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TRANSPORTATION EXTENSION ACT OF 2003

SEPTEMBER 24, 2003.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany S. 1640]

The Committee on Environment and Public Works, to which was referred the bill (S. 1640) to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, having considered the same, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

Background

The Transportation Equity Act for the 21st Century was enacted June 9, 1998 as Public Law 105-178. It authorized the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period between 1998-2003. The TEA-21 Restoration Act, enacted July 22, 1998, provided technical corrections to the original law.

TEA-21 was the successor of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which was landmark authorizing legislation for surface transportation. TEA-21 combined the continuation and improvement of ISTEA with new initiatives to meet greater challenges of improving mobility and safety, while protecting and enhancing the human and natural environments.

With the expiration of TEA-21, transportation remains a vital investment in the American economy. Present challenges make the

timely reauthorization of TEA-21 a top priority. According to a survey of the American Association of State Highway and Transportation Officials, a delay in passage of a full six-year reauthorization bill could compound state budget problems and result in delayed construction projects, added construction costs, and lost jobs. The Committee on Environment and Public Works is committed to completing a six-year comprehensive bill. In the interim, this short-term extension is necessary to continue the Federal surface transportation programs while work continues on the six-year bill. The extension authorizes funding for five months based on the 2004 budget resolution figures. This amounts to a 7 percent increase in highway funding over 2003 levels, which results in an estimated 100,000 new jobs. A comprehensive reauthorization bill drafted at \$255 billion over six years, as proposed by the Committee, will create approximately two million new jobs.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section designates the title of the bill as the “Transportation Extension Act of 2003”.

Sec. 2. Advances

SUMMARY

This section provides contract authority from the Highway Trust Fund for the apportioned programs.

DISCUSSION

Under subsection (a), the Secretary of Transportation shall apportion funds to each State in the ratio that: 1) the total fiscal year 2003 obligation authority of the State for funds apportioned for the Federal-aid program; bears to 2) the total fiscal year 2003 obligation authority for all States for funds apportioned for the Federal-aid highway program.

Subsection (b) identifies the programs to which funds are apportioned, including the Interstate Maintenance Program; National Highway System; Bridge Program; Surface Transportation Program; Congestion Mitigation and Air Quality, Recreational Trails; Appalachian Development Highway; and Minimum Guarantee. The amount that each State shall be apportioned shall be determined by multiplying:

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

(B) the ratio that (i) the amount of funds apportioned for the item to the State for fiscal year 2003; bears to (ii) the total of the amount of funds apportioned for all items under paragraph (1) to the State for fiscal year 2003.

Funds authorized for this Act, under subsection (d), shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, under title 23, United States Code; however, the deductions and set-asides in sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1) of title 23, United States Code, do not apply.

In carrying out the minimum guarantee program, the \$2,800,000,000 under section 105(c) of title 23, United States Code, is treated as being \$1,116,667,000 under this extension Act. The aggregate amount apportioned to the minimum guarantee program shall be treated as amounts under section 105.

Under subsection (c), the Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2004, under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program. The Secretary may establish procedures under which funds apportioned by this Act, and are not authorized under a subsequent law reauthorizing the Federal-aid highway program, may be restored to the Federal-aid highway program.

Subsection (d) amends section 1101 of the Transportation Equity Act for the 21st Century to authorize \$13,624,305,000 from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section 2(a) of this Act. Funds apportioned under section 2(a) are subject the obligation limitation and are available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subsection (e) provides obligation authority for the period of this Act. States will receive an amount of highway program obligation authority (i.e., made available under an appropriation Act for fiscal year 2004) equal to the greater of: 1) the State's unobligated balance of apportionments as of October 1, 2003 (except unobligated balances of contract authority from minimum guarantee and the Appalachian development highway system apportionments), or 2) 5/12ths of the State's total fiscal year 2003 obligation authority. In total, no State receives greater than 75 percent of its total fiscal year 2003 obligation authority. The bill sets an overall obligation limitation of \$14,771,286,000. Exempt from the limitation is \$266,250,000 for minimum guarantee. After February 29, 2004, States cannot obligate any funds until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program.

