IN THE SENATE OF THE UNITED STATES

JULY 26, 2002

Mrs. Murray, from the Committee on Appropriations, reported the following original bill, which was read twice and placed on the calendar

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
6 the fiscal year ending September 30, 2003, and for other
7 purposes, namely:
TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $73,069,000, of which not to exceed $2,034,000 shall be available for the immediate Office of the Secretary; not to exceed $619,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $13,828,000 shall be available for the Office of the General Counsel; not to exceed $3,058,000 shall be for the Office of the Assistant Secretary for Policy; not to exceed $7,471,000 shall be available for the Office of the Assistant Secretary for Aviation and International Affairs; not to exceed $7,668,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,282,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $20,380,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,723,000 shall be available for the Office of Public Affairs; not to exceed $1,204,000 shall be available for the Office of the Executive Secretariat; not to exceed $507,000 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 $10,991,000 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.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $8,700,000.

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, $21,000,000.

Transportation Administrative Service Center

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $131,779,000, 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.

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, $65,000,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $4,950,000,000 of which $124,000,000 shall be derived from a reimbursement from the heading, “Facilities and Equipment”, Federal Aviation Administration for explosives detection systems in this fiscal year, to remain available until September 30, 2004: Provided, That, security service fees authorized under 49 U.S.C. 44940 shall be credited to this
appropriation as offsetting collections and used for providing security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2003: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in 2004.

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 section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,018,456,000, of which $340,000,000 shall be available for defense-related activities; 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 connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available to compensate in excess of 34 active
duty flag officer billets: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

**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 $13,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $117,700,000 shall be available for other equipment, to remain available until September 30, 2005; $48,700,000 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, 2003; and $480,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: *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 System Modernization program, to remain available for obligation until September 30, 2004: Provided further, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2004 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget’s budgetary projections for the Coast Guard for those years: 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 amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President’s budget that the plan has not been submitted to the Congress.

**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, $14,000,000, to remain available until expended.

**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, payment 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 evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, 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 vehi-
cles for replacement only, in addition to amounts made
available by Public Law 104–264, $7,081,203,000, of
which $3,799,278,000 shall be derived from the Airport
and Airway Trust Fund, of which not to exceed
$5,696,037,000 shall be available for air traffic services
program activities; not to exceed $839,467,000 shall be
available for aviation regulation and certification program
activities; not to exceed $207,600,000 shall be available
for research and acquisition program activities; not to ex-
ceed $12,325,000 shall be available for commercial space
transportation program activities; not to exceed
$48,782,000 shall be available for financial services pro-
gram activities; not to exceed $80,260,000 shall be avail-
able for human resources program activities; not to exceed
$82,192,000 shall be available for regional coordination
program activities; and not to exceed $114,540,000 shall
be available for staff offices: Provided, That none of the
funds in this Act shall be available for the Federal Avia-
tion Administration to finalize or implement any regula-
tion that would promulgate new aviation user fees not spe-
cifically 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, municipalities, 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 available for new applicants for the second career training program: 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 further, 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.
For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental 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; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities 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 Airport and Airway Trust Fund, $2,981,022,000, of which $2,558,455,000 shall remain available until September 30, 2005, and of which $422,567,000 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 com-
prehensive capital investment plan for the Federal Avia-
tion Administration which includes funding for each budg-
et line item for fiscal years 2004 through 2008, with total
funding for each year of the plan constrained to the fund-
ing targets for those years as estimated and approved by
the Office of Management and Budget: Provided further,
That the amount herein appropriated shall be reduced by
$150,000 per day for each day after initial submission of
the President’s budget that the plan has not been sub-
mitted to the Congress.

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, $124,000,000, 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 appro-
priation funds received from States, counties, municipali-
ties, other public authorities, and private sources, for ex-
penses 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; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $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 section 47117(h) of title 49, United States Code: *Provided further,* That notwithstanding any other provision of law, not more than
$81,049,000 of funds limited under this heading shall be obligated for administration and for technology research and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

