

I. GENERAL LEGISLATION

1. Commemorative Works Act Amendments

PUBLIC LAW 108-126—NOV. 17, 2003

117 STAT. 1348

Public Law 108-126
108th Congress

An Act

To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

Nov. 17, 2003

[H.R. 1442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE II—COMMEMORATIVE WORKS

SEC. 201. SHORT TITLE.

This title may be cited as the “Commemorative Works Clarification and Revision Act of 2003”.

SEC. 202. ESTABLISHMENT OF RESERVE.

(a) FINDINGS.—Congress finds that—

(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.

(b) RESERVE.—Section 8908 of title 40, United States Code, is amended by adding at the end the following:

“(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.”.

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) PURPOSES.—Section 8901(2) of title 40, United States Code, is amended by striking “Columbia;” and inserting “Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;”.

(b) DEFINITIONS.—Section 8902 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this chapter:

“(1) COMMEMORATIVE WORK.—The term ‘commemorative work’ means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

“(2) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term ‘the District of Columbia and its environs’ means those

District of Columbia.

117 STAT. 1349
Commemorative Works Clarification and Revision Act of 2003.
40 USC 101 note.

40 USC 8901 note.

117 STAT. 1350

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lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.

“(3) RESERVE.—The term ‘Reserve’ means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

“(4) SPONSOR.—The term ‘sponsor’ means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.”.

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”; and

(B) by striking “the event” and inserting “such war or conflict”;

(2) in subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

(B) by striking “House Administration” and inserting “Resources”; and

(C) by inserting “Advisory” before “Commission”; and

(3) by striking subsection (e) and inserting the following:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

117 STAT. 1351

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117 STAT. 1351

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended—

Government
organization.

(1) in the heading, by inserting “**Advisory**” before “**Commission**”;

(2) in subsection (a), by striking “There is a National” and all that follows through “consists of” and inserting the following: “There is established the National Capital Memorial Advisory Commission, which shall be composed of”;

(3) in subsection (c)—

(A) by inserting “Advisory” before “Commission shall”;

and

(B) by striking “Services” and inserting “Services (as appropriate)”;

(4) in subsection (d) by inserting “Advisory” before “Commission”.

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “person” each place it appears and inserting “sponsor”;

(B) in paragraph (1)—

(i) by inserting “Advisory” before “Commission”;

and

(ii) by striking “designs” and inserting “design concepts”;

(2) in subsection (b)—

(A) by striking “Secretary, and Administrator” and inserting “and the Secretary or Administrator (as appropriate)”;

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended—

(1) in subsection (a)(3) and (a)(4) by striking “person” and inserting “sponsor”;

(2) by striking subsection (b) and inserting the following:

“(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVA-

TION.—

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

117 STAT. 1352

117 STAT. 1352

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“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking “Secretary of the Interior and Administrator of General Services” and inserting “Secretary of the Interior or the Administrator of General Services (as appropriate)”; and

(2) by striking “numbered 869/86581, and dated May 1, 1986” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003”.

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905(b) of title 40, United States Code (as amended by section 203(e)), is amended by adding at the end the following:

“(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

“(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.”.

117 STAT. 1353

40 USC 8901
note.

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title.

Deadline.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within 6 months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources

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of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate, as soon as practicable after the date of enactment of this Act, the National Park Service's stable and maintenance facilities that are within the Reserve (as defined in section 8902 of title 40, United States Code).

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

Approved November 17, 2003.

LEGISLATIVE HISTORY—H.R. 1442:

HOUSE REPORTS: No. 108–295 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 15, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Nov. 6, House concurred in Senate amendment.

2. Competitive Sourcing

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

Public Law 108–108 108th Congress

An Act

Nov. 10, 2003
[H.R. 2691]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

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117 STAT. 1302

TITLE III—GENERAL PROVISIONS

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117 STAT. 1315
31 USC 501 note.

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

Applicability.

(2) Paragraph (1) applies to programs, projects, and activities—
(A) of the Department of the Interior for which funds are appropriated by this Act;
(B) of the Forest Service; and
(C) of the Department of Energy for which funds are appropriated by this Act.

Deadline.
31 USC 501 note.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

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117 STAT. 1315

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

117 STAT. 1316
Deadline.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is \$500,000; and

(ii) with respect to the Department of the Interior is \$2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than \$5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

117 STAT. 1317

31 USC 501 note.

PUBLIC LAW 108–108—NOV. 10, 2003

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Nov. 10, Presidential statement.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54
109th Congress

An Act

Aug. 2, 2005
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

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119 STAT. 549

TITLE IV—GENERAL PROVISIONS

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119 STAT. 554

SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than \$3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel,

PUBLIC LAW 109-54—AUG. 2, 2005

119 STAT. 554

consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires. 119 STAT. 555

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This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”. 119 STAT. 564

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109-80 (Comm. on Appropriations) and 109-188 (Comm. of Conference).

SENATE REPORTS: No. 109-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27-29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

3. Concessions

118 STAT. 2809

PUBLIC LAW 108-447—DEC. 8, 2004

Public Law 108-447
108th Congress

An Act

Dec. 8, 2004
[H.R. 4818]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Consolidated
Appropriations
Act, 2005.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

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118 STAT. 2810
1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

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118 STAT. 3039
Department of
the Interior and
Related Agencies
Appropriations
Act, 2005.

**DIVISION E—DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES APPROPRIATIONS ACT, 2005**

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

118 STAT. 3050

ADMINISTRATIVE PROVISIONS

Expiration date.
Reports.

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3050

of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

118 STAT. 3051

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

Deadline.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

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Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

4. Federal Employees

118 STAT. 3

PUBLIC LAW 108–199—JAN. 23, 2004

Public Law 108–199
108th Congress

An Act

Jan. 23, 2004
[H.R. 2673]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Consolidated
Appropriations
Act, 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

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118 STAT. 4
1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

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118 STAT. 434
7 USC 136a note.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Miscellaneous
Appropriations
and Offsets Act,
2004.

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

* * * * *

118 STAT. 445

SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA. Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following:

“(c) PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.—

“(1) DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

“(2) PAYMENTS.—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

“(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected

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by the surviving head of household of the deceased employee;

“(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.”.

* * * * *

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004” 118 STAT. 457

Approved January 23, 2004.

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.
 Nov. 5, 6, considered and passed Senate, amended.
 Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):
 Jan. 23, Presidential statement.

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PUBLIC LAW 108–411—OCT. 30, 2004

Public Law 108–411
108th Congress

An Act

Oct. 30, 2004
[S. 129]

To provide for reform relating to Federal employment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal
Workforce
Flexibility Act of
2004.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

5 USC 101 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Workforce Flexibility Act of 2004”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL
MANAGEMENT**

Sec. 101. Recruitment, relocation, and retention bonuses.

Sec. 102. Streamlined critical pay authority.

**TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER
DEVELOPMENT AND BENEFITS**

Sec. 201. Agency training.

Sec. 202. Annual leave enhancements.

Sec. 203. Compensatory time off for travel.

TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION

Sec. 301. Corrections relating to pay administration.

Sec. 302. Technical corrections.

**TITLE I—REFORMS RELATING TO FED-
ERAL HUMAN CAPITAL MANAGEMENT**

SEC. 101. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

(a) **BONUSES.**—

(1) **IN GENERAL.**—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

“§ 5753. Recruitment and relocation bonuses

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

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“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a bonus under this section to an individual only if—

“(1) the position to which such individual is appointed (as described in paragraph (2)(A)) or to which such individual moves or must relocate (as described in paragraph (2)(B)) is likely to be difficult to fill in the absence of such a bonus; and

“(2) the individual—

“(A) is newly appointed as an employee of the Federal Government; or

“(B)(i) is currently employed by the Federal Government; and

“(ii)(I) moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

“(II) must relocate to accept a position in a different geographic area.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not longer than 4 years. The Office may, by regulation, prescribe a minimum service period for purposes of this section.

Contracts.

“(2)(A) The agreement shall include—

“(i) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(C) The required service period shall commence upon the commencement of service with the agency or movement to a new position or geographic area, as applicable, unless the service agreement provides for a later commencement date in circumstances and to the extent allowable under regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of

basic pay of the employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year, as determined under regulations of the Office) in the required service period of the employee involved.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full period of service required by the agreement, or in a combination of these forms of payment.

“(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

“(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

“(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the maximum bonus allowable shall—

“(1) be equal to the maximum that would be determined if subsection (d)(1) were applied by substituting ‘50’ for ‘25’; but

“(2) in no event exceed 100 percent of the annual rate of basic pay of the employee at the beginning of the service period.

Nothing in this subsection shall be considered to permit the waiver of any requirement under subsection (c).

“(f) The Office shall require that an agency establish a plan for the payment of recruitment bonuses before paying any such bonuses, and a plan for the payment of relocation bonuses before paying any such bonuses, subject to regulations prescribed by the Office.

“(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a bonus under this section in appropriate circumstances when the agreed-upon service period has not been completed.

“§ 5754. Retention bonuses

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee if—

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“(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee’s services makes it essential to retain the employee; and

“(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

“(A) the Federal service; or

“(B) for a different position in the Federal service under conditions described in regulations of the Office.

“(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

“(d)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

Contracts.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

“(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

Notices.

“(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

“(e)(1) Except as provided in subsection (f), a retention bonus, which shall be stated as a percentage of the employee’s basic pay for the service period associated with the bonus, may not exceed—

“(A) 25 percent of the employee’s basic pay if paid under subsection (b); or

“(B) 10 percent of an employee’s basic pay if paid under subsection (c).

“(2)(A) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single

lump sum at the end of the full period of service required by the agreement.

“(B) An installment payment is derived by multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee.

“(C) If the installment payment percentage established for the employee is less than the bonus percentage rate established for the employee, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

“(D) For purposes of this paragraph, the bonus percentage rate established for an employee means the bonus percentage rate established for such employee in accordance with paragraph (1) or subsection (f), as the case may be.

“(3) A retention bonus is not part of the basic pay of an employee for any purpose.

