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

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $82,474,000, of which not to exceed $4,355,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $14,950,000 shall be available for the Office of the General Counsel; not to exceed $12,024,000 shall be for the Under Secretary for Transportation Policy; not to exceed $7,415,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,453,000 shall be available for the Office of the Assistant Secretary for Government Affairs; not to exceed $27,686,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,926,000 shall be available for the Office of Public Affairs; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $9,750,000 shall be available for the Office of the Chief Information Officer: Provided, That not to exceed $60,000
shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

Office of Civil Rights

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

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $11,157,000.

Transportation Administrative Service Center

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $131,766,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of
Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain
available until September 30, 2004: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

NEW HEADQUARTERS BUILDING

For necessary expenses of customizing the Department of Transportation's new base building and related advisory services, $25,000,000 to remain available until expended.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)

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

TRANSPORTATION SECURITY ADMINISTRATION

Aviation Security

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $4,355,726,000, to remain available until expended, of which $176,691,200 shall be derived from a reimbursement from “Federal Aviation Administration, Facilities and equipment,” for explosives detection systems: Pro-
vided, That security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,705,726,000: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions: Provided further, That funds provided in this Act for the Transportation Security Administration’s Credentialing Project shall include funds to initiate pilot projects during fiscal year 2003 at locations on the East Coast and West Coast, to be determined by the Transportation Security Administration: Provided further, That such pilot projects shall include the various technologies necessary for successful technology evaluation and development of requirements, including card, reader, and database technologies.
MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $206,864,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $129,519,000, to remain available until expended.

SUPPORT SERVICES

For necessary expenses of the Transportation Security Administration for intelligence and agency-wide support activities pursuant to Public Law 107–71, $453,891,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note); and recreation and welfare, $4,305,456,000, of which $1,300,000,000 shall be available for defense-related ac-
tivities; and of which $25,000,000 shall be derived from
the Oil Spill Liability Trust Fund: Provided, That none
of the funds appropriated in this or any other Act shall
be available for pay of administrative expenses in connec-
tion with shipping commissioners in the United States:
Provided further, That none of the funds provided in this
Act shall be available for expenses incurred for yacht docu-
mentation under 46 U.S.C. 12109, except to the extent
fees are collected from yacht owners and credited to this
appropriation: Provided further, That of the amounts
made available under this heading, not less than
$17,686,000 shall be used solely to increase staffing at
Search and Rescue stations, surf stations and command
centers, increase the training and experience level of indi-
viduals serving in said stations through targeted retention
efforts, revise personnel policies and expand training pro-
grams, and to modernize and improve the quantity and
quality of personal safety equipment, including survival
suits, for personnel assigned to said stations: Provided fur-
ther, That the Department of Transportation Inspector
General shall audit and certify to the House and Senate
Committees on Appropriations that the funding described
in the preceding proviso is being used solely to supplement
and not supplant the Coast Guard’s level of effort in this
area in fiscal year 2002.
ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $725,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $11,715,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $2,700,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2005; $114,200,000 shall be available for other equipment, to remain available until September 30, 2005; $31,385,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $65,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2004; and $500,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2007: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response Sys-
item Modernization program, to remain available for obligation until September 30, 2004: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President’s budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the Director, Office of Management and Budget shall submit the budget request for the IDS integration contract delineating subheadings which include the following: systems integrator, ship construction, aircraft, equipment, and communication, providing specific assets and costs under each subheading.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard’s environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $17,000,000, to remain available until
expended: Provided, That funds for bridge alteration projects conducted pursuant to 33 U.S.C. 511 are available only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payments for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