**AVIATION INSURANCE REVOLVING FUND**

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

**FEDERAL HIGHWAY ADMINISTRATION**

**LIMITATION ON ADMINISTRATIVE EXPENSES**

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $317,732,000, 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: *Provided,* That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for “Child Passenger Protection Education Grants” under section 2003(b) of Public Law 105–
178, as amended; $47,000,000 shall be available for construc-
12
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

struction of state border safety inspection facilities at the
United States/Mexico border, and shall remain available
until expended; $59,967,000 shall be available for border
enforcement activities required by section 350 of Public
Law 107–87, and shall remain available until expended;
$6,000,000 shall be available for environmental stream-
lining activities, which may include making grants to, or
entering into contracts, cooperative agreements, and other
transactions, with a Federal agency, State agency, local
agency, authority, association, nonprofit or for-profit cor-
poration, or institution of higher education; and
$3,000,000 shall be for the administrative expenses of the
Federal Motor Carrier Safety 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 obliga-
tions for which are in excess of $31,800,000,000 for Fed-
eral-aid highways and highway safety construction pro-
grams for fiscal year 2003: Provided, That within the
$232,000,000 obligation limitation on Intelligent Trans-
portation Systems, the following sums shall be made avail-
able for Intelligent Transportation System projects that
are designed to achieve the goals and purposes set forth
in section 5203 of the Intelligent Transportation Systems
Act of 1998 (subtitle C of title V of Public Law 105–178;
112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Information System & Smart Card System, OH, $2,500,000;
Alaska Statewide: Smart Emergency Medical Access System, $3,000,000;
Boston Traffic Monitoring & Security System, MA, $2,000,000;
Bozeman Pass Wildlife Channelization Study, MT, $500,000;
Cargo Mate Logistics and Intermodal Management System, NY, $5,000,000;
Cary, Computerized Traffic Signal System, NC, $1,000,000;
CCTA Burlington Multimodal Transit Center, VT, $1,000,000;
Center for Injury Sciences at UAB, Crash Notification, AL, $2,000,000;
Central Florida Regional Trans. Authority, Orange/Seminole ITS, FL, $2,000,000;
Chinatown Intermodal Trans. Center, Los Angeles, CA, $2,500,000;
Concord Parkway, Traffic Signals, NC, $1,500,000;
CVISN, NM, $1,125,000;
Flint Mass Transportation Authority ITS program, MI, $1,000,000;
GMU, ITS Research, VA, $2,000,000;
Great Lakes ITS program, MI, $4,000,000;
Harrison County Sheriff’s Department, ITS, MS, $1,000,000;
Hoosier SAFE–T, IN, $3,000,000;
Huntsville, AL, $2,000,000;
I–80 Dynamic Message Signs, Southern WY, $4,000,000;
Idaho CVISN, $2,250,000;
Illinois Statewide, $5,000,000;
Intelligent Transportation Center, Atlanta, GA, $750,000;
Iowa Statewide ITS, $1,650,000;
Kansas City Scout, Advanced Traffic Management System, KS, $1,500,000;
Kansas City SmartPort, $1,000,000;
Kent, Intracity Transit Project, WA, $1,500,000;
Lynnwood ITS, WA, $2,000,000;
Maine Statewide, Rural Advanced Traveler Information System, ME, $2,000,000;
Maryland Statewide ITS, $2,000,000;
Missouri Statewide Rural ITS, MO, $2,000,000;
NDSU Advanced Traffic Analysis Center, ND, $1,000,000;
Nebraska statewide ITS, $5,000,000;
New Bedford ITS Port Information Center, MA, $1,000,000;
Oklahoma Statewide ITS, $7,000,000;
Program of Projects, WA, $5,500,000;
Providence Transportation Information Center, ITS, RI, $2,000,000;
Sacramento Area Council of Governments, ITS, CA, $1,000,000;
Shreveport ITS Project, LA, $1,000,000;
South Carolina Statewide ITS, $6,000,000;
SR–68/Riverside Dr. ITS, Espanola, NM, $475,000;
Surface Transportation Institute, University of North Dakota, ND, $1,500,000;
T–REX Southeast Corridor Multi-Modal Project, CO, $9,000,000;
Tucson ER–LINK ITS project, AZ, $1,250,000;

University of Nebraska Lincoln, SMART Transportation, NE, $2,000,000;

University of Kentucky Transportation Center, KY, $2,000,000;

Utah Commuter Link, Davis and Utah Counties, UT, $1,000,000;

Vermont Statewide Rural Advanced Traveler System, VT, $1,500,000;

Vermont Variable Message Signs, VT, $1,000,000;

Washington, DC Metro ITS, $4,000,000;

Willowbrook Avenue Rail Safety Program—Compton, CA, $2,000,000; and

Wisconsin State Patrol Mobile Data Communications Network, $2,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, 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 provi-
sions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

**APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM**

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $200,000,000, to remain available until expended.