“(f) Upon the request of the head of an agency, the Office may waive the limit established under subsection (e)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

“(g) The Office shall require that, before paying any bonuses under this section, an agency shall establish a plan for the payment of any such bonuses, subject to regulations prescribed by the Office.

“(h) The Office may prescribe regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following: “5754. Retention bonuses.”.

(3) SENSE OF CONGRESS.—It is the sense of the Congress that the Director of the Office of Personnel Management—

(A) should, each time a bonus is paid under the amendment made by paragraph (1) to recruit or relocate a Federal employee from one Government agency to another within the same geographic area or to retain a Federal employee who might otherwise leave one Government agency for another within the same geographic area, be notified of that payment within 60 days after the date on which such bonus is paid; and

(B) should monitor the payment of such bonuses (in the circumstances described in subparagraph (A)) to ensure that they are an effective use of the Federal Government’s funds and have not adversely affected the ability of those Government agencies that lost employees to other Government agencies (in such circumstances) to carry out their mission.

(b) RELOCATION PAYMENTS.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) REPORTS.—

(1) RECRUITMENT AND RELOCATION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform

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of the House of Representatives annually, for each of the first 5 years during which section 5753 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency and each type of bonus under such section—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to individuals who moved between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

(2) RETENTION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives annually, for each of the first 5 years during which section 5754 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to prevent individuals from moving between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to

5 USC 5753 note.

be subject to such section as in effect on the day before such effective date.

(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to such section as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

SEC. 102. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking “Office of Personnel Management” each place it appears and inserting “Office of Management and Budget”;

(2) by striking “Office of Management and Budget” each place it appears and inserting “Office of Personnel Management”;

(3) in subsection (g), by striking “prescribing regulations under this section or”; and

(4) in subsection (h), by striking “Committee on Post Office and Civil Service” and inserting “Committee on Government Reform”.

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

SEC. 201. AGENCY TRAINING.

(a) TRAINING TO ACCOMPLISH PERFORMANCE PLANS AND STRATEGIC GOALS.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

“(c) The head of each agency shall, on a regular basis—

“(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

“(2) modify such program or plan as needed to accomplish such plans and goals.”.

(b) SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4120 the following:

“§ 4121. Specific training programs

“In consultation with the Office of Personnel Management, the head of each agency shall establish—

“(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

“(A) relating to employees with unacceptable performance;

“(B) mentoring employees and improving employee performance and productivity; and

“(C) conducting employee performance appraisals.”.

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(2) CLERICAL AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

“4121. Specific training programs.”.

SEC. 202. ANNUAL LEAVE ENHANCEMENTS.

(a) CREDITABILITY OF PRIOR NONGOVERNMENTAL SERVICE FOR PURPOSES OF DETERMINING RATE OF LEAVE ACCRUAL.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

“(e)(1) Not later than 180 days after the date of the enactment of this subsection, the Office of Personnel Management shall prescribe regulations under which, for purposes of determining years of service under subsection (a), credit shall, in the case of a newly appointed employee, be given for any prior service of such employee that would not otherwise be creditable for such purposes, if—

Deadline.
Regulations.

“(A) such service—

“(i) was performed in a position the duties of which directly relate to the duties of the position to which such employee is so appointed; and

“(ii) meets such other requirements as the Office may prescribe; and

“(B) in the judgment of the head of the appointing agency, the application of this subsection is necessary in order to achieve an important agency mission or performance goal.

“(2) Service described in paragraph (1)—

“(A) shall be creditable, for the purposes described in paragraph (1), as of the effective date of the employee’s appointment; and

“(B) shall not thereafter cease to be so creditable, unless the employee fails to complete a full year of continuous service with the agency.

“(3) An employee shall not be eligible for the application of paragraph (1) on the basis of any appointment if, within 90 days before the effective date of such appointment, such employee has held any position in the civil service.”.

(2) CONFORMING AMENDMENT.—The second sentence of section 6303(a) of title 5, United States Code, is amended by striking the period and inserting “, and for all service which is creditable by virtue of subsection (e).”.

(b) OTHER ANNUAL LEAVE ENHANCEMENTS.—Section 6303 of title 5, United States Code, is amended by adding after subsection (e) (as added by subsection (a)) the following:

“(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who holds a position which is subject to—

“(1) section 5376 or 5383; or

“(2) a pay system equivalent to either of the foregoing, as determined by the Office of Personnel Management.”.

(c) APPLICABILITY.—None of the amendments made by subsection (a) shall apply in the case of any employee holding a position pursuant to an appointment made before the effective date of the regulations implementing such amendments.

5 USC 6303 note.

SEC. 203. COMPENSATORY TIME OFF FOR TRAVEL.

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

“§ 5550b. Compensatory time off for travel

“(a) Notwithstanding section 5542(b)(2), each hour spent by an employee in travel status away from the official duty station of the employee, that is not otherwise compensable, shall be treated as an hour of work or employment for purposes of calculating compensatory time off.

“(b) An employee who has any hours treated as hours of work or employment for purposes of calculating compensatory time under subsection (a), shall not be entitled to payment for any such hours that are unused as compensatory time.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5550a the following:

“5550b. Compensatory time off for travel.”.

5 USC 5550b
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION

SEC. 301. CORRECTIONS RELATING TO PAY ADMINISTRATION.

(a) IN GENERAL.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5302, by striking paragraph (8) and inserting the following:

“(8) the term ‘rates of pay under the General Schedule’, ‘rates of pay for the General Schedule’, or ‘scheduled rates of basic pay’ means the rates of basic pay under the General Schedule as established by section 5332, excluding pay under section 5304 and any other additional pay of any kind; and”;

(2) in section 5305—

(A) by striking subsection (a) and inserting the following:

“(a)(1) Whenever the Office of Personnel Management finds that the Government’s recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped due to any of the circumstances described in subsection (b), the Office may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 or similar provision of law) for the grade or level by

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more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule. In the case of individuals not subject to the provisions of this title governing appointment in the competitive service, the President may designate another agency to authorize special rates under this section.

“(2) The head of an agency may determine that a category of employees of the agency will not be covered by a special rate authorization established under this section. The head of an agency shall provide written notice to the Office of Personnel Management (or other agency designated by the President to authorize special rates under the last sentence of paragraph (1)) which identifies the specific category or categories of employees that will not be covered by special rates authorized under this section. If the head of an agency removes a category of employees from coverage under a special rate authorization after that authorization takes effect, the loss of coverage will take effect on the first day of the first pay period after the date of the notice.”;

Notification.

Effective date.

(B) in subsection (b), by striking paragraph (4) and inserting the following:

“(4) any other circumstances which the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) considers appropriate.”;

(C) in subsection (d)—

(i) by striking “President” and inserting “Office of Personnel Management”; and

(ii) by striking “or by such agency as he may designate” and inserting “(or by such other agency as the President may designate under the last sentence of subsection (a)(1))”;

(D) in subsection (e), by striking “basic pay” and inserting “pay”;

(E) by striking subsection (f) and inserting the following:

“(f) When a schedule of special rates established under this section is adjusted under subsection (d), a covered employee’s special rate will be adjusted in accordance with conversion rules prescribed by the Office of Personnel Management (or by such other agency as the President may under the last sentence of subsection (a)(1) designate).”;

(F) in subsection (g)(1)—

(i) by striking “basic pay” and inserting “pay”; and

(ii) by striking “President (or his designated agency)” and inserting “Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate)”;

(G) by striking subsection (h) and inserting the following:

“(h) An employee shall not for any purpose be considered to be entitled to a rate of pay established under this section with respect to any period for which such employee is entitled to a higher rate of basic pay under any other provision of law. For purposes of this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 or similar provision of law.”; and

(H) by adding at the end the following:

“(i) If an employee who is receiving a rate of pay under this section becomes subject, by virtue of moving to a new official duty station, to a different pay schedule, such employee’s new rate of pay shall be initially established under conversion rules prescribed by the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) in conformance with the following:

“(1) First, determine the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move.

“(2) Then, if (in addition to the change in pay schedule) the move also involves any personnel action or other change requiring a rate adjustment under any other provision of law, rule, or regulation, apply the applicable rate adjustment provisions, treating the rate determined under paragraph (1) as if it were the rate last received by the employee before the rate adjustment.

“(j) A rate determined under a schedule of special rates established under this section shall be considered to be part of basic pay for purposes of subchapter III of chapter 83, chapter 84, chapter 87, subchapter V of chapter 55, and section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.”;

(3) in section 5334—

(A) in subsection (b), by adding at the end the following: “If an employee’s rate after promotion or transfer is greater than the maximum rate of basic pay for the employee’s grade, that rate shall be treated as a retained rate under section 5363. The Office of Personnel Management shall prescribe by regulation the circumstances under which and the extent to which special rates under section 5305 (or similar provision of law) or locality-adjusted rates under section 5304 (or similar provision of law) are considered to be basic pay in applying this subsection.”; and

(B) by adding at the end the following:

“(g) In the case of an employee who—

“(1) moves to a new official duty station, and

“(2) by virtue of such move, becomes subject to a different pay schedule,

any rate adjustment under the preceding provisions of this section, with respect to such employee in connection with such move, shall be made—

“(A) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move, and

“(B) then, by applying the provisions of this section that would otherwise apply (if any), treating the rate determined under subparagraph (A) as if it were the rate last received by the employee before the rate adjustment.”;

(4) in section 5361—

(A) by amending paragraph (4) to read as follows:

“(4) ‘rate of basic pay’ means—

“(A) the rate of basic pay payable to an employee under law or regulations before any deductions or additions of any kind, but including—

Regulations.

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“(i) any applicable locality-based comparability payment under section 5304 or similar provision of law;

“(ii) any applicable special pay under section 5305 or similar provision of law; and

“(iii) subject to such regulations as the Office of Personnel Management may prescribe, any applicable existing retained rate of pay established under section 5363 or similar provision of law; and

“(B) in the case of a prevailing rate employee, the scheduled rate of pay determined under section 5343;”;

(B) in paragraph (6), by striking “and” at the end;

(C) in paragraph (7), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(8) ‘retained rate’ means the rate of basic pay to which an employee is entitled under section 5363(b)(2).”;

(5) in section 5363—

(A) in subsection (a), by striking the matter following paragraph (4) and inserting the following:

“is entitled to a rate of basic pay in accordance with regulations prescribed by the Office of Personnel Management in conformity with the provisions of this section.”; and

(B) by striking subsections (b) and (c) and inserting the following:

“(b)(1)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is less than or equal to the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at the lowest rate of basic pay payable for such grade that equals or exceeds such former rate of basic pay.