Reserve Training

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,522,000.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and eval-
uation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,000,000, to remain available until expended, of which $3,500,000, shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,060,203,000, of which $3,585,068,000 shall be derived from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Ad-
administration to finalize or implement any regulation that
would promulgate new aviation user fees not specifically
authorized by law after the date of the enactment of this
Act: Provided further, That there may be credited to this
appropriation funds received from States, counties, mu-
icipalities, foreign authorities, other public authorities,
and private sources, for expenses incurred in the provision
of agency services, including receipts for the maintenance
and operation of air navigation facilities, and for issuance,
renewal or modification of certificates, including airman,
aircraft, and repair station certificates, or for tests related
thereto, or for processing major repair or alteration forms:
Provided further, That of the funds appropriated under
this heading, not less than $6,000,000 shall be for the
contract tower cost-sharing program: Provided further,
That funds may be used to enter into a grant agreement
with a nonprofit standard-setting organization to assist in
the development of aviation safety standards: Provided
further, That none of the funds in this Act shall be avail-
able for new applicants for the second career training pro-
gram: Provided further, That none of the funds in this Act
shall be available for paying premium pay under 5 U.S.C.
5546(a) to any Federal Aviation Administration employee
unless such employee actually performed work during the
time corresponding to such premium pay: Provided fur-
ther, That none of the funds in this Act may be obligated
or expended to operate a manned auxiliary flight service
station in the contiguous United States: Provided further,
That none of the funds in this Act for aeronautical chart-
ing and cartography are available for activities conducted
by, or coordinated through, the Transportation Adminis-
trative Service Center.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for,
for acquisition, establishment, and improvement by con-
tract or purchase, and hire of air navigation and experi-
mental facilities and equipment as authorized under part
A of subtitle VII of title 49, United States Code, including
initial acquisition of necessary sites by lease or grant; en-
gineering and service testing, including construction of
test facilities and acquisition of necessary sites by lease
or grant; construction and furnishing of quarters and re-
lated accommodations for officers and employees of the
Federal Aviation Administration stationed at remote local-
ities where such accommodations are not available; and
the purchase, lease, or transfer of aircraft from funds
available under this heading; to be derived from the Air-
port and Airway Trust Fund, $2,981,022,000; of which
not to exceed $2,559,904,000 shall remain available until
September 30, 2005, and of which not to exceed $421,118,000 shall remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President’s budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $138,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30,
2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

Grants-in-Aid for Airports

(Liquidation of Contract Authorization)

(Limitation on Obligations)

(Airport and Airway Trust Fund)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under 49 U.S.C. 44706, $3,100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding 49 U.S.C. 47117(h): Provided further, That not-
withstanding any other provision of law, not more than $62,820,000 of funds limited under this heading shall be obligated for administration.

Small Community Air Service Development

For necessary expenses to carry out the Small Community Air Service Development Pilot Program pursuant to 49 U.S.C. 41743, $20,000,000, to remain available until expended.

Federal Highway Administration

Limitation on Administrative Expenses

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $370,042,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

Federal-Aid Highways

(Limitation on Obligations)

(Highway Trust Fund)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,653,143,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: Provided, That within the $27,653,143,000 obligation limitation on Federal-aid
highways and highway safety construction programs, not
more than $462,500,000 shall be available for the imple-
mentation or execution of programs for transportation re-
search (sections 502, 503, 504, 506, 507, and 508 of title
23, United States Code, as amended; section 5505 of title
49, United States Code, as amended; and sections 5112
and 5204–5209 of Public Law 105–178) for fiscal year
2003: Provided further, That this limitation on transpor-
tation research programs shall not apply to any authority
previously made available for obligation.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

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

(RESCISSION)

Of the unobligated balances made available under
Public Law 103–331, Public Law 102–388, Public Law
102–240, Public Law 102–143, Public Law 101–516,
19

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
advances and reimbursements received by the Administration and $24,587,000 in budget authority to be derived from the Highway Trust Fund: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

To continue the Border Enforcement Program under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002, $59,967,000, to be derived from the Highway Trust Fund, for necessary expenses.
For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code $131,433,000, of which $98,161,131 shall remain available until September 30, 2005: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund; Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003,
are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

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

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402, $20,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405, and $40,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Grants” under 23 U.S.C. 410:
Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $117,363,000, of which $6,636,000 shall remain available until expended.