Subsection (f) amends section 110 of Title 23 so that the Revenue Aligned Budget Authority provision does not apply to funds provided under this Act.

Sec. 3. Transfer of Unobligated Apportionments

SUMMARY

This section provides the transfer of funds among apportionments.

DISCUSSION

This section allows States to transfer any funds apportioned to programs under section 104(b) of title 23, United States Code (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d) or section 144 of title 23, United States Code). The transfer provision applies to apportionments made available before, on, or after the date of enactment of this Act, that are subject to any limitation on obliga-

tions, and are not already obligated to any of the programs. After the enactment of a multiyear law reauthorizing the Federal-aid highway program, the Secretary shall restore any transferred funds that are eligible only under enactment of this Act will be restored to the program category from which the funds were transferred. The Committee encourages United States Department of Transportation to ensure that the states reconcile any transfers of funds within one year of enactment of the full, long-term reauthorization. It is the intent of the Committee to more closely follow the flexibility provisions in TEA 21 in the event of any subsequent extension to this program's authorization.

Sec. 4. Administrative Expenses

SUMMARY

This section provides contract authority for administrative expenses.

DISCUSSION

In lieu of deductions from other funding categories, the Act provides a set amount of \$187,500,000 from the Highway Trust Fund for administrative expenses of the Federal-aid Highway Program, for fiscal year 2004.

Sec. 5. Other Federal-Aid Highway Programs

SUMMARY

This section authorizes funds for allocated programs under this ActDiscussion

Subsection (a) authorizes funding for programs under Title I of the Transportation Equity Act for the 21st Century, at 5/12ths the level authorized for fiscal year 2003. Subsection (a)(1) authorizes funding for the Federal Lands Program (Indian reservation roads, public lands highways, park roads and parkways, and refuge roads). Subsection (a)(2) authorizes funding for the National Corridor Planning and Development and Coordinated Border Infrastructure Programs. Subsection (a)(3) authorizes funding for the Ferry Boat Program, and additional set-asides for Alaska, New Jersey, and Washington. Subsection (a)(4) authorizes funding for the National Scenic Byways Program. Subsection (a)(5) authorizes funding for Value Pricing Program. Subsection (a)(6) authorizes funding for the Highway Use Tax Evasion Program. Subsection (a)(7) authorizes funding for the Commonwealth of Puerto Rico Highway Program. Subsection (a)(8) authorizes funding for Transportation and Community and System Preservation Pilot Program. Subsection (a)(9) authorizes funding for the Transportation Infrastructure Finance and Innovation Program.

Subsection (b) authorizes funding for programs under Title V of the Transportation Equity Act for the 21st Century, at 5/12ths the level authorized for fiscal year 2003. Subsection (b)(1) authorizes funding for surface transportation research. Subsection (b)(2) authorizes funding for the technology deployment program. Subsection (b)(3) authorizes funding for training and education. Subsection (b)(4) authorizes funding for the Bureau of Transportation

Statistics. Subsection (b)(5) authorizes funding for ITS standards, research, operational test, and development. Subsection (b)(6) authorizes funding for the ITS deployment program. Subsection (b)(7) authorizes funding for university transportation research.

Subsection (c) authorizes a funding amount for metropolitan planning, in lieu of amounts deducted from other programs according to section 104 of title 23, United States Code. The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

Subsection (d) authorizes a funding amount for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, in lieu of the amounts deducted from other programs according to section 104(d)(1) of title 23, United States Code.

Section (e) authorizes a funding amount for operation lifesaver, in lieu of amounts deducted from other programs according to section 104 of title 23, United States Code.

Subsection (f) authorizes funding the bridge discretionary program.