“(B) This section shall cease to apply to an employee to whom subparagraph (A) applies once the appropriate rate of basic pay has been determined for such employee under this paragraph.

“(2)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is greater than the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at a rate equal to the lesser of—

“(i) the employee’s former rate of basic pay; or

“(ii) 150 percent of the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved,

as adjusted by subparagraph (B).

“(B) A rate to which an employee is entitled under this paragraph shall be increased at the time of any increase in the maximum rate of basic pay payable for the grade of the employee’s position by 50 percent of the dollar amount of each such increase.

“(3) For purposes of this subsection, the term ‘former rate of basic pay’, as used with respect to an employee in connection with an event described in subsection (a), means the rate of basic pay last received by such employee before the occurrence of such event.

“(c)(1) Notwithstanding any other provision of this section, in the case of an employee who—

118 STAT. 2317

PUBLIC LAW 108-411—OCT. 30, 2004

“(A) moves to a new official duty station, and

“(B) in conjunction with such move, becomes subject to both a different pay schedule and (disregarding this subsection) the preceding provisions of this section, this section shall be applied—

“(i) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the pay range) before the move, and

“(ii) then, by applying the provisions of this section that would apply (if any), treating the rate determined under clause (i) as if it were the rate last received by the employee before the application of this section.

“(2) A reduction in an employee’s rate of basic pay resulting from a determination under paragraph (1)(ii) is not a basis for an entitlement under this section.

“(3) The rate of basic pay for an employee who is receiving a retained rate at the time of moving to a new official duty station at which different pay schedules apply shall be subject to regulations prescribed by the Office of Personnel Management consistent with the purposes of this section.

“(d) A retained rate shall be considered part of basic pay for purposes of this subchapter and for purposes of subchapter III of chapter 83, chapters 84 and 87, subchapter V of chapter 55, section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe. The Office shall, for any purpose other than any of the purposes referred to in the preceding sentence, prescribe by regulation what constitutes basic pay for employees receiving a retained rate.

Regulations.

“(e) This section shall not apply, or shall cease to apply, to an employee who—

“(1) has a break in service of 1 workday or more;

“(2) is entitled, by operation of this subchapter, chapter 51 or 53, or any other provision of law, to a rate of basic pay which is equal to or higher than, or declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than, the retained rate to which the employee would otherwise be entitled; or

“(3) is demoted for personal cause or at the employee’s request.”; and

(6) in section 5365(b), by inserting after “provisions of this subchapter” the following: “(subject to any conditions or limitations the Office may establish)”.

(b) SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS.—Section 403(c) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note) is amended by striking all after “provision of law” and inserting “and shall be basic pay for all purposes. The rates shall be adjusted at the time of adjustments in the General Schedule to maintain the step linkage set forth in subsection (b)(2).”.

(c) REPEAL.—Section 4505a(a)(2) of title 5, United States Code, is amended—

(1) by striking “(2)(A)” and inserting “(2)”; and

(2) by striking subparagraph (B).

(d) EFFECTIVE DATE; CONVERSION RULES.—

5 USC 5363 note.

PUBLIC LAW 108-411—OCT. 30, 2004

118 STAT. 2318

(1) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) **CONVERSION RULES.**—

(A) **INDIVIDUALS RECEIVING A RETAINED RATE OR A RATE GREATER THAN THE MAXIMUM RATE FOR THE GRADE.**—Subject to any regulations the Office of Personnel Management may prescribe, an employee under a covered pay schedule who, on the day before the effective date of this section, is receiving a retained rate under section 5363 of title 5, United States Code, or is receiving under similar authority a rate of basic pay that is greater than the maximum rate of basic pay payable for the grade of the employee's position shall have that rate converted as of the effective date of this section, and the employee shall be considered to be receiving a retained rate under section 5363 of such title (as amended by this section). The newly applicable retained rate shall equal the formerly applicable retained rate as adjusted to include any applicable locality-based payment under section 5304 of title 5, United States Code, or similar provision of law.

(B) **DEFINITION.**—For purposes of this paragraph, the term “covered pay schedule” has the meaning given such term by section 5361 of title 5, United States Code.

SEC. 302. TECHNICAL CORRECTIONS.

(a)(1) Section 5304 of title 5, United States Code, as amended by section 1125 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), is amended—

(A) in subsection (g)(2)(A), by striking “(A)–(D)” and inserting “(A)–(C)”; and

(B) in subsection (h)(2)(B)(i), by striking “or (vii)” and inserting “or (vi)”.

(2) The amendments made by this subsection shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

Effective date.
5 USC 5304 note.

118 STAT. 2319

PUBLIC LAW 108-411—OCT. 30, 2004

(b) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Administrator of the Office of Electronic Government.”.

Approved October 30, 2004.

LEGISLATIVE HISTORY—S. 129:

HOUSE REPORTS: No. 108-733 (Comm. on Government Reform).

SENATE REPORTS: No. 108-223 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Apr. 8, considered and passed Senate.

Oct. 6, considered and passed House, amended.

Oct. 11, Senate concurred in House amendment.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 2809

Public Law 108-447
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004
[H.R. 4818]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

* * * * *

SEC. 3. REFERENCES.

118 STAT. 2810
1 USC 1 note.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

* * * * *

DIVISION J—OTHER MATTERS

118 STAT. 3341

TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

Miscellaneous
Appropriations
and Offsets Act,
2005.

* * * * *

SEC. 111. (a) The head of each Federal agency or department shall—

118 STAT. 3344
Government
employees.
36 USC 106 note.

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code, is amended—

118 STAT. 3345

(1) in section 106—

(A) in the heading, by inserting “Constitution Day and” before “Citizenship Day”;

(B) in subsection (a), by striking “is Citizenship Day.” and inserting “is designated as Constitution Day and Citizenship Day.”;

(C) in subsection (b)—

(i) by inserting “Constitution Day and” before “Citizenship Day”;

(ii) by striking “commemorates” and inserting “commemorate”; and

118 STAT. 3345

PUBLIC LAW 108-447—DEC. 8, 2004

(iii) by striking “recognizes” and inserting “recognize”;

(D) in subsection (c), by inserting “Constitution Day and” before “Citizenship Day” both places such term appears; and

(E) in subsection (d), by inserting “Constitution Day and” before “Citizenship Day”; and

(2) in the item relating to section 106 of the table of contents, by inserting “Constitution Day and” before “Citizenship Day”.

(d) This section shall be without fiscal year limitation.

* * * * *

118 STAT. 3466

Approved December 8, 2004.

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

5. Federal Law Enforcement

PUBLIC LAW 108–196—DEC. 19, 2003

117 STAT. 2896

Public Law 108–196
108th Congress**An Act**

To provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

Dec. 19, 2003
[S. 1683]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Law Enforcement Pay and Benefits Parity Act of 2003”.

Federal Law
Enforcement Pay
and Benefits
Parity Act of
2003.
Inter-
governmental
relations.
5 USC 101 note.

SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.

(a) DEFINITION.—In this section, the term “law enforcement officer” means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

Deadline.

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.

5 USC 3371 note.

(a) DEFINITIONS.—In this section—

(1) the term “employing agency” means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term “participating employee” means an employee who is participating in the Program; and

(3) the term “Program” means the employee exchange program established under subsection (b).

117 STAT. 2897

PUBLIC LAW 108–196—DEC. 19, 2003

President.

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(e) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

Approved December 19, 2003.

LEGISLATIVE HISTORY—S. 1683:

SENATE REPORTS: No. 108–207 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 149 (2003):

Nov. 25, considered and passed Senate.

Dec. 8, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 19, Presidential statement.

PUBLIC LAW 108–277—JULY 22, 2004

118 STAT. 865

Public Law 108–277
108th Congress

An Act

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

July 22, 2004
[H.R. 218]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Law Enforcement
Officers Safety
Act of 2004.
18 USC 921 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act of 2004”.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency;

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

“(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

PUBLIC LAW 108-277—JULY 22, 2004

118 STAT. 867

“(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

“(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(7) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is—

“(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

“(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

“(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

Approved July 22, 2004.

LEGISLATIVE HISTORY—H.R. 218 (S. 253):

HOUSE REPORTS: No. 108-560 (Comm. on the Judiciary).

SENATE REPORTS: No. 108-29 accompanying S. 253 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 23, considered and passed House.

July 7, considered and passed Senate.

6. Fee Authority

117 STAT. 1241

PUBLIC LAW 108–108—NOV. 10, 2003

Public Law 108–108
108th Congress

An Act

Nov. 10, 2003
[H.R. 2691]Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2004, and for other purposes.Department of
the Interior and
Related Agencies
Appropriations
Act, 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

* * * * *

117 STAT. 1302

TITLE III—GENERAL PROVISIONS

* * * * *

117 STAT. 1309

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 4601–6a note), is amended—

- (1) by striking “September 30, 2004” and inserting “December 31, 2005”; and
(2) by striking “2007” and inserting “2008”.

* * * * *

117 STAT. 1321

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):

HOUSE REPORTS: Nos. 108–195 (Comm. on Appropriations) and 108–330 (Comm. of Conference).

SENATE REPORTS: No. 108–89 accompanying S. 1391 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 16, 17, considered and passed House.
Sept. 17, 18, 22, 23, considered and passed Senate, amended.
Oct. 30, House agreed to conference report.
Nov. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):
Nov. 10, Presidential statement.

PUBLIC LAW 108–447—DEC. 8, 2004

118 STAT. 2809

Public Law 108–447
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004
[H.R. 4818]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated
Appropriations
Act, 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

* * * * *

SEC. 3. REFERENCES.