Railroad Research and Development

For necessary expenses for railroad research and development, $27,325,000, to remain available until expended.
RAILROAD REHABILITATION AND IMPROVEMENT

Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,450,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $762,476,000, to remain available until expended, includ-
ing $521,476,000 for quarterly grants for operating expenses of which not to exceed $150,000,000 shall be utilized for the support of long distance trains, and $241,000,000 for quarterly grants for general capital improvements: Provided, That within 60 days of enactment of a final Department of Transportation and Related Agencies Appropriations bill for fiscal year 2003 but not later than February 15, 2003, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a work plan for projects to be funded in fiscal year 2003 under section 24104(a) of title 49, United States Code: Provided further, That the work plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this work plan: Provided further, That not later than January 1, 2003, April 1, 2003, July 1, 2003, and September 30, 2003, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental quarterly report regarding the work plan, which shall describe the work completed to date, any changes to the work plan, and reasons for such changes. The quarterly report shall also include an amended work plan to reflect any such changes: Provided further, That none of the funds in this Act may be used for oper-
ating expenses and capital projects, excluding payments
made on October 1, 2002, not on the National Railroad
Passenger Corporation’s fiscal year 2003 operating and
capital work plan: Provided further, That none of the
funds under this heading may be obligated or expended
until the National Railroad Passenger Corporation agrees
to continue abiding by the provisions of paragraphs 1, 2,
3, 5, 9, and 11 of the summary of conditions for the direct
loan agreement of June 28, 2002, in the same manner
as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal
Transit Administration’s programs authorized by chapter
53 of title 49, United States Code, $14,600,000: Provided,
That no more than $73,000,000 of budget authority shall
be available for these purposes: Provided further, That of
the funds in this Act available for the execution of con-
tracts under section 5327(c) of title 49, United States
Code, $2,000,000 shall be reimbursed to the Department
of Transportation’s Office of Inspector General for costs
associated with audits and investigations of transit-related
issues, including reviews of new fixed guideway systems:
Provided further, That not to exceed $2,600,000 for the
National transit database shall remain available until ex-
Provided further, That upon submission to the Congress of the fiscal year 2004 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2004: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President’s budget that the report has not been submitted to the Congress.

**Formula Grants**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provide for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under “Federal Transit Administration, Capital investment grants”.
UNIVERSITY TRANSPORTATION RESEARCH

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

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327,
5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration’s formula grants account: Provided further, That $97,800,000 shall be paid to the Federal Transit Administration’s transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration’s administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration’s university transportation research account: Provided further, That $120,000,000 shall be paid to the Federal Transit Administration’s job access and reverse commute grants program: Provided further, That $2,428,800,000 shall be paid to the Federal Transit Administration’s capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: Provided, That no more than $3,036,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be avail-
able for fixed guideway modernization, $1,214,400,000;

there shall be available for the replacement, rehabilitation,

and purchase of buses and related equipment and the con-

struction of bus facilities, $607,200,000, which shall in-

clude $50,000,000 made available under 5309(m)(3)(C)

of this title, plus $50,000,000 transferred from “Federal

Transit Administration, Formula Grants”; and there shall

be available for new starts $1,214,400,000, together with

$2,883,828 of the funds made available under “Federal

Transit Administration, Capital investment grants” in

Public Law 105–66, together with $8,116,030 of the

funds made available under “Federal Transit Administra-

tion, Capital investment grants” in Public Law 105–277,

together with $12,437,113 of the funds made available

under “Federal Transit Administration, Capital invest-

ment grants” in Public Law 106–69; to be available as

follows:

Alaska/Hawaii ferries, $10,296,000;

Atlanta, GA, North Springs (North Line Extensi-

on), $16,110,000;

Baltimore, MD, Central LRT Double Tracking

Project, $10,500,000;

Boston, MA, South Boston Piers Transitway,

$681,824;
Charlotte, NC, South Corridor Light Rail Transit Project, $14,000,000;

Chicago, IL, Douglas Branch Reconstruction, $55,000,000;

Chicago, IL, North Central Corridor Commuter Rail, $20,000,000;

Chicago, IL, Ravenswood Reconstruction, $4,000,000;

Chicago, IL, South West Corridor Commuter Rail, $20,000,000;

Chicago, IL, Union Pacific West Line Extension, $12,000,000;

Cleveland, OH, Euclid Corridor Transportation project, $4,000,000;

Dallas, TX, North Central Light Rail Extension, $70,000,000;

Denver, CO Southeast Corridor LRT, $70,000,000;

Ft. Lauderdale, FL, Tri-County Commuter Rail Upgrades, $39,689,213;

Little Rock, AR, River Rail Streetcar Project, $700,000;