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**MOTOR CARRIER SAFETY**

**LIMITATION ON ADMINISTRATIVE EXPENSES**

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $114,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *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)

Notwithstanding any other provision of law, 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”.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

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, $141,000,000, 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.

OPERATIONS AND RESEARCH

(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. 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)

Notwithstanding any other provision of law, 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 Counter-
measures Grants” shall be available for technical assist-
ance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Ad-
ministration, not otherwise provided for, $118,264,000, of
which $6,636,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and de-
velopment, $29,325,000, to remain available until ex-
pended.

RAILROAD REHABILITATION AND IMPROVEMENT

PROGRAM

The Secretary of Transportation is authorized to
issue to the Secretary of the Treasury notes or other obli-
gations pursuant to section 512 of the Railroad Revitaliza-
tion 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 author-
ity 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, $30,000,000, to remain available until expended.

**Alaska Railroad Rehabilitation**

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

**Grants to the National Railroad Passenger Corporation**

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be
for capital expenses along the remainder of the Corporation’s national rail network.

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 contracts 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 expended.

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: Pro-
vided further, That notwithstanding section 3008 of Public Law 105–178 and 49 U.S.C. 5309(m)(3)(C), $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided 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 metro-
politain 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)
Notwithstanding any other provision of law, for pay-
ment 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 for-
\(\text{mula grants account: Provided further, That } $97,800,000
\) shall be paid to the Federal Transit Administration’s tran-
sit planning and research account: Provided further, That
$58,400,000 shall be paid to the Federal Transit Adminis-
tration’s administrative expenses account: Provided fur-
\(\text{ther, That } $4,800,000 \) shall be paid to the Federal Transit
Administration’s university transportation research ac-
\(\text{count: Provided further, That } $120,000,000 \) shall be paid
to the Federal Transit Administration’s job access and re-
verse 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, $707,200,000, to remain available until expended: Provided, That no more than $3,136,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available 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 construction of bus-related facilities, $607,200,000, together with $50,000,000 made available under 5309(m)(3)(C) of this title and $50,000,000 transferred from “Federal Transit Administration, Formula Grants”; and there shall be available for new fixed guideway systems $1,314,400,000; to be available as follows:

- Alaska-Hawaii Setaside, $10,296,000;
- Allegheny Port Authority, Stage II Light Rail Transit, PA, $25,600,000;
- Altamont Commuter Express San Jose to Stockton, CA, $2,000,000;
- Anderson County, South Carolina Transit System, SC, $6,000,000;
Baltimore Central Light Rail Double Track Project, MD, $24,000,000;
BART, SFO Extension, CA, $100,000,000;
Birmingham Transit Corridor Study/PE, AL, $3,000,000;
Boston, North Shore Corridor Project, MA, $1,000,000;
Bridgeport Intermodal Corridor Project, CT, $8,000,000;
Burlington-Middlebury Commuter Rail, VT, $2,000,000;
Canal Streetcar, New Orleans, LA, $30,000,000;
Charlotte South Corridor Light Rail Project, NC, $10,000,000;
Chicago, Douglas Blue Line Project, IL, $55,000,000;
Chicago, METRA, Expansion Project, IL, $52,000,000;
Chicago, Ravenswood Brown Line Expansion Project, IL, $4,000,000;
DART, Suburban Areas Extension, Dallas, TX, $60,000,000;
East Side Access Project, NY, $15,000,000;
Euclid Corridor Transportation Project, Cleveland, OH, $6,000,000;

Houston Advanced Metro Transit Plan, $23,400,000;

Hudson-Bergen, Hoboken to Tonnelle Ave., NJ, $40,000,000;

Hudson-Bergen, Jersey City, Bayonne & Hoboken, NJ, $19,000,000;

Interstate MAX Light Rail Transit Extension Project, OR, $70,000,000;

Johnson County Commuter Rail, KS, $400,000;

Little Rock River Rail, AR, $4,000,000;

Los Angeles East Side MTA, CA, $10,000,000;