118 STAT. 2810
1 USC 1 note.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

* * * * *

DIVISION J—OTHER MATTERS

118 STAT. 3341

* * * * *

VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

118 STAT. 3377
Federal Lands
Recreation
Enhancement
Act.
16 USC 6801
note.

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.
- Sec. 812. Enforcement and protection of receipts.
- Sec. 813. Repeal of superseded admission and use fee authorities.
- Sec. 814. Relation to other laws and fee collection authorities.
- Sec. 815. Limitation on use of fees for employee bonuses.

SEC. 802. DEFINITIONS.

16 USC 6801.

In this Act:

(1) **STANDARD AMENITY RECREATION FEE.**—The term “standard amenity recreation fee” means the recreation fee authorized by section 3(f).

118 STAT. 3377

PUBLIC LAW 108-447—DEC. 8, 2004

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by section 3(g).

(3) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

118 STAT. 3378

(4) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) **FEDERAL RECREATIONAL LANDS AND WATERS.**—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 5.

(7) **PASSHOLDER.**—The term “passholder” means the person who is issued a recreation pass.

(8) **RECREATION FEE.**—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) **RECREATION PASS.**—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 5.

(10) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(11) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) **SPECIAL ACCOUNT.**—The term “special account” means the special account established in the Treasury under section 7 for a Federal land management agency.

(13) **SPECIAL RECREATION PERMIT FEE.**—The term “special recreation permit fee” means the fee authorized by section 3(h).

16 USC 6802.

SEC. 803. RECREATION FEE AUTHORITY.

(a) **AUTHORITY OF SECRETARY.**—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) **BASIS FOR RECREATION FEES.**—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

PUBLIC LAW 108-447—DEC. 8, 2004

118 STAT. 3378

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs. 118 STAT. 3379

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar

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permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

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(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

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- (1) A National Conservation Area.
- (2) A National Volcanic Monument.
- (3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.
- (4) An area—
 - (A) that provides significant opportunities for outdoor recreation;
 - (B) that has substantial Federal investments;
 - (C) where fees can be efficiently collected; and
 - (D) that contains all of the following amenities:
 - (i) Designated developed parking.
 - (ii) A permanent toilet facility.
 - (iii) A permanent trash receptacle.
 - (iv) Interpretive sign, exhibit, or kiosk.
 - (v) Picnic tables.
 - (vi) Security services.

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(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
 - (i) Tent or trailer spaces.
 - (ii) Picnic tables.
 - (iii) Drinking water.
 - (iv) Access roads.
 - (v) The collection of the fee by an employee or agent of the Federal land management agency.
 - (vi) Reasonable visitor protection.
 - (vii) Refuse containers.
 - (viii) Toilet facilities.
 - (ix) Simple devices for containing a campfire.
- (B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.
- (C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.
- (D) Use of hookups for electricity, cable, or sewer.
- (E) Use of sanitary dump stations.
- (F) Participation in an enhanced interpretive program or special tour.

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(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets.

(ii) Refuse containers.

(iii) Picnic areas.

(iv) Paved parking.

(v) Attendants, including lifeguards.

(vi) Floats encompassing the swimming area.

(vii) Swimming deck.

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(h) **SPECIAL RECREATION PERMIT FEE.**—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

16 USC 6803.

SEC. 804. PUBLIC PARTICIPATION.

(a) **IN GENERAL.**—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act.

Federal Register,
publication.

(b) **ADVANCE NOTICE.**—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

(c) **PUBLIC INVOLVEMENT.**—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

Guidelines.

(1) establishing guidelines for public involvement;

(2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and

(3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

Federal Register,
publication.(d) **RECREATION RESOURCE ADVISORY COMMITTEE.**—(1) **ESTABLISHMENT.**—

(A) **AUTHORITY TO ESTABLISH.**—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) **NUMBER OF COMMITTEES.**—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act.

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(C) EXCEPTION.—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) USE OF OTHER ENTITIES.—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

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(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

Deadline.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

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(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

(V) Hunting and fishing.

(ii) Three persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) TERM.—

(A) LENGTH OF TERM.—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) EFFECT OF UNEXPECTED VACANCY.—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) QUORUM.—Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) APPROVAL PROCEDURES.—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

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(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

(A) NOTICE OF MEETINGS.—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

Newspaper, publication.
Federal Register, publication.

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

Public information.

(12) FEDERAL ADVISORY COMMITTEE ACT.—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

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(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.

SEC. 805. RECREATION PASSES.

16 USC 6804.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

Federal Register, publication.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

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(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section 6.

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(C) MARKETING.—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) ADMINISTRATIVE GUIDELINES.—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) PROHIBITION ON OTHER NATIONAL RECREATION PASSES.—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) DISCOUNTED PASSES.—

(1) AGE DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) SITE-SPECIFIC AGENCY PASSES.—The Secretary may establish and charge a fee for a site-specific pass that will cover the

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entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) REGIONAL MULTIENTITY PASSES.—

(1) PASSES AUTHORIZED.—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) REGIONAL MULTIENTITY PASS AGREEMENT.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

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(e) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) EFFECT ON EXISTING PASSPORTS AND PERMITS.—

(1) EXISTING PASSPORTS.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 806. COOPERATIVE AGREEMENTS.

16 USC 6805.

(a) FEE MANAGEMENT AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

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(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) REVENUE SHARING.—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) COUNTY PROPOSALS.—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

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16 USC 6806.

SEC. 807. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) DEPOSITS.—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) DISTRIBUTION OF RECREATION FEES AND SINGLE-SITE AGENCY PASS REVENUES.—

(1) LOCAL DISTRIBUTION OF FUNDS.—

(A) RETENTION OF REVENUES.—Not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) REDUCTION.—The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) AGENCY-WIDE DISTRIBUTION OF FUNDS.—The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) OTHER AMOUNTS.—Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) DISTRIBUTION OF NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS REVENUES.—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass

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shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

(e) **DISTRIBUTION OF REGIONAL MULTIENTITY PASS REVENUES.**—Revenues collected from the sale of a regional multientity pass authorized under section 5(d) shall be deposited in each participating Federal land management agency’s special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

SEC. 808. EXPENDITURES.

16 USC 6807.

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

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(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under section 6(a) or a visitor reservation service.

(b) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section 5(a)(7); and

(2) a regional multientity pass authorized section 5(d) during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

SEC. 809. REPORTS.

16 USC 6808.

Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees,

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and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.

16 USC 6809.

SEC. 810. SUNSET PROVISION.

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.

16 USC 6810.

SEC. 811. VOLUNTEERS.

(a) **AUTHORITY TO USE VOLUNTEERS.**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

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(b) **WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 5(c).

(c) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—In accordance with the guidelines issued under section 5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) **REGIONAL MULTIENTITY PASSES.**—The Secretary may issue a regional multientity pass authorized under section 5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

16 USC 6811.

SEC. 812. ENFORCEMENT AND PROTECTION OF RECEIPTS.

(a) **ENFORCEMENT AUTHORITY.**—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

(b) **EVIDENCE OF NONPAYMENT.**—If the display of proof of payment of a recreation fee, or the payment of a recreation fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) **JOINT LIABILITY.**—The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) **LIMITATION ON PENALTIES.**—The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18, United States Code.

16 USC 6812.

SEC. 813. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.Federal Register,
publication.

16 USC 4601-6a.

(a) **LAND AND WATER CONSERVATION FUND ACT.**—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section 5(a)(3) is published in the Federal Register regarding the

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establishment of the National Parks and Federal Recreational Lands Pass.

(b) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), is repealed.

16 USC 4601-6a.

(c) ADMISSION PERMITS FOR REFUGE UNITS.—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

Effective date.

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(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982).

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995).

(e) TREATMENT OF UNOBLIGATED FUNDS.—

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS.—Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT.—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS.—Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available

118 STAT. 3391

PUBLIC LAW 108-447—DEC. 8, 2004

as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

118 STAT. 3392
16 USC 6813.

SEC. 814. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

(a) FEDERAL AND STATE LAWS UNAFFECTED.—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) RELATION TO REVENUE ALLOCATION LAWS.—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500).

(2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).

(3) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

(6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869-4).

(7) Chapter 69 of title 31, United States Code.

(8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

(10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 4601-12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

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118 STAT. 3392

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106-298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) CONSIDERATION OF OTHER FUNDS COLLECTED.—Amounts collected under any other law may not be disbursed under this Act.

(d) SOLE RECREATION FEE AUTHORITY.—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law. 118 STAT. 3393

(e) FEES CHARGED BY THIRD PARTIES.—Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) MIGRATORY BIRD HUNTING STAMP ACT.—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

SEC. 815. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES. 16 USC 6814.

Notwithstanding any other provision of law, fees collected under the authorities of the Act may not be used for employee bonuses.

* * * * *

Approved December 8, 2004.

118 STAT. 3466

LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):

HOUSE REPORTS: Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

SENATE REPORTS: No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Dec. 8, Presidential statement.

119 STAT. 499

PUBLIC LAW 109–54—AUG. 2, 2005

Public Law 109–54
109th Congress

An Act

Aug. 2, 2005
[H.R. 2361]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Department of
the Interior,
Environment,
and Related
Agencies
Appropriations
Act, 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

119 STAT. 520

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

119 STAT. 526
16 USC 460l–6a,
6812.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

Applicability.
16 USC 460l–6a
note.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

Effective date.
16 USC 460l–6a
note.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

* * * * *

119 STAT. 564

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 2361:

HOUSE REPORTS: Nos. 109–80 (Comm. on Appropriations) and 109–188 (Comm. of Conference).

SENATE REPORTS: No. 109–80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

May 19, considered and passed House.

June 24, 27–29, considered and passed Senate, amended.

July 28, House agreed to conference report.

July 29, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 2, Presidential statement.

PUBLIC LAW 109-131—DEC. 20, 2005

119 STAT. 2566

Public Law 109-131
109th Congress

An Act

To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

Dec. 20, 2005
[S. 136]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE I—YOSEMITE NATIONAL PARK
AUTHORIZED PAYMENTS

* * * * *

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK. 119 STAT. 2567

* * * * *

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking “service contract” and inserting “service contract, cooperative agreement, or other contractual arrangement”. 119 STAT. 2568

* * * * *

Approved December 20, 2005. 119 STAT. 2569

LEGISLATIVE HISTORY—S. 136:
SENATE REPORTS: No. 109-63 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 151 (2005):
July 26, considered and passed Senate.
Dec. 6, considered and passed House.