Los Angeles, CA, Eastside Corridor LRT, $8,200,000;
Los Angeles, CA, North Hollywood Red Line, $40,485,912;
Lowell, MA–Nashua, NH, Commuter Rail Extension, $5,000,000;
Maryland, MARC Commuter Rail Improvements, $11,500,000;
Memphis, TN, Medical Center Rail Extension, $15,610,000;
Minneapolis, MN, Hiawatha Corridor LRT, $60,000,000;
Minneapolis, MN, Northstar Corridor Commuter Rail, $7,000,000;
Nashville, TN, East Corridor Commuter Rail, $6,000,000;
New Jersey, Hudson-Bergen Light Rail—MOS1, $19,200,000;
New Jersey, Hudson-Bergen Light Rail—MOS2, $50,000,000;
New Orleans, LA, Canal Street Streetcar, $22,000,000;
New Orleans, LA, Desire Corridor, $1,200,000;
New York, NY, Long Island Rail Road, East Side Access Project, $15,000,000;
New York, NY, Second Avenue Subway, $4,000,000;
Newark-Elizabeth, NJ, Rail Link, $60,000,000;
Northern Indiana, South Shore Commuter Rail
project, $3,000,000;
Oceanside-Escondido, CA, Rail Corridor,
$15,000,000;
Orange County, CA, Centerline Light Rail
Project, $1,800,000;
Phoenix, AZ, Central Phoenix/East Valley
Light Rail, $18,000,000;
Pittsburgh, PA, North Shore Connector LRT,
$7,025,000;
Pittsburgh, PA, Stage II LRT Reconstruction,
$26,250,000;
Portland, OR, Interstate MAX LRT Extension,
$70,000,000;
Puget Sound, WA, Sounder Commuter Rail,
$5,000,000;
Raleigh, NC, Phase I Regional Rail Project,
$5,000,000;
Salt Lake City, UT, CBD to University LRT,
$68,760,000;
Salt Lake City, UT, Medical Center Extension,
$20,000,000;
Salt Lake City, UT, North-South LRT,
$718,006;
San Diego, CA, Mission Valley East LRT Extension, $65,000,000;
San Francisco, CA, BART Extension to San Francisco Airport, $100,000,000;
San Francisco, CA, Third Street Light Rail Project, phase II, $1,750,000;
San Jose, CA, Silicon Valley Rapid Transit Corridor Project, $250,000;
San Juan, PR, Tren Urbano, $59,740,000;
St. Louis, MO, Metrolink St. Clair Extension, $3,368,422;
Washington D.C./MD, Largo Extension, $60,000,000; and
Washington, D.C., Dulles Corridor Rapid Transit Project, $35,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS
Notwithstanding Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: Provided, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance
and support and performance reviews of the Job Access
and Reverse Commute Grants program.

SAINT LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

The Saint Lawrence Seaway Development Corpora-
tion is hereby authorized to make such expenditures, with-
in the limits of funds and borrowing authority available
to the Corporation, and in accord with law, and to make
such contracts and commitments without regard to fiscal
year limitations as provided by section 104 of the Govern-
ment Corporation Control Act, as amended, as may be
necessary in carrying out the programs set forth in the
Corporation’s budget for the current fiscal year.

Operations and Maintenance
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and mainte-
nance of those portions of the Saint Lawrence Seaway op-
erated and maintained by the Saint Lawrence Seaway De-
velopment Corporation, $15,486,000, to be derived from
the Harbor Maintenance Trust Fund, pursuant to Public
Law 99–662.
RESEARCH AND SPECIAL PROGRAMS

ADMINISTRATION

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $40,677,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,250,000 shall remain available until September 30, 2005: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(Pipeline Safety Fund)

(Oil Spill Liability Trust Fund)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $58,697,000, of
which $7,472,000 shall be derived from the Oil Spill Li-
ability Trust Fund and shall remain available until Sep-