Los Angeles, North Hollywood Extension, CA, $40,000,000;

Lowell, MA to Nashua, NH Commuter Rail Ext. Project, NH, $3,000,000;

MARC Expansion Project, MD, $14,000,000;

MARTA North Line Extentension Project Completion, GA, $16,000,000;

MATA Medical Rail Extension, TN, $10,000,000;

Medical Center Light Rail Extension, UT, $12,000,000;
1. Metro Link Commuter Rail, St. Clair Extension, IL, $3,000,000;
2. Metro North Rolling Stock, CT, $7,000,000;
3. Nashville Light Rail, TN, $4,000,000;
4. Newark-Elizabeth Rail Link, 15 Station Light Rail Line, NJ, $60,000,000;
5. North Shore Connector Project, Pittsburgh, PA, $4,000,000;
6. North/South TRAX Light Rail Transit Line, UT, $1,000,000;
7. Oceanside-Escondido Light Rail Project, CA, $20,000,000;
8. Ogden to Provo Commuter Rail Corridor, UT, $6,000,000;
9. Pawtucket Layover Facility, RI, $4,500,000;
10. Port McKenzie Ferry, AK, $5,000,000;
11. Raleigh, Triangle Transit Project, NC, $15,000,000;
12. Resort Corridor Project, NV, $10,000,000;
13. Salt Lake City University TRAX Light Rail Transit Line, UT, $69,000,000;
14. San Diego Mission Valley East Line Project, CA, $65,000,000;
15. San Juan-Tren Urbano, $45,000,000.00;
Santa Fe/Eldorado Rail Link & extension of 2000 funds, NM, $2,000,000;
Scranton to New York City Passenger Rail Service, PA, $3,000,000;
SEPTA Schuylkill Valley Metro Project, PA, $15,000,000;
Sounder Commuter Rail, WA, $30,000,000;
Stamford Urban Transitway, Phase 2 Project, CT, $15,000,000;
T–REX Southeast Light Rail Corridor, CO, $70,000,000;
Tri-Rail, Double Track Improvement, FL, $25,000,000;
Twin Cities Transitway Hiawatha & Northstar Projects, MN, $60,000,000;
Vermont Transportation Authority Rolling Stock, VT, $2,000,000;
Virginia Railway Express VRE, Project, VA, $4,500,000;
Virginia Railway Express, VRE Dulles Link Project, VA, $25,000,000;
Wilmington Train Station improvements, DE, $4,000,000;
Wilsonville to Beaverton Commuter Rail Project, OR, $5,000,000; and
JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of 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 Corporation is hereby authorized to make such expenditures, within 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 Government 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 maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,345,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS

ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $43,725,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,342,000 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 per-
formance of hazardous materials exemptions and approv-
als 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 responsibil-
ities of the Oil Pollution Act of 1990, $63,857,000, 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 $56,385,000 shall be derived
from the Pipeline Safety Fund, of which $24,823,000
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) and
5127(d): *Provided further*, That none of the funds made
available by 49 U.S.C. 5116(i) and 5127(d) shall be made
available for obligation by individuals 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 General Act of 1978, as amended, $57,421,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate 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 practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance 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 Transportation Board, including services authorized by 5 U.S.C. 3109, $18,459,000: Provided, That notwithstanding any
other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting 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 collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $19,459,000.

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 Transportation Safety Board, including hire of passenger motor vehicles and aircraft; 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 a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

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 100 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 assigned 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 appropriations, unless expressly so provided herein.
SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement 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 programs 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) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;
(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;
(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by
the sums authorized to be appropriated for such pro-
gram for such fiscal year: Provided, That the
amount of obligation limitation distributed for each
program does not exceed the amount authorized to
be appropriated for such program; and

(6) distribute the obligation limitation provided
for Federal-aid Highways less the aggregate
amounts not distributed under paragraphs (1) and
(2) and amounts distributed under paragraphs (4)
and (5) for Federal-aid highways and highway safety
construction programs (other than the minimum
guarantee program, but only to the extent that
amounts apportioned for the minimum guarantee
program for such fiscal year exceed $2,639,000,000,
and the Appalachian development highway system
program) that are apportioned by the Secretary
under title 23, United States Code, in the ratio
that—

(A) sums authorized to be appropriated for
such programs that are apportioned to each
State for such fiscal year, bear to