7. Historically Black Colleges and Universities

117 STAT. 11

PUBLIC LAW 108-7—FEB. 20, 2003

Public Law 108-7
108th Congress

Joint Resolution

Feb. 20, 2003
[H.J. Res. 2]

Making consolidated appropriations for the fiscal year ending September 30, 2003,
and for other purposes.

Consolidated
Appropriations
Resolution, 2003.

*Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Consolidated Approp-
riations Resolution, 2003”.

* * * * *

117 STAT. 12
1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this
Act” contained in any division of this joint resolution shall be
treated as referring only to the provisions of that division.

* * * * *

117 STAT. 216
Department of
the Interior and
Related Agencies
Appropriations
Act, 2003.

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2003, and for other purposes.
That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the Department of
the Interior and related agencies for the fiscal year ending Sep-
tember 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

117 STAT. 237

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

117 STAT. 245

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.
(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the
Omnibus Parks and Public Lands Management Act of 1996 (16
U.S.C. 470a note) is amended—

- (1) by striking “(1) Except” and inserting the following:
“(1) IN GENERAL.—Except”;
- (2) by striking “paragraph (2)” and inserting “paragraphs
(2) and (3)”;
- (3) by striking “(2) The Secretary” and inserting the fol-
lowing:
“(2) WAIVER.—The Secretary”;
- (4) by striking “paragraph (1)” and inserting “paragraphs
(1) and (3)”;

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 245

(5) by adding at the end the following:

“(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “Pursuant to” and inserting the following:

“(1) IN GENERAL.—Under”; and

(2) by adding at the end the following:

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008.”.

* * * * *

Approved February 20, 2003.

117 STAT. 554

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

8. National Historic Lighthouse Preservation Program

118 STAT. 1028

PUBLIC LAW 108–293—AUG. 9, 2004

Public Law 108–293
108th Congress

An Act

Aug. 9, 2004
[H.R. 2443]

An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

Coast Guard and
Maritime
Transportation
Act of 2004.
14 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the “Coast Guard and Maritime Transportation Act of 2004”.

* * * * *

118 STAT. 1050

TITLE VI—MISCELLANEOUS

* * * * *

118 STAT. 1066

SEC. 627. CONVEYANCE OF LIGHT STATIONS.

Section 308(c) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)) is amended by adding at the end the following:

“(4) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by an owner who—

“(A) received from the Federal Government under authority other than this Act an historic light station in which the United States retains a reversionary or other interest; and

“(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.”.

* * * * *

118 STAT. 3382

Approved August 9, 2004.

LEGISLATIVE HISTORY—H.R. 2443 (S. 733):

HOUSE REPORTS: Nos. 108–233 (Comm. on Transportation and Infrastructure) and 108–617 (Comm. of Conference).

SENATE REPORTS: No. 108–202 accompanying S. 733 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Nov. 5, considered and passed House.

Vol. 150 (2004): Mar. 30, considered and passed Senate, amended.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Aug. 9, Presidential statement.

PUBLIC LAW 109-241—JULY 11, 2006

120 STAT. 516

Public Law 109-241
109th Congress

An Act

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

July 11, 2006
[H.R. 889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard and Maritime Transportation Act of 2006”.

Coast Guard and
Maritime
Transportation
Act of 2006.
14 USC 1 note.

* * * * *

TITLE V—LIGHTHOUSES

120 STAT. 548

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

Alaska.

(b) AREAS REFERRED TO.—The areas of lands referred to in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—The area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—The area described in the December 30, 1975, listing of the Eldred Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—The area described as the remaining National Forest System uplands in the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

120 STAT. 549

(4) CAPE HINCHINBROOK LIGHT STATION.—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.

(c) MAPS.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating by subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be considered to be transferred from, and no longer part of, the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

120 STAT. 549

PUBLIC LAW 109-241—JULY 11, 2006

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer without consideration to the Secretary of Agriculture any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System if—

Deadline.

(A) the Secretary of the Interior cannot identify and select an eligible entity for such land and improvements in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) not later than 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—

Deadline.

The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) not later than 90 days after the date of receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

120 STAT. 550

(g) PRIORITY.—In selecting an eligible entity to which to convey under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)) land referred to in subsection (b), the Secretary of the Interior shall give priority to an eligible entity (as defined in section 308(e) of that Act) that is the local government of the community in which the land is located.

* * * * *

120 STAT. 569

Approved July 11, 2006.

LEGISLATIVE HISTORY—H.R. 889 (S. 1280):

HOUSE REPORTS: Nos. 109-204, Pt. 1 (Comm. on Transportation and Infrastructure) and 109-413 (Comm. of Conference).

SENATE REPORTS: No. 109-114 accompanying S. 1280 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Sep. 15, considered and passed House.

Oct. 27, considered and passed Senate, amended.

Vol. 152 (2006): June 26, House considered conference report.

June 27, House and Senate agreed to conference report.

Senate vitiated agreement on conference report.

June 28, Senate agreed to conference report, pursuant to the order of June 22.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

July 11, Presidential statement.

9. National Historic Preservation Act

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004
[S. 2178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.
16 USC 1 note.

* * * * *

SEC. 13. NATIONAL HISTORIC PRESERVATION ACT.

118 STAT. 1397

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (Public Law 106-208; 114 Stat. 319) is amended by striking “section 110(1)” and inserting “section 110(1)”.

16 USC 470h-2.

* * * * *

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
May 19, considered and passed Senate.
Oct. 6, considered and passed House.

119 STAT. 2577

PUBLIC LAW 109–135—DEC. 21, 2005

Public Law 109–135
109th Congress

An Act

Dec. 21, 2005
[H.R. 4440]

To amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Gulf Opportunity
Zone Act of 2005.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

26 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Gulf Opportunity Zone Act of 2005”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

* * * * *

119 STAT. 2578

**TITLE I—ESTABLISHMENT OF GULF
OPPORTUNITY ZONE**

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) **IN GENERAL.**—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

“PART II—TAX BENEFITS FOR GO ZONES

“Sec. 1400M. Definitions.

“Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

“SEC. 1400M. DEFINITIONS.

“For purposes of this part—

“(1) **GULF OPPORTUNITY ZONE.**—The terms ‘Gulf Opportunity Zone’ and ‘GO Zone’ mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

“(2) **HURRICANE KATRINA DISASTER AREA.**—The term ‘Hurricane Katrina disaster area’ means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

“(3) **RITA GO ZONE.**—The term ‘Rita GO Zone’ means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

“(4) **HURRICANE RITA DISASTER AREA.**—The term ‘Hurricane Rita disaster area’ means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

“(5) **WILMA GO ZONE.**—The term ‘Wilma GO Zone’ means that portion of the Hurricane Wilma disaster area determined

PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2578

by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

“(6) HURRICANE WILMA DISASTER AREA.—The term ‘Hurricane Wilma disaster area’ means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

119 STAT. 2579

“SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

“(a) TAX-EXEMPT BOND FINANCING.—

“(1) IN GENERAL.—For purposes of this title—

“(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

“(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

“(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone Bond’ means any bond issued as part of an issue if—

“(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

“(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

“(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

“(C) such bond is designated for purposes of this section by—

“(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

“(ii) in the case of any other bond, the Governor of such State,

“(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

“(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

“(3) LIMITATIONS ON BONDS.—

“(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of \$2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

“(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ‘qualified project costs’ means—

119 STAT. 2579

PUBLIC LAW 109-135—DEC. 21, 2005

“(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

“(B) the cost of acquisition, construction, reconstruction, and renovation of—

119 STAT. 2580

“(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

“(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

Applicability.

“(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

“(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

“(i) by substituting ‘60 percent’ for ‘50 percent’ in subparagraph (A) thereof, and

“(ii) by substituting ‘70 percent’ for ‘60 percent’ in subparagraph (B) thereof.

“(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans’ mortgage bond) shall be applied—

“(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

“(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

“(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

“(iv) by substituting ‘\$150,000’ for ‘\$15,000’ in subsection (k)(4) thereof.

“(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

“(D) Section 146 (relating to volume cap) shall not apply.

“(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting ‘50 percent’ for ‘15 percent’ each place it appears.

“(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

“(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

“(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

“(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

“(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

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“(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

“(B) the requirements of paragraph (5) are met.

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

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“(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

“(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(A) \$4,500,000,000 in the case of the State of Louisiana,

“(B) \$2,250,000,000 in the case of the State of Mississippi, and

“(C) \$1,125,000,000 in the case of the State of Alabama.

“(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

“(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

“(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

“(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

“(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(c) LOW-INCOME HOUSING CREDIT.—

“(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

“(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

“(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

“(ii) the Gulf Opportunity housing amount for such State for such calendar year.

“(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term ‘Gulf Opportunity housing amount’ means, for any calendar year, the amount equal to the product of \$18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census

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estimate of resident population released by the Bureau of Census before August 28, 2005).

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“(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

“(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by \$3,500,000.

“(3) DIFFICULT DEVELOPMENT AREA.—

“(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

“(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

“(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

“(B) APPLICATION.—Subparagraph (A) shall apply only to—

“(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

“(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

“(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

“(A) during 2006, 2007, or 2008,

“(B) in the Gulf Opportunity Zone, and

“(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting ‘national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))’ for ‘area median gross income’ in subparagraphs (A) and (B) of section 42(g)(1).

“(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

“(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

“(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of

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such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified Gulf Opportunity Zone property’ means property—

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“(i)(I) which is described in section 168(k)(2)(A)(i), or

“(II) which is nonresidential real property or residential rental property,

“(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

“(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

“(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

“(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

“(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

“(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

“(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

Applicability.

“(A) by substituting ‘August 27, 2005’ for ‘September 10, 2001’ each place it appears therein,

“(B) by substituting ‘January 1, 2008’ for ‘January 1, 2005’ in clause (i) thereof, and

“(C) by substituting ‘qualified Gulf Opportunity Zone property’ for ‘qualified property’ in clause (iv) thereof.

“(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

Applicability.

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Applicability.