Subsection (g) authorizes funding for the interstate maintenance program. The project selection criteria in section 118(c)(2) of title 23, United States Code, shall apply to amounts made available by this subsection.

Subsection (h) authorizes a funding amount for recreational trails administrative costs, in lieu of the amount set-aside from the recreational trails program under section 104(h)(1) of title 23, United States Code. The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

Subsection (i) authorizes a funding amount for railway-highway crossing hazard elimination, in lieu of the amount to be deducted according to section 104(d)(2) of title 23, United States Code.

Subsection (j) amends section 157 of title 23, United States Code to continue the incentive program for States to increase seat belt use rates. Change have been made to dates throughout the section to reflect the time period of the this Act. A provision is added to allow the Secretary to use amounts available under this subsection to make innovative project allocations, before making incentive grants.

Subsection (k) authorizes funding for the continuation of incentive grants to prevent the operation of motor vehicles by intoxicated drivers. A provision is added to indicate that amounts made available under this subsection shall be used to support national mobilization that target impaired drivers.

Subsection (l) authorizes a funding amount for the skills training program, in lieu of the amount deducted under section 104(b) of title 23, United States Code. This subsection also authorizes a funding amount for the on-the-job training program, in lieu of the amount deducted under section 104(c) of title 23, United States Code

According to subsection (m) funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be,

under title 23, United States Code (except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of title 23, United States Code, shall not apply to funds made available by the amendment made by subsection (a)(1)).

Subsection (n) requires the Secretary to reduce the amount that would be made available, but for this section, for fiscal year 2004 for allocation under a program, that is continued both by a law reauthorizing the program enacted after the date of enactment of this Act and by this section, by the amount made available for the program by this section.

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

Sec. 6. Sport Fishing and Boating Safety

SUMMARY

This section continues authorization for sport fishing and boat safety programs.

DISCUSSION

Subsection (a) authorizes funding for the continuation of outreach to increase participation in angling and boating while reminding boaters of the importance of clean aquatic habitat.

Subsection (b) authorizes funding for the continuation of the grant program for States to construct pumpout and dump stations to dispose of vessel sewage from recreational boaters.

LEGISLATIVE HISTORY

A bill, S. 1640, to provide and extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, was introduced by Senator Inhofe and 10 cosponsors on September 22, 2003. The bill extends the authority of TEA-21 until February 29, 2004. The Committee on Environment and Public Works considered the bill and ordered it reported to the Senate at a meeting on September 23, 2003.

ROLLCALL VOTES

On September 23, 2003, the Committee on Environment and Public Works considered S. 1640 and reported it to the Senate. A motion to report the was agreed to by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1640 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be provided to the Senate. That statement will be printed in the Congressional Record when it becomes available.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY

[Public Law 105-178]

[As Amended Through Public Law 107-142, Feb. 12, 2002]

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) * * *

* * * * *

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title \$225,000,000 for fiscal year 1998 and \$275,000,000 for each of fiscal years 1999 through 2003 *and \$114,583,000 for the period beginning October 1, 2003, and ending February 29, 2004 (except that the minimum amount made available for that period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be \$5,416,000 instead of \$13,000,000).*

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title \$196,000,000 for fiscal year 1998 and \$246,000,000 for each of fiscal years 1999 through 2003 *and \$102,500,000 for the period beginning October 1, 2003, and ending February 29, 2004.*

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title \$115,000,000 for fiscal year 1998 and \$165,000,000 for each of fiscal years 1999 through 2003 *and \$68,750,000 for the period beginning October 1, 2003, and ending February 29, 2004.*

(D) REFUGE ROADS.—For refuge roads under section 204 of such title \$20,000,000 for each of fiscal years 1999 through 2003 and \$8,333,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act \$140,000,000 for each of fiscal years 1999 through 2003 and \$58,333,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(10) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) \$30,000,000 for each of fiscal year 1998 and \$38,000,000 for each of fiscal years 1999 through 2003 for each of fiscal year 1998” and all that follows and inserting “for fiscal year 1998, \$38,000,000 for each of fiscal years 1999 through 2003, and \$15,833,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, \$23,500,000 for each of fiscal years 1998 and 1999, \$24,500,000 for each of fiscal years 2000 and 2001, and \$25,500,000 for fiscal year 2002, [and] \$26,500,000 for fiscal year 2003, and \$11,041,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) \$7,000,000 for fiscal year 1999, [and] \$11,000,000 for each of fiscal years 2000 through 2003, and \$4,583,000 for the period of October 1, 2003, through February 29, 2004.