tember 30, 2005; of which $51,225,000 shall be derived
from the Pipeline Safety Fund, of which $22,786,000
shall remain available until September 30, 2005.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector
General to carry out the provisions of the Inspector Gen-
eral Act of 1978, as amended, $57,421,000: Provided,
That the Inspector General shall have all necessary au-
thority, in carrying out the duties specified in the Inspect-
tor General Act, as amended (5 U.S.C. App. 3) to inves-
tigate allegations of fraud, including false statements to
the government (18 U.S.C. 1001), by any person or entity
that is subject to regulation by the Department: Provided
further, That the funds made available under this heading
shall be used to investigate, pursuant to section 41712 of
title 49, United States Code: (1) unfair or deceptive prac-
tices and unfair methods of competition by domestic and
foreign air carriers and ticket agents; and (2) the compli-
ance of domestic and foreign air carriers with respect to
item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transpor-
tation Board, including services authorized by 5 U.S.C.
3109, $19,450,000: Provided, That notwithstanding any
other provision of law, not to exceed $1,000,000 from fees
established by the Chairman of the Surface Transpor-
tation Board shall be credited to this appropriation as off-
setting collections and used for necessary and authorized
expenses under this heading: Provided further, That the
sum herein appropriated from the general fund shall be
reduced on a dollar-for-dollar basis as such offsetting col-
lections are received during fiscal year 2003, to result in
a final appropriation from the general fund estimated at
no more than $18,450,000.

TITLE II
RELATED AGENCIES
ARCHITECTURAL AND TRANSPORTATION
BARRIERS COMPLIANCE BOARD
SALARIES AND EXPENSES
For expenses necessary for the Architectural and
Transportation Barriers Compliance Board, as authorized
by section 502 of the Rehabilitation Act of 1973, as
amended $5,194,000: Provided, That, notwithstanding
any other provision of law, there may be credited to this
appropriation funds received for publications and training
expenses.

NATIONAL TRANSPORTATION SAFETY BOARD
SALARIES AND EXPENSES
For necessary expenses of the National Transpor-
tation Safety Board, including hire of passenger motor ve-
hicles and aircraft; services as authorized by 5 U.S.C.
1309, but at rates for individuals not to exceed the per
diem rate equivalent to the rate for a GS–15; uniforms,
or allowances therefor, as authorized by law (5 U.S.C.
5901–5902) $71,270,000, of which not to exceed $2,000
may be used for official reception and representation ex-
penses.
TITLE III
GENERAL PROVISIONS
(INCLUDING TRANSFERS OF FUNDS)

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

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

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

Sec. 304. None of the funds in this Act shall be available for salaries and expenses of more than 107 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees
in an independent agency funded in this Act may be ass-
signed on temporary detail outside the Department of
Transportation or such independent agency.

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

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

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

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

Sec. 309. The limitations on obligations for the pro-
grams of the Federal Transit Administration shall not
apply to any authority under 49 U.S.C. 5338, previously
made available for obligation, or to any other authority
previously made available for obligation.

Sec. 310. (a) No recipient of funds made available
in this Act shall disseminate personal information (as de-
 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
ment of motor vehicles in connection with a motor vehicle
record as defined in 18 U.S.C. 2725(1), except as provided
2721.

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

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

Sec. 312. Notwithstanding any other provision of
law, airports may transfer, without consideration, to the
Federal Aviation Administration (FAA) instrument land-
ing systems (along with associated approach lighting
equipment and runway visual range equipment) which
conform to FAA design and performance specifications,
The purchase of which was assisted by a Federal airport-
aid program, airport development aid program or airport improvement program grant: *Provided,* That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

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

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

**SEC. 315.** None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2003.
Sec. 316. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Transit Planning and Research” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

Sec. 317. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

Sec. 318. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to
influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation:

Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of a State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

Sec. 319. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Sec. 320. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discre-
tionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or (4) any port security grants of the Transportation Security Administration: Provided, That no notification shall involve funds that are not available for obligation.

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

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

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

(2) The Texas Department of Transportation shall review and comment on the findings of the
studies under paragraph (1). Any comments by such
department on such findings shall be included in any
final report on such studies.

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

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

Sec. 323. None of the funds in this Act shall be used
to pursue or adopt guidelines or regulations requiring air-
port sponsors to provide to the Federal Aviation Adminis-
tration and the Transportation Security Administration
without cost building construction, maintenance, utilities
and expenses, or space in airport sponsor-owned buildings
for services relating to air traffic control, air navigation,
aviation security or weather reporting: Provided, That the
1 prohibition of funds in this section does not apply to negoti-
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
in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 325. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $8,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and $8,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used by the States, as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast or print media to support the national mobilizations conducted in all fifty States, aimed at increasing seat belt use and reducing alcohol-impaired driving: Provided further, That up to $2,000,000 of the funds allocated for innovative seat belt projects under sections 157 and 163 of title 23, United
States Code, shall be used by the Administrator to evaluate the effectiveness of State seat belt and alcohol-impaired driving programs that purchase advertising as provided by this section.