“(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

“(e) INCREASE IN EXPENSING UNDER SECTION 179.—

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“(1) IN GENERAL.—For purposes of section 179—

“(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

“(i) \$100,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

“(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

“(i) \$600,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

“(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term ‘qualified section 179 Gulf Opportunity Zone property’ means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

“(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

Applicability.

“(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

“(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

“(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

“(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone clean-up cost’ means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

“(A) held by the taxpayer for use in a trade or business or for the production of income, or

“(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

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“(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

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“(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting ‘December 31, 2007’ for the date contained in section 198(h), and

“(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

“(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

“(1) by substituting ‘13 percent’ for ‘10 percent’ in paragraph (1) thereof, and

“(2) by substituting ‘26 percent’ for ‘20 percent’ in paragraph (2) thereof.

“(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

“(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

“(A) the limitation which would (but for this subsection) apply under such subparagraph, or

“(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

“(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

“(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

“(A) is a corporation the stock of which is publicly traded on an established securities market, or

“(B) is a real estate investment trust.

“(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

“(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of

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qualified timber property at any time during the taxable year.

“(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

“(i) such property was held by the taxpayer—

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“(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

“(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

“(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

“(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED PORTION.—

“(i) IN GENERAL.—The term ‘specified portion’ means—

“(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

“(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

“(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

“(ii) TERMINATION DATE.—The term ‘termination date’ means—

“(I) for purposes of paragraph (1), January 1, 2008, and

“(II) for purposes of paragraph (2), January 1, 2007.

“(B) QUALIFIED TIMBER PROPERTY.—The term ‘qualified timber property’ has the meaning given such term in section 194(c)(1).

“(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

“(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

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“(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term ‘Gulf Opportunity Zone public utility casualty loss’ means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

“(A) such loss is allowed as a deduction under section 165 for the taxable year, 119 STAT. 2587

“(B) such loss is by reason of Hurricane Katrina, and

“(C) the taxpayer elects the application of this subsection with respect to such loss.

“(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

“(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

“(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

“(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

“(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

Applicability.

“(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

“(i) by substituting ‘5 taxable years’ for ‘2 taxable years’ in subparagraph (A)(i), and

“(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

“(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

“(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term ‘qualified Gulf Opportunity Zone loss’ means the lesser of—

“(A) the excess of—

“(i) the net operating loss for such taxable year, over

“(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

“(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

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“(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

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“(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

“(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

“(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

“(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term ‘moving expenses’ has the meaning given such term by section 217(b), except that the taxpayer’s former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

“(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

“(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof) for the taxable year such property is placed in service.

“(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

“(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

“(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

“(i) such loss is allowed as a deduction under section 165 for the taxable year, and

“(ii) such loss is by reason of Hurricane Katrina.

“(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

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“(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

“(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

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Applicability.

“(1) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

“(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

“(2) AMOUNT OF CREDIT.—

“(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

“(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

“(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

“(ii) the outstanding face amount of the bond.

“(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary’s designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

“(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term ‘credit allowance date’ means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

“(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

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“(4) GULF TAX CREDIT BOND.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘Gulf tax credit bond’ means any bond issued as part of an issue if—

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“(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

“(ii) 95 percent or more of the proceeds of such issue are to be used to—

“(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

“(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

“(iii) the Governor of such State designates such bond for purposes of this subsection,

“(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

“(v) the maturity of such bond does not exceed 2 years, and

“(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

“(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

“(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

“(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

“(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(i) \$200,000,000 in the case of the State of Louisiana,

“(ii) \$100,000,000 in the case of the State of Mississippi, and

“(iii) \$50,000,000 in the case of the State of Alabama.

“(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which

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the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

“(5) QUALIFIED BOND.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified bond’ means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

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“(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

“(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

“(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

“(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) BOND.—The term ‘bond’ includes any obligation.

“(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

Applicability.

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

Regulations.

“(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

“(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

Procedures.

“(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

“(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

“(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

“(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity

119 STAT. 2591

PUBLIC LAW 109-135—DEC. 21, 2005

is the recovery and redevelopment of the Gulf Opportunity Zone,

“(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

119 STAT. 2592

“(A) \$300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

“(B) \$400,000,000 for 2007, to be so allocated, and

“(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

“(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual’s income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual’s tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

“(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

“(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

“(A) section 165(i) shall be applied by substituting ‘the fifth taxable year immediately preceding’ for ‘the taxable year immediately preceding’,

“(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

“(C) section 6611 shall not apply to any overpayment attributable to such loss.

“(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible public utility property loss’ means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

“(B) PUBLIC UTILITY PROPERTY.—The term ‘public utility property’ has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

“(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

“(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

PUBLIC LAW 109-135—DEC. 21, 2005

119 STAT. 2592

“(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term ‘qualified Gulf Opportunity Zone property’ shall not include any property described in paragraph (3).

“(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ shall not include any loss with respect to any property described in paragraph (3). 119 STAT. 2593

“(3) PROPERTY DESCRIBED.—

“(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

“(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

“(ii) any gambling or animal racing property.

“(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The term ‘gambling or animal racing property’ means—

“(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

“(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

“(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting “, section 1400N(1),” after “subpart C”. 26 USC 54.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting “or 1400N(1)(6)” after “section 54(g)”, and

(B) by inserting “or 1400N(1)(2)(D), as the case may be” after “section 54(b)(4)”.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

“Subchapter Y—Short-Term Regional Benefits

“PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

“PART II—TAX BENEFITS FOR GO ZONES

“PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

“Sec. 1400L. Tax benefits for New York Liberty Zone.”.

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

“SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS”.

119 STAT. 2593

PUBLIC LAW 109-135—DEC. 21, 2005

26 USC 1400N
note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

119 STAT. 2594

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

* * * * *

119 STAT. 2642

Approved December 21, 2005.

LEGISLATIVE HISTORY—H.R. 4440:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 7, considered and passed House.

Dec. 16, considered and passed Senate, amended. House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Dec. 21, Presidential remarks.

PUBLIC LAW 109-453—DEC. 22, 2006

120 STAT. 3367

Public Law 109-453
109th Congress

An Act

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Dec. 22, 2006
[S. 1378]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Historic Preservation Act Amendments Act of 2006”.

(b) **REFERENCE.**—A reference in this Act to “the Act” shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) **HISTORIC PRESERVATION FUND.**—Section 108 of the Act (16 U.S.C. 470h) is amended by striking “2005” and inserting “2015”.

(d) **MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.**—

(1) **ADDITIONAL MEMBERS.**—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking “four” and inserting “seven”.

(2) **ALLOWING DESIGNEE FOR GOVERNOR MEMBER.**—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking “(5) and”.

(3) **QUORUM.**—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking “Nine” and inserting “12”.

(e) **FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.**—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

“(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.”

National Historic
Preservation Act
Amendments Act
of 2006.
16 USC 470 note.

Applicability.

120 STAT. 3368

PUBLIC LAW 109-453—DEC. 22, 2006

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking “for purposes of this title not to exceed \$4,000,000 for each fiscal year 1997 through 2005” and inserting “such amounts as may be necessary to carry out this title”.

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

16 USC 470v-2. **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.**

“(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program’s statutory authorization and purpose.

“(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

“(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

“(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

“(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”.

Approved December 22, 2006.

LEGISLATIVE HISTORY—S. 1378:

SENATE REPORTS: No. 109-235 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 152 (2006):

Sept. 29, considered and passed Senate.

Dec. 8, considered and passed House.

10. Land and Water Conservation Fund

PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 2922

Public Law 109-432
109th Congress

An Act

To amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

Dec. 20, 2006
[H.R. 6111]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax Relief and Health Care Act of 2006.
26 USC 1 note.

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Tax Relief and Health Care Act of 2006”.

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DIVISION C—OTHER PROVISIONS

120 STAT. 3000

TITLE I—GULF OF MEXICO ENERGY SECURITY

Gulf of Mexico Energy Security Act of 2006.

* * * * *

SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO.

120 STAT. 3004
43 USC 1331 note.

(a) **IN GENERAL.**—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5).

(b) **ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.**—

(1) **ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State

Regulations.
Effective dates.

120 STAT. 3004

PUBLIC LAW 109-432—DEC. 20, 2006

that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

Effective dates.
Regulations.

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter—

(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

120 STAT. 3005

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

Effective dates.
Termination
dates.

(C) HISTORICAL LEASE SITES.—

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

PUBLIC LAW 109-432—DEC. 20, 2006

120 STAT. 3005

(c) **TIMING.**—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) **AUTHORIZED USES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section. 120 STAT. 3006

(2) **LIMITATION.**—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) **ADMINISTRATION.**—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); or

(C) any other provision of law.

(f) **LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed \$500,000,000 for each of fiscal years 2016 through 2055.

(2) **EXPENDITURES.**—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) **PRO RATA REDUCTIONS.**—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

120 STAT. 3006

PUBLIC LAW 109-432—DEC. 20, 2006

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

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120 STAT. 3195

Approved December 20, 2006.

LEGISLATIVE HISTORY—H.R. 6111:

CONGRESSIONAL RECORD, Vol. 152 (2006):

Dec. 5, considered and passed House.

Dec. 7, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment with amendments. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Dec. 20, Presidential remarks and statement.

11. National Park Service Organic Act

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004
[S. 2178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.
16 USC 1 note.

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SEC. 10. SHORT TITLES.

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.) is amended by adding at the end the following:

118 STAT. 1397
16 USC 1 note.

“SEC. 5. SHORT TITLE.

“This Act may be cited as the ‘National Park Service Organic Act’.”.

* * * * *

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
May 19, considered and passed Senate.
Oct. 6, considered and passed House.

12. National Park System Advisory Board

119 STAT. 2946

PUBLIC LAW 109–156—DEC. 30, 2005

Public Law 109–156
109th Congress**An Act**

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

Dec. 30, 2005
[S. 1310]

Delaware Water
Gap National
Recreation Area
Improvement
Act.
16 USC 461 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delaware Water Gap National Recreation Area Improvement Act”.

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119 STAT. 2948
16 USC 463 note.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking “2006” and inserting “2007”.