* * * * *

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title \$10,000,000 for fiscal year 1998 and \$5,000,000 for each of fiscal years 1999 through 2003, and \$2,083,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act \$110,000,000 for fiscal years 1998 through 2003 and \$45,833,000 for the period beginning October 1, 2003, and ending February 29, 2004.

* * * * *

(c) ADVANCE AUTHORIZATION.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Transportation Extension Act of 2003 \$13,624,305,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(d) *TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.*—

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

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

(3) *CONTRACT AUTHORITY.*—Funds made available by this subsection shall be—

(A) available for obligation, except as provided in this section, in the same manner as if the funds were made available under section 188 of title 23, United States Code; and

(B) subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

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

(e) *METROPOLITAN PLANNING.*—

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

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

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

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

(B) shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(f) *TERRITORIES.*—

(1) *IN GENERAL.*—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass

Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands \$15,166,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(B) shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(g) OPERATION LIFESAVER.—

(1) IN GENERAL.—In lieu of the amount set aside under section 104(d)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under that section \$208,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(B) shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(h) BRIDGE DISCRETIONARY PROGRAM.—

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

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

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

(B) shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(i) INTERSTATE MAINTENANCE.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$41,666,000 to the Secretary to carry out projects described in section 118(c)(1) of title 23, United States Code, for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

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

(B) be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; and

(C) remain available until expended.

(j) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(h)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary to pay costs incurred by the Secretary described in that section \$312,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(B) shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(k) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATIONS IN HIGH SPEED RAIL CORRIDORS.—

(1) FUNDING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in lieu of the amount to be set aside under section 104(d)(2) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for elimination of hazards of railway-highway crossings in accordance with that section \$2,187,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(B) EXCEPTION.—Not less than \$104,000 (instead of \$250,000) shall be available for the period beginning October 1, 2003, and ending February 29, 2004, for eligible improvements described in section 104(d)(2)(E) of title 23, United States Code.

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

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

(B) be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(l) SEAT BELT SAFETY INCENTIVE GRANTS.—

(1) AUTHORIZATION.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, \$46,666,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(B) be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) *USE OF FUNDS.*—The Secretary may use amounts made available under this subsection to make innovative project allocations, not to exceed the amounts of such allocations made for fiscal year 2003, before making incentive grants for use of seat belts.

(m) *PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.*—

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

(2) *CONTRACT AUTHORITY.*—Funds made available by this subsection shall—

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

(B) be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; and

(C) remain available until expended.

(3) *USE OF FUNDS.*—

(A) *IN GENERAL.*—The amounts made available under this subsection shall be used to support national mobilizations that target impaired drivers, in cooperation with the State and nonprofit safety organizations that have been active participants in such mobilizations.

(B) *PROJECTS.*—Support under subparagraph (A) shall include—

(i) impaired driving enforcement grants;

(ii) broadcast advertising to be used as directed by the Secretary;

(iii) evaluation of the activities described in clauses (i) and (ii); and

(iv) a demonstration project to test new strategies or improvements in strategies in States in which the largest gains in reducing alcohol-related fatalities can be made, as determined by the Secretary.

(n) *NONDISCRIMINATION.*—

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

(2) *ON-THE-JOB TRAINING.*—In lieu of the amount to be deducted under section 140(c) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the admin-

istration of that section \$4,166,000 for the period beginning October 1, 2003, and ending February 29, 2004.