Sec. 326. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Sec. 327. None of the funds in this Act may be expended to issue, implement, or enforce a regulation that diminishes or revokes an exemption authorized under section 345 of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C. 31136 note) before the Secretary of Transportation determines by a rulemaking proceeding that the exemptions granted are not in the public interest and adversely affects the safety of commercial motor vehicles with respect to such exemption that is required under subsection (c) of such section and, as under subsection (d), if a result of monitoring the safety performance of drivers of commercial vehicles that are subject to an exemption under section
345, the Secretary determines that public safety has been
severely affected by an exemption granted under this sec-
tion, the Secretary shall report to Congress that deter-
mination: Provided, That this limitation shall not preclude
the Secretary from revoking an exemption granted to an
individual, farm, company, or other entity under section
345 of Public Law 104–59 for national security reasons.

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

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

SEC. 330. Funds provided in Public Law 106–69 for
the Wilmington, Delaware, downtown transit connector
and funds provided in Public Law 106–346 for the Wil-
Wilmington downtown corridor project shall be available for Wilmington, Delaware, commuter rail improvements.

Sec. 331. Notwithstanding any other provision of law—

(1) in section 1602 of the Transportation Equity Act for the 21st Century—

(A) item number 426 (112 Stat. 272) is amended by striking “Louisiana Highway 16” and inserting the following: “Louisiana Highway 1026”;

(B) item number 696 (112 Stat. 383), relating to Gettysburg, Pennsylvania, is amended by inserting after “Gettysburg comprehensive road improvement study” the following: “and construction of projects identified in the study”;

(C) item number 230 is amended by striking “Construct new exit 46A on I–90 at route 170 in North Chili” and inserting “Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Leyll road”;

(D) item number 1344 (112 Stat. 306) is amended by striking “Upgrade” and all that follows through “City” and inserting the following “Upgrade Frederic Douglas Circle and
Manahattan Avenue from West 110th Street to West 125th Street, New York City’;

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

(F) item number 1269 (112 Stat. 303) is amended by striking “Implement” and all that follows through “system” and inserting the following “Bronx, NY Center Transportation Project”;

(G) item number 933 (112 Stat. 291) is amended by striking “Redesign” and all that follows through “City” and inserting the following “Design, construction and related enhancement of the Grand Concourse between E. 161st St. and E. 166th St., New York City”; 

(H) item number 75 (112 Stat. 259) is amended by striking “Construct” and all that follows through “Route” and inserting the following “Bronx, NY River Greenway”; and 

(I) item number 1735 (112 Stat. 320) is amended by inserting “, including Type II noise
abatement projects along Interstate 95 in
Bensalem Township between Exit 25 and 26,
Bucks County” after “improvements”;
(2) section 3030(d)(3) of the Transportation
Equity Act for the 21st Century (Public Law 105–
178) is amended by redesignating the second sub-
paragraph (D) (as added by section 361 of Public
Law 107–87) as subparagraph (E) and by inserting
at the end:
“(F) Port of Anchorage Intermodal pas-
senger and freight facility.”;
(3) of the $668,000 appropriated under the
heading “Surface Transportation Projects” in Public
Law 103–331 for CA 113 railroad grade separation,
California, the unobligated share shall be available
for railroad grade separation for the City of Dixon,
Solano County, California;
(4) the $500,000 appropriated under the head-
ing “Surface Transportation Projects” in Public
Law 103–331 for 6th and 7th Sts. improvements
Brownsville, TX may be used to construct the West
Rail project in or near Brownsville, including a new
international railroad bridge crossing over the Rio
Grand River;
(5) section 610, section 609(c), and the last sentence of section 604(b)(1) of Public Law 97–468 are repealed;