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 1310 (H.R. 3124):

HOUSE REPORTS: No. 109–334 accompanying H.R. 3124 (Comm. on Resources).

SENATE REPORTS: No. 109–194 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 16, considered and passed Senate.

Dec. 18, considered and passed House.

13. National Park System General Authorities Act

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004
[S. 2178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.
16 USC 1 note.

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SEC. 10. SHORT TITLES.

118 STAT. 1397

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(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.— Public Law 91-383 (commonly known as the “National Park System General Authorities Act”) (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following:

16 USC 1 note.

“SEC. 14. SHORT TITLE.

“This Act may be cited as the ‘National Park System General Authorities Act’.”.

* * * * *

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
May 19, considered and passed Senate.
Oct. 6, considered and passed House.

14. Overflights of National Parks

117 STAT. 2490

PUBLIC LAW 108–176—DEC. 12, 2003

Public Law 108–176 108th Congress

An Act

Dec. 12, 2003
[H.R. 2115]

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vision 100—
Century of
Aviation
Reauthorization
Act.
49 USC 40101
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

* * * * *

117 STAT. 2493

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

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117 STAT. 2533
Aviation
Streamlining
Approval Process
Act of 2003.

TITLE III—ENVIRONMENTAL PROCESS

SUBTITLE A—AVIATION DEVELOPMENT STREAMLINING

49 USC 40101 note.

SEC. 301. SHORT TITLE.

This title may be cited as “Aviation Streamlining Approval Process Act of 2003”.

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117 STAT. 2540

SUBTITLE B—MISCELLANEOUS

* * * * *

117 STAT. 2541

SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.

(a) IN GENERAL.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting “, as defined by this section,” after “lands” the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting “over a national park” after “operations”;

(3) in subsection (b)(3)(C) by inserting “over a national park that are also” after “operations”;

(4) in subsection (b)(3)(D) by striking “at the park” and inserting “over a national park”;

(5) in subsection (b)(3)(E) by inserting “over a national park” after “operations” the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting “over a national park” after “operations”;

PUBLIC LAW 108-176—DEC. 12, 2003

117 STAT. 2541

(7) in subsection (f)(1) by inserting “over a national park” after “operation”;

(8) in subsection (f)(4)(A)—

(A) by striking “commercial air tour operation” and inserting “commercial air tour operation over a national park”; and

(B) by striking “park, or over tribal lands,” and inserting “park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),”;

(9) in subsection (f)(4)(B) by inserting “over a national park” after “operation”; and

(10) in the heading for paragraph (4) of subsection (f) by inserting “OVER A NATIONAL PARK” after “OPERATION”.

(b) QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.—

49 USC 40128
note.

(1) DEADLINE FOR RULE.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) RESOLUTION OF DISPUTES.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quiet technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

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Approved December 12, 2003.

117 STAT. 2598

LEGISLATIVE HISTORY—H.R. 2115 (S. 824):

HOUSE REPORTS: Nos. 108-143 (Comm. on Transportation and Infrastructure) and 108-240 and 108-334 (both from Comm. of Conference).

SENATE REPORTS: No. 108-41 accompanying S. 824 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 824.

Oct. 28, House recommitted conference report pursuant to H. Res. 337.

Oct. 30, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 12, Presidential statement.

119 STAT. 2396

PUBLIC LAW 109–115—NOV. 30, 2005

Public Law 109–115
109th Congress

An Act

Nov. 30, 2005
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, the
District of
Columbia, and
Independent
Agencies
Appropriations
Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND
URBAN DEVELOPMENT, THE JUDICIARY, AND INDE-
PENDENT AGENCIES APPROPRIATIONS ACT, 2006

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, and
Independent
Agencies
Appropriations
Act, 2006.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

* * * * *

Department of
Transportation
Appropriations
Act, 2006.

119 STAT. 2424

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

* * * * *

119 STAT. 2427

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”. Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

49 USC 40128
note.

* * * * *

PUBLIC LAW 109–115—NOV. 30, 2005

119 STAT. 2523

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006”.

Approved November 30, 2005.

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109–153 (Comm. on Appropriations) and 109–307 (Comm. of Conference).

SENATE REPORTS: Nos. 109–106 accompanying S. 1446 and 109–109 (both from Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17–20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 30, Presidential statement.

15. Park Police

117 STAT. 1386

PUBLIC LAW 108–133—NOV. 22, 2003

**Public Law 108–133
108th Congress****An Act**Nov. 22, 2003
[H.R. 3054]

To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia
Military
Retirement
Equity Act of
2003.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Military Retirement Equity Act of 2003".

SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY SERVICE AS CREDITABLE SERVICE FOR CERTAIN DISTRICT OF COLUMBIA RETIREES.

Subsection (c)(8) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–704(h), D.C. Official Code) is amended—

(1) by striking "(8) Notwithstanding" and inserting "(8)(A) Except as provided in subparagraph (B), notwithstanding"; and

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

"(B)(i)(I) Except as provided in subclause (II), and subject to clause (iv), each member or former member who has performed military service before the date of the separation on which the entitlement to any annuity under this Act is based may elect to retain credit for the service by paying (in accordance with such regulations as the Mayor shall issue) to the office by which the member is employed (or, in the case of a former member, to the appropriate benefits administrator) an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37, United States Code, to the member for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the member may provide, or, if the Mayor determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Mayor under clause (iii). Payment of such amount by an active member must be completed prior to the member's date of retirement or October 1, 2006, whichever is later, for the member to retain credit for the service.

"(II) In any case where military service interrupts creditable service under this subsection and reemployment pursuant to chapter 43 of title 38, United States Code, occurs on or after August 1, 1990, the deposit payable under this clause may not

PUBLIC LAW 108-133—NOV. 22, 2003

117 STAT. 1387

exceed the amount that would have been deducted and withheld under this Act from basic pay during the period of creditable service if the member had not performed the period of military service.

“(ii) Any deposit made under clause (i) more than 2 years after the later of—

“(I) October 1, 2004; or

“(II) the date on which the member making the deposit first becomes a member following the period of military service for which such deposit is due,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under paragraph (5)(B).

“(iii) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Mayor as the Mayor may determine to be necessary for the administration of this subsection.

“(iv) Effective with respect to any period of military service after November 10, 1996, the percentage of basic pay under section 204 of title 37, United States Code, payable under clause (i) shall be equal to the same percentage as would be applicable under subsection (d) of this section for that same period for service as a member subject to clause (i)(II).”

Effective date.

SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO CERTAIN POLICE AND FIRE RETIREES TO TAKE MILITARY SERVICE ADJUSTMENT INTO ACCOUNT.

(a) **IN GENERAL.**—Section 11012 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 1-803.02, D.C. Official Code) is amended by adding at the end the following new subsection:

“(f) **TREATMENT OF MILITARY SERVICE CREDIT PURCHASED BY CERTAIN POLICE AND FIRE RETIREES.**—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.”

(b) **CONFORMING AMENDMENT.**—Section 11003(5) of such Act (sec. 1-801.02(5), D.C. Official Code) is amended by inserting “and (f)” after “section 11012(e)”.

117 STAT. 1388

PUBLIC LAW 108-133—NOV. 22, 2003

Applicability.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

Approved November 22, 2003.

LEGISLATIVE HISTORY—H.R. 3054:
CONGRESSIONAL RECORD, Vol. 149 (2003):
Oct. 8, considered and passed House.
Nov. 11, considered and passed Senate.

PUBLIC LAW 108-352—OCT. 21, 2004

118 STAT. 1395

Public Law 108-352
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004
[S. 2178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

National Park System Laws Technical Amendments Act of 2004.
16 USC 1 note.

* * * * *

SEC. 11. PARK POLICE INDEMNIFICATION.

118 STAT. 1397

Section 2(b) of Public Law 106-437 (114 Stat. 1921) is amended by striking “the Act” and inserting “of the Act”.

16 USC 1a-6.

* * * * *

Approved October 21, 2004.

118 STAT. 1398

LEGISLATIVE HISTORY—S. 2178:

SENATE REPORTS: No. 108-239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
May 19, considered and passed Senate.
Oct. 6, considered and passed House.

16. Surface Transportation Extension

118 STAT. 478

PUBLIC LAW 108–202—FEB. 29, 2004

Public Law 108–202
108th Congress

An Act

Feb. 29, 2004
[H.R. 3850]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2004.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2004”.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110) is amended by inserting “and the Surface Transportation Extension Act of 2004” after “as amended by this Act”.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (117 Stat. 1110) is amended by striking “the amendment made under subsection (d)” and inserting “section 1101(c) of the Transportation Equity Act for the 21st Century”.

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking “\$1,166,666,667” and inserting “\$1,633,333,333”.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking “February 29” inserting “April 30”.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111) is amended by striking “\$13,483,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,876,841,666 for the period of October 1, 2003, through April 30, 2004”.

23 USC 104 note.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended to read as follows:

“(e) LIMITATION ON OBLIGATIONS.—

“(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2003, through April 30, 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) in accordance with section 110 of such Act; except that

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118 STAT. 479

the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), 110(a)(5), and 110(g) of such Act shall equal the greater of—

“(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act); or

“(B) $\frac{7}{12}$ of the funding provided for or limitation set on such program, project, or activity in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108-199).

“(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2003, through April 30, 2004, shall not exceed \$19,741,750,000; except that this limitation shall not apply to \$372,750,000 in obligations for minimum guarantee for such period.

“(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After April 30, 2004, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

“(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.”

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

Section 3 of the Surface Transportation Extension Act of 2003 (117 Stat. 1112-1113) is amended by adding at the end the following:

“(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

“(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

“(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.”