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

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

(B) be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; and

(C) remain available until expended.

* * * * *

SEC. 1214. FEDERAL ACTIVITIES.

(a) * * *

* * * * *

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through [2003] 2004 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

* * * * *

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) * * *

(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$20,000,000 for fiscal year [1999] 1999, and \$25,000,000 for each of fiscal years 2000 through 2003 and \$10,416,000 for the period beginning October 1, 2003, and ending February 29, 2004.

* * * * *

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) SURFACE TRANSPORTATION RESEARCH.—For carrying out sections 502, 506, 507, and 508 of title 23, United States Code, and section 5112 of this Act \$96,000,000 for fiscal year 1998, \$97,000,000 for fiscal year 1999, \$97,000,000 for fiscal year 2000, \$98,000,000 for fiscal year 2001, \$101,000,000 for fiscal year [2002, and] 2002, \$103,000,000 for fiscal year 2003 and \$42,916,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—To carry out section 503 of title 23, United States Code, \$35,000,000 for fiscal year 1998, \$35,000,000 for fiscal year 1999, \$40,000,000 for fiscal year 2000, \$45,000,000 for fiscal year 2001, \$45,000,000 for fiscal year [2002, and] 2002, \$50,000,000 for fiscal year 2003 and \$20,833,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(3) TRAINING AND EDUCATION.—For carrying out section 504 of title 23, United States Code, \$14,000,000 for fiscal year 1998, \$15,000,000 for fiscal year 1999, \$16,000,000 for fiscal year 2000, \$18,000,000 for fiscal year 2001, \$19,000,000 for fiscal year [2002, and] 2002, \$20,000,000 for fiscal year 2003 and \$8,333,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(4) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, \$31,000,000 for each of fiscal years 1998 through 2003, and \$12,916,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—For carrying out sections 5204, 5205, 5206, and 5207 of this Act \$95,000,000 for fiscal year 1998, \$95,000,000 for fiscal year 1999, \$98,200,000 for fiscal year 2000, \$100,000,000 for fiscal year 2001, \$105,000,000 for fiscal year [2002,] and \$110,000,000 for fiscal year 2003, and \$45,833,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(6) ITS DEPLOYMENT.—For carrying out sections 5208 and 5209 of this Act \$101,000,000 for fiscal year 1998, \$105,000,000 for fiscal year 1999, \$113,000,000 for fiscal year 2000, \$118,000,000 for fiscal year 2001, \$120,000,000 for fiscal year [2002,] 2002, and \$122,000,000 for fiscal year 2003, \$50,833,000 for the period beginning October 1, 2003, and ending February 29, 2004.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—For carrying out section 5505 of title 49, United States Code, \$25,650,000 for fiscal year 1998, \$25,650,000 for fiscal year 1999, \$27,250,000 for fiscal year 2000, \$27,250,000 for fiscal year 2001, \$26,500,000 for fiscal year [2002,] and \$26,500,000 for fiscal year 2003, \$11,041,000 for the period beginning October 1, 2003, and ending February 29, 2004.

* * * * *

DINGELL-JOHNSON SPORT FISH RESTORATION ACT

[Chapter 658, Approved Aug. 9, 1950, 64 Stat. 430]

[As Amended Through Public Law 107-136, Jan. 24, 2002]

AN ACT To provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

* * * * *
SEC. 4. (a) * * *

* * * * *
(b) USE OF BALANCE AFTER DISTRIBUTION.—

(1) * * * * *

(4) FIRST HALF OF FISCAL YEAR 2004.—For the period beginning October 1, 2003, and ending February 29, 2004, of the bal-

ance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$34,166,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

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

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

(C) The balance remaining after the application of subparagraphs (A) and (B) shall be—

(i) transferred to the Secretary of Transportation; and

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

[(4)] (5) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraph (A) of paragraph (2) and subparagraphs (A) and (B) of paragraph (3) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.