(B) the total of the sums authorized to be
appropriated for such programs that are appor-
tioned to all States for such fiscal year.
(b) The obligation limitation for Federal-aid High-
ways shall not apply to obligations: (1) under section 125
of title 23, United States Code; (2) under section 147 of
the Surface Transportation Assistance Act of 1978; (3)
under section 9 of the Federal-Aid Highway Act of 1981;
(4) under sections 131(b) and 131(j) of the Surface
Transportation Assistance Act of 1982; (5) under sections
149(b) and 149(c) of the Surface Transportation and Uni-
form Relocation Assistance Act of 1987; (6) under sec-
tions 1103 through 1108 of the Intermodal Surface
Transportation Efficiency Act of 1991; (7) under section
157 of title 23, United States Code, as in effect on the
day before the date of the enactment of the Transpor-
tation Equity Act for the 21st Century; and (8) under sec-
tion 105 of title 23, United States Code (but, only in an
amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary
shall after August 1 for such fiscal year revise a distribu-
tion of the obligation limitation made available under sub-
section (a) if a State will not obligate the amount distrib-
uted during that fiscal year and redistribute sufficient
amounts to those States able to obligate amounts in addi-
tion to those previously distributed during that fiscal year
giving priority to those States having large unobligated
balances of funds apportioned under sections 104 and 144

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obli-
gation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.


(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. 312. None of the funds in this Act shall be available 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. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing 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. 314. 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. 315. 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. 316. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, 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)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and
(2) deduct a sum in such amount not to exceed 1.7 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, 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. 317. 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. 318. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, that notwithstanding the provisions 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 319. 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. 320. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

“(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

“(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

“(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

“(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the ‘Airport Capacity Benchmark Report 2001’.

“(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524
of title 49 with respect to a prohibition on all scheduled passenger service.”

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 321. 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 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. 322. Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

SEC. 323. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance
a notice describing the statement made in paragraph
(1) by the Congress.

(c) Prohibition of Contracts With Persons
Falsey Labeling Products as Made in America.—
If it has been finally determined by a court or Federal
agency that any person intentionally affixed a label bear-
ing a “Made in America” inscription, or any inscription
with the same meaning, to any product sold in or shipped
to the United States that is not made in the United
States, the person shall be ineligible to receive any con-
tract or subcontract made with funds made available in
this Act, pursuant to the debarment, suspension, and inelig-
gibility procedures described in sections 9.400 through

Sec. 324. Notwithstanding any other provision of
law, Walnut Ridge Regional Airport shall transfer to the
Federal Aviation Administration (FAA) their instrument
landing system, which shall thereafter be operated and
maintained by FAA in accordance with agency criteria.

Sec. 325. Notwithstanding any other provision of
law, Williams Gateway Airport shall transfer to the Fed-
eral Aviation Administration (FAA) air traffic control
tower equipment, which shall thereafter be operated and
maintained by FAA in accordance with agency criteria.
SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2003.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting “reauthorization of the” before “Transportation”.

SEC. 328. 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. 329. Section 1211(i) of Public Law 105–178, which amended section 1105(c) of the “Intermodal Surface Transportation Efficiency Act of 1991,” is amended to read as follows:

“(34) THE ALAMEDA CORRIDOR EAST AND SOUTHWEST PASSAGE, CALIFORNIA. The Alameda Corridor East is generally described as a west-east rail corridor extending from east Los Angeles (ter-
minus of Alameda Corridor) through the San Gab-
riel Valley in Los Angeles County, northern Orange
County, San Bernardino County, and Riverside
County. The Southwest Passage shall follow I–10
from San Bernardino to the Arizona State line and
I–8 from San Diego to the Arizona State line.”.

Sec. 330. In addition to amounts otherwise made
available in this Act, to enable the Secretary of Transpor-
tation to make grants for surface transportation projects,
$160,000,000, to remain available until expended.

Sec. 331. (a) Notwithstanding any other provision
of law, the Secretary shall approve the construction of
Type II noise barriers from funds apportioned under sec-
tions 104(b)(1) and 104(b)(3) of title 23, United States
Code at the following location in Georgia: On the West
Side of I–285 between Paces Ferry Road and the Chatt-
tahoochee River.