(6) for the purpose of further leveraging Federal resources and enhancing private investment supporting the financing of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, the Secretary of Transportation shall modify the agreements entered into with the San Joaquin Hills Transportation Corridor Agency and the Foothill Eastern Transportation Corridor Agency pursuant to section 339 of Public Law 102–388, section 336 of Public Law 103–331 and section 356 of Public Law 104–50, to extend the term of coverage provided by such lines throughout the term of the revenue bonds issued to acquire, finance or refinance those facilities: Provided, That notwithstanding any other provision of law, such modifications shall be deemed eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: Provided further, That notwithstanding any other provision of law, any amounts of the original Federal lines of credit not drawn upon, up to the combined original principal
amount of $240,000,000, shall continue to be avail-
able for draws until such revenue bonds have been
retired: Provided further, That notwithstanding any
other provision of law, not more than 20 percent of
the combined original principal amount shall be
available for draws in any one year: Provided further,
That notwithstanding any other provision of law,
any draw (except for operation and maintenance ex-
penses) shall be repaid not later than five years fol-
lowing the year in which such revenue bonds have
been retired. In implementing this section, the Sec-
retary may modify other terms of the existing Fed-
eral lines of credit, including by combining them into
a single line of credit the principal amount of which
is limited to $240,000,000, provided that the mar-
ginal budgetary cost of any such additional modifica-
tions is funded under section 188 of title 23, United
States Code; and

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

Sec. 332. None of the funds made available under
this Act may be used to finalize or implement the proposed
rule entitled “Statewide Planning, Metropolitan Transpor-
tion Planning”, published by the Department of Trans-
portation in the Federal Register on June 19, 2002 (67
FR 41648 et seq.).

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

Sec. 334. Section 1023(h) of the Intermodal Surface
note, Public Law 102–240) is amended—

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

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

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

“(B) any vehicle that”.

Sec. 335. Funds appropriated or limited in this Act
shall be subject to the terms and conditions stipulated in
section 350 of Public Law 107–87, including that the Sec-
retary submit a report to the House and Senate Appro-
priations Committees annually on the safety and security
of transportation into the United States by Mexico-domi-
ciled motor carriers.

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

(1) in subsection (a)—

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

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

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

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

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

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

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

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

(3) In the case of a failure of existing freight
or commuter rail passenger transportation oper-
ations caused by cessation of service by the National
Railroad Passenger Corporation, the Board may not
direct a rail carrier to undertake activities under
subsection (a) to continue such operations unless the
Board first affirmatively finds that the rail carrier
is operationally capable of conducting the directed
service in a safe and efficient manner.

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

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

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

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

Sec. 337. The Secretary of Transportation shall, in
cooperation with the Federal Aviation Administrator, en-
courage implementation of a locally developed and exe-
cuted plan between the State of Illinois, the City of Chi-
icago, and other affected communities for the purpose of
modernizing O’Hare International Airport consistent with
a proposed runway redesign plan, including western air-
port access; developing a south suburban airport near
Peotone; continuing operation of Merrill C. Meigs Field;
and recognizing the importance of utilizing existing infra-
structure, such as the Greater Rockford and Gary/Chicago
Airports, to alleviate congestion and provide additional aviation capacity. If such a plan cannot be developed and executed by said parties, the Secretary and the Administrator shall work with Congress to develop and implement a federal solution—including a modern O'Hare with east-west parallel runways, expansion of the Gary/Chicago Airport, and an additional air carrier airport near Peotone, Illinois—to address the aviation capacity crisis in the Chicago area. The Secretary shall provide a report to Congress, detailing the local progress on implementing a comprehensive aviation capacity expansion plan in the Chicago region, no later than 90 days after enactment of this Act.

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

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

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

“(1) AIR CARRIER.—The term ‘air carrier’ means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents (including persons engaged in the business of providing air transportation security and their affiliates) of such citizen. For purposes of the preceding
sentence, the term ‘agent’, as applied to persons engaged in the business of providing air transportation security, shall only include persons that have contracted directly with the Federal Aviation Administration and commenced services no later than February 17, 2002, to provide such security, and had not been debarred for any period within 6 months from that date.”.

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

SEC. 340. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.
SEC. 341. On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line.

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

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

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

SEC. 345. None of the funds in this Act shall be used to procure Coast Guard ships, including main diesel engines, unless such procurement is in compliance with the Buy American Act, 41 U.S.C. 10(a)–10(d).
SEC. 346. Title 49, United States Code is amended by striking subsection (d) of section 13703 and relettering subsequent subsections accordingly.

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

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 2003”.
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