* * * * *
SEC. 4. (a) * * *

* * * * *
(b) USE OF BALANCE AFTER DISTRIBUTION.—
(1) * * *

* * * * *

(4) FIRST HALF OF FISCAL YEAR 2004.—For the period beginning October 1, 2003, and ending February 29, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$34,166,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

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

(B) \$3,333,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified

projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

(C) The balance remaining after the application of subparagraphs (A) and (B) shall be—

(i) transferred to the Secretary of Transportation; and

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

[(4)] (5) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraph (A) of paragraph (2) and subparagraphs (A) and (B) of paragraph (3) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.

(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

- (1) \$5,000,000 for fiscal year 1999;
- (2) \$6,000,000 for fiscal year 2000;
- (3) \$7,000,000 for fiscal year 2001;
- (4) \$8,000,000 for fiscal year 2002; **[and]**
- (5) \$10,000,000 for fiscal year 2003; *and*
- (6) \$4,166,000 for the period beginning October 1, 2003, and ending February 29, 2004;

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).

* * * * *

TITLE 23—HIGHWAYS

CHAPTER 1—FEDERAL-AID HIGHWAYS

SUBCHAPTER I—GENERAL PROVISIONS

Sec. 144. Highway bridge replacement and rehabilitation program

(a) * * *

* * * * *

(g) SET ASIDES.—

(1) DISCRETIONARY BRIDGE PROGRAM.—

(A) FISCAL YEARS 1992 THROUGH 1997.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, all but \$57,000,000 in the case of fiscal year 1992, \$68,000,000 in the case of fiscal years 1993 and 1994, and \$69,000,000 in the case of fiscal years 1995, 1996, and 1997 shall be apportioned as provided in subsection (e) of this section. \$49,000,000 in the case of fiscal year 1992, \$59,500,000 in the case of fiscal years 1993 and 1994, and

\$60,500,000 in the case of fiscal years 1995, 1996, and 1997 of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of \$49,000,000 in the case of fiscal year 1992, \$59,500,000 in the case of fiscal years 1993 and 1994, and \$60,500,000 in the case of fiscal years 1995, 1996, and 1997 shall be at the discretion of the Secretary, and \$8,500,000 per fiscal year (\$8,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991, relating to highway timber bridges.

* * * * *

(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987 through 2003 and in the period beginning October 1, 2003, and ending February 29, 2004, shall be expended for projects to replace, rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid highway when the Secretary determines that such State has inadequate needs to justify such expenditure.

* * * * *

Sec. 157. Safety incentive grants for use of seat belts

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

(3) National average seat belt use rate.—The term "national average seat belt use rate" means, in the case of each of calendar years 1996 through [2001] 2002, the national average seat belt use rate for that year, as determined by the Secretary.

* * * * *

(8) STATE SEAT BELT USE RATE.—The term "State seat belt use rate" means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

(B) for each of calendar years 1998 through [2001] 2002, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

(b) DETERMINATIONS BY THE SECRETARY.—Not later than September 1, 1998, and September 1 of each calendar year thereafter

through September 1, **[2002]** 2003, the Secretary shall determine—

* * * * *

(c) ALLOCATIONS.—

(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than October 1, 1998, and each October 1 thereafter through October 1, **[2002]** 2003, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

* * * * *

f) INNOVATIVE SEAT BELT PROJECT ALLOCATIONS.—

(1) IN GENERAL.—* * *

* * * * *

(4) ALLOCATION.—Not later than October 1, 1999, and each October 1 thereafter through October 1, **[2002]** 2003, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

* * * * *

(g) FUNDING.—

(1) IN GENERAL.—* * *

* * * * *

(3) USE OF UNALLOCATED FUNDS.—

(A) * * *

(B) FISCAL YEARS 2000 THROUGH **[2003]** 2004.—To the extent that the amounts made available for any of fiscal years 2000 through **[2003]** 2004 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).