(b) Notwithstanding any other provision of law, the
Secretary of Transportation shall approve the use of funds
apportioned under paragraphs (1) and (3) of section
104(b) of title 23, United States Code, for construction
of Type II noise barriers on the West side of GA 400 from
the Glenridge Connector to Northland Drive.

Sec. 332. 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 discretionary grant award is made under section 1221 of Public Law 105–178 and before any grant award letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from any discretionary grant program within the Department: Provided, That no notification shall involve funds that are not available for obligation.

Sec. 333. (a) Buildings 315, 318, and 319 located at the William J. Hughes Technical Center of the Federal Aviation Administration in Atlantic City, New Jersey, shall be known and designated as the “Frank R. Lautenberg Aviation Security Complex”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in section (a) shall be deemed to be a reference to the “Frank R. Lautenberg Aviation Security Complex”.

Sec. 334. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commis-
sion, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.
(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disperse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the dispersal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).
(g) In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

Sec. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration 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 prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security check-points.
SEC. 336. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107–87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SEC. 337. For fiscal year 2003 only, Section 5307(b) of title 49, United States Code, is amended by striking the last sentence in paragraph (1), by redesignating paragraph (2) as paragraph (5), and by inserting after paragraph (1) the following:

“(2) The Secretary may make grants under this section from funds made available to carry out this section for fiscal year 2003, to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 decennial census of population if—

“(A) such urbanized area had a population of less than 200,000 as determined under the 1990 Federal decennial census of population;
“(B) a portion of the urbanized area was
a separate urbanized area with a population of
less than 200,000 as determined under the
1990 Federal decennial census of population; or
“(C) the area was not designated as an ur-
banized area as determined under the 1990
Federal decennial census of population.
“(3) Amounts made available pursuant to sub-
section (b)(2)(A) and (B) shall be no more than the
amount apportioned in fiscal year 2002 to the ur-
banized area with a population of less than 200,000
as determined in the 1990 Federal decennial census
of population.
“(4) Amounts made available pursuant to sub-
section (b)(2)(C)e shall be no more than the amount
apportioned under this section for fiscal year
2003.”.

Sec. 338. For an airport project that the Adminis-
trator of the Federal Aviation Administration (FAA) de-
termines will add critical airport capacity to the national
air transportation system, the Administrator is authorized
to accept funds from an airport sponsor, including entitle-
ment funds provided under the “Grants-in-Aid for Air-
ports” program, for the FAA to hire additional staff or
obtain the services of consultants: Provided, That the Ad-
ministrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 339. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and
(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

Sec. 340. 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 $10,000,000 of the funds allocated for innovative seat belt projects under Section 157 of title 23, United States Code, and $10,000,000 of funds allocated under Section 410 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to pur-
chase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving.

Sec. 341. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: Provided, That amounts received under this section may be credited to appropriate Coast Guard accounts.

Sec. 342. 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. 343. Insert the following new section at the end of chapter 53 of Title 49, United States Code:
“Sec. _____. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.”

Sec. 344. (a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) Methods of Funding.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-Aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.
(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

Sec. 345. None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Sec. 346. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

Sec. 347. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard “Acquisition,
construction, and improvements” shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency’s mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration’s pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such mis-
sion hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

Sec. 348. Of the funds made available in fiscal year 2003 in Section 1503 of Public Law 105–178, as amended, $115,000,000 shall instead be available for the programs authorized in Section 1101(a)(9) of such Act and $15,000,000 shall instead be made available for Section 1221 of such Act.

Sec. 349. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $5,162,000, which limits fiscal year 2003 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $126,617,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

Sec. 350. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in Section 350 of Public Law 107–87.

Sec. 351. From capital funds otherwise made available in this Act, there shall be transferred $69,000,000 to Federal Aviation Administration, Facilities and Equipment.
SEC. 352. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102–240) is amended—

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

(2) in paragraph (1), by striking “to any vehicle 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. 353. Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transpor-
tation Equity Act for the 21st Century (112 Stat. 315); (2) reconstruction of Cove Lane; and (3) planning, design, and construction of Port Access Road.

Sec. 354. The 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States is hereby amended by striking "$320,000,000" under the heading "Federal-Aid Highways", the only time it appears, and inserting "$120,000,000".

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2003".
A BILL

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

JULY 26, 2002
Read twice and placed on the calendar