTREACH AND COM-
21 MUNICATIONS PROGRAM.—Section 4(c) of the Dingell-
22 Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e))
23 is amended—

24 (1) in paragraph (4), by striking “and” at the
25 end;

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

3 (3) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) \$4,166,000 for the period beginning Octo-
6 ber 1, 2003, and ending February 29, 2004;”.

7 (b) CLEAN VESSEL ACT FUNDING.—Section 4(b) of
8 the Dingell-Johnson Sport Fish Restoration Act (16
9 U.S.C. 777c(b)) is amended—

10 (1) by redesignating paragraph (4) as para-
11 graph (5); and

12 (2) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) FIRST HALF OF FISCAL YEAR 2004.—For
15 the period beginning October 1, 2003, and ending
16 February 29, 2004, of the balance of each annual
17 appropriation remaining after making the distribu-
18 tion under subsection (a), an amount equal to
19 \$34,166,000, reduced by 82 percent of the amount
20 appropriated for that fiscal year from the Boat Safe-
21 ty Account of the Aquatic Resources Trust Fund es-
22 tablished by section 9504 of the Internal Revenue
23 Code of 1986 to carry out the purposes of section
24 13106(a) of title 46, United States Code, shall be
25 used as follows:

1 “(A) \$4,166,000 shall be available to the
2 Secretary of the Interior for 3 fiscal years for
3 obligation for qualified projects under section
4 5604(c) of the Clean Vessel Act of 1992 (33
5 U.S.C. 1322 note).

6 “(B) \$3,333,000 shall be available to the
7 Secretary of the Interior for 3 fiscal years for
8 obligation for qualified projects under section
9 7404(d) of the Sportfishing and Boating Safety
10 Act of 1998 (16 U.S.C. 777g–1(d)).

11 “(C) The balance remaining after the ap-
12 plication of subparagraphs (A) and (B) shall
13 be—

14 “(i) transferred to the Secretary of
15 Transportation; and

16 “(ii) expended for State recreational
17 boating safety programs under section
18 13106 of title 46, United States Code.”.

19 (c) BOAT SAFETY FUNDS.—Section 13106 of title
20 46, United States Code, is amended by striking subsection
21 (c) and inserting the following:

22 “(c) BOATING SAFETY FUNDS.—

23 “(1) IN GENERAL.—Of the amount transferred
24 to the Secretary of Transportation under paragraph
25 (4) of section 4(b) of the Dingell-Johnson Sport

1 Fish Restoration Act (16 U.S.C. 777c(b)),
2 \$2,083,000 is available to the Secretary for payment
3 of expenses of the Coast Guard for personnel and
4 activities directly related to coordinating and car-
5 rying out the national recreational boating safety
6 program under this title, of which \$833,000 shall be
7 available to the Secretary only to ensure compliance
8 with chapter 43 of this title.

9 “(2) USE OF FUNDS.—No funds available to
10 the Secretary of Transportation under this sub-
11 section may be used—

12 “(A) to replace funding traditionally pro-
13 vided through general appropriations; or

14 “(B) for any purposes except a purpose
15 authorized by this section.

16 “(3) AVAILABILITY OF FUNDS.—Amounts made
17 available by this subsection shall remain available
18 until expended.

19 “(4) ACCOUNTING.—The Secretary shall pub-
20 lish annually in the Federal Register a detailed ac-
21 counting of the projects, programs, and activities
22 funded under this subsection.”.