SEC. 4. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113) is amended by striking “\$187,500,000” and inserting “\$262,500,000”.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113) is amended—

(i) in the first sentence by striking “\$114,583,333 for the period of October 1, 2003, through February

29, 2004” and inserting “\$160,416,667 for the period of October 1, 2003, through April 30, 2004”; and

(ii) in the second sentence by striking “\$5,416,667” and inserting “\$7,583,333”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$102,500,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$143,500,000 for the period of October 1, 2003, through April 30, 2004”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,667 for the period of October 1, 2003, through April 30, 2004”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114) is amended by striking “\$58,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$81,666,667 for the period of October 1, 2003, through April 30, 2004”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$15,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$22,166,667 for the period of October 1, 2003, through April 30, 2004”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114) is amended—

(i) in clause (i) by striking “\$4,166,667” and inserting “\$5,833,333”;

(ii) in clause (ii) by striking “\$2,083,333” and inserting “\$2,916,667”; and

(iii) in clause (iii) by striking “\$2,083,333” and inserting “\$2,916,667”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$11,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$16,041,666 for the period of October 1, 2003, through April 30, 2004”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$4,583,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$6,416,667 for the period of October 1, 2003, through April 30, 2004”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$2,083,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,916,667 for the period of October 1, 2003, through April 30, 2004”.

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(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$45,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$64,166,667 for the period of October 1, 2003, through April 30, 2004”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114) is amended by striking “\$10,416,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$14,583,333 for the period of October 1, 2003, through April 30, 2004”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

“(F) \$81,666,666 for the period of October 1, 2003, through April 30, 2004.”;

(B) in subsection (a)(2) by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$1,166,667 for the period of October 1, 2003, through April 30, 2004”; and

(C) in the item relating to fiscal year 2004 in table contained in subsection (c) by striking “\$1,083,333,333” and inserting “\$1,516,666,667”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$43,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$61,250,000 for the period of October 1, 2003, through April 30, 2004”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$22,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$32,083,334 for the period of October 1, 2003, through April 30, 2004”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$8,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$12,250,000 for the period of October 1, 2003, through April 30, 2004”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$12,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,083,333 for the period of October 1, 2003, through April 30, 2004”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$47,916,667 for the period of October 1, 2003, through February 29, 2004” and

inserting “\$67,083,334 for the period of October 1, 2003, through April 30, 2004”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$51,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$72,333,334 for the period of October 1, 2003, through April 30, 2004”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$11,250,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$15,750,000 for the period of October 1, 2003, through April 30, 2004”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116) is amended by striking “\$100,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$140,000,000 for the period of October 1, 2003, through April 30, 2004”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116) is amended by striking “\$15,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$21,233,333 for the period of October 1, 2003, through April 30, 2004”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116) is amended by striking “\$7,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$10,966,666 for the period of October 1, 2003, through April 30, 2004”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”;

and

(2) by striking “February 29” and inserting “April 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”;

and

(2) by striking “February 29” and inserting “April 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117) is amended by striking “\$312,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$437,500 for the period of October 1, 2003, through April 30, 2004”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118) is amended—

(1) by striking “\$2,187,500” and inserting “\$3,062,500”;

(2) by striking “\$104,167” and inserting “\$145,833”;

(3) by striking “February 29” each place it appears and inserting “April 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118) is amended—

(1) in paragraph (1) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting

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“\$5,833,333 for the period of October 1, 2003, through April 30, 2004”; and

(2) in paragraph (2) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$5,833,333 for the period of October 1, 2003, through April 30, 2004”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 4(a)(1) of such Act” before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 5 of such Act”; and

(4) by inserting “and by section 5 of such Act” before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119) is amended by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section”.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$46,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$65,333,333 for the period of October 1, 2003, through April 30, 2004”.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$50,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$70,000,000 for the period of October 1, 2003, through April 30, 2004”.

SEC. 7. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

“(6) \$5,833,333 for the period of October 1, 2003, through April 30, 2004.”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 7 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through April 30, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$47,833,333, 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) \$5,833,333 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) \$4,666,667 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 transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$2,083,333” and inserting “\$2,916,667”; and
- (2) by striking “\$833,333” and inserting “\$1,166,667”.

SEC. 8. TECHNICAL AMENDMENTS.

(a) HIGHWAY SAFETY GRANTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by inserting before the period at the end of the matter under the heading “NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HIGHWAY TRAFFIC SAFETY GRANTS” the following: “: *Provided further*, That not to exceed \$2,600,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed \$2,600,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 24, 2004.

(b) FEDERAL HIGHWAY ADMINISTRATION.—Section 110(g) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by adding at the end the following: “Obligation authority shall be available until used and in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.”.

SEC. 9. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(B) in subparagraph (A), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$699,642,775 will be available” after “modernization”;

(C) in subparagraph (B), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$767,657,109 will be available” before the semicolon; and

(D) in subparagraph (C), by inserting “, except for the period beginning on October 1, 2003 and ending on

Ante, p. 299.

Ante, p. 293.

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April 30, 2004, during which \$352,110,220 will be available” after “facilities”;

(2) by amending paragraph (2)(B)(iii) to read as follows:

“(iii) OCTOBER 1, 2003 THROUGH APRIL 30, 2004.—

Of the amounts made available under paragraph (1)(B), \$6,066,667 shall be available for the period beginning on October 1, 2003, and ending on April 30, 2004, for capital projects described in clause (i).”;

(3) in paragraph (3)(B)—

(A) by striking “\$1,250,000” and inserting “\$1,750,000”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in paragraph (3)(C)—

(A) by striking “\$20,833,334 shall be available” and inserting “\$28,994,583 shall be transferred to and administered under section 5309 for buses and bus facilities”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(b) APPOINTMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking “February 29, 2004” and inserting “April 30, 2004”.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in paragraph (2)(A)(vi)—

(A) by striking “\$1,292,948,344” and inserting “\$1,780,963,287”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in paragraph (2)(B)(vi)—

(A) by striking “\$323,459,169” and inserting “\$445,240,822”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in paragraph (2)(C) by striking “February 29, 2004” and inserting “April 30, 2004”.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (117 Stat. 1122) is amended to read as follows:

“(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

“(1) \$ 2,812,446 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

“(2) \$28,994,583 shall be available for bus and bus facilities grants under section 5309 of such title;

“(3) \$52,568,804 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

“(4) \$139,526,367 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

“(5) \$4,030,247 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

“(6) \$1,998,271,661 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.”.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$1,022,503,342” and inserting “\$1,819,410,104”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$255,801,669” and inserting “\$363,882,021”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,636,667” and inserting “\$33,981,652”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,100,000” and inserting “\$8,350,440”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$16,536,667” and inserting “\$24,471,428”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)(vi)—

(A) by striking “\$4,095,000” and inserting “\$6,262,830”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in subparagraph (C) by striking “February 29, 2004” and inserting “April 30, 2004”.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the funds made available by or

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appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

“(1) not less than \$3,044,431 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

“(2) not less than \$4,784,106 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

“(3) not less than \$4,784,106 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$579,892 to carry out section 5315(a)(16) of such title; and

“(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.”.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)—

(A) by striking “\$2,020,833” and inserting “\$2,783,480”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)—

(A) by striking “\$505,833” and inserting “\$695,870”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(4) in subparagraph (C) by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

“(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through April 30, 2004—

“(A) \$994,100 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

“(B) \$994,100 shall be available for the center identified in section 5505(j)(4)(F) of such title.

“(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through April 30, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by striking “February 29, 2004” and inserting “April 30, 2004”.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

117 Stat 1124.

49 USC 5338 note.

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,585,834” and inserting “\$35,025,457”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,150,833” and inserting “\$8,756,364”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking “\$50,519,167” and inserting “\$57,989,167”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(2) in paragraph (1)(B)(vi)—

(A) by striking “\$12,638,833” and inserting “\$14,497,292”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in paragraph (2) by striking “February 29, 2004, \$4,166,667” and inserting “April 30, 2004, \$5,798,917”; and

(4) by adding at the end the following:

“(4) TRANSFER IN FISCAL YEAR 2004.—Of the funds made available or appropriated under paragraph (1) for fiscal year 2004, prior to the allocation under paragraph (3), \$11,597,833 shall be administered under the provisions of section 5309 of title 49, United States Code.”.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1)(F)—

(A) by striking “\$2,187,500” and inserting “\$3,044,431”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) in paragraph (2)—

(A) by striking “\$708,333” and inserting “\$985,816”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”; and

(2) in subparagraph (A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(o) OBLIGATION CEILING.—Section 3040(6) of the Federal Transit Act of 1998 (112 Stat. 394) is amended—

(1) by striking “\$3,042,501,691” and inserting “\$4,238,428,192”; and

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(2) by striking “February 29, 2004” and inserting “April 30, 2004”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal Transit Act of 1998 (112 Stat. 361) is amended—

(1) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) by striking “\$2,020,833” and inserting “\$2,812,475”.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note) is amended—

23 USC 322 note.

(1) by striking “February 29, 2004,” and inserting “April 30, 2004”; and

(2) by striking “\$2,083,333” and inserting “\$2,812,475”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note) is amended—

(1) by striking “Amounts” and inserting the following:

“(1) IN GENERAL.—Amounts”;

(2) by inserting “and by section 9 of the Surface Transportation Extension Act of 2004” after “this section”; and

(3) by adding at the end the following:

“(2) TRANSFERS.—Funds authorized by or made available under this section shall be transferred in accordance with the Consolidated Appropriations Act, 2004, except that only $\frac{7}{12}$ of the total amount to be transferred shall be available.”.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note) is amended by inserting “and for the period of October 1, 2003 through April 30, 2004,” after “2003,”.

SEC. 10. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking “, and \$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “, and \$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “\$30,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$42,000,000 for the period of October 1, 2003, through April 30, 2004”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,700 for the period of October 1, 2003, through April 30, 2004”.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat.

1120) is amended by striking “\$16,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$23,333,300 for the period of October 1, 2003, through April 30, 2004”.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,100,000 for the period of October 1, 2003, through April 30, 2004”.

SEC. 11. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by striking “\$71,487,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$102,467,000 for the period October 1, 2003 through April 30, 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

“(5) \$11,639,000 for the period of October 1, 2003, through April 30, 2004.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking “February 29,” and inserting “April 30,”; and

(B) by striking “\$416,667” and inserting “\$582,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking “\$416,667” and inserting “\$582,000”; and

(2) by striking “February 29” and inserting “April 30”.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended—

(A) by striking “Fund and to” in the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, MOTOR CARRIER SAFETY, LIMITATION ON ADMINISTRATIVE EXPENSES” and inserting “Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall”; and

(B) by inserting before the period at the end of the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, NATIONAL MOTOR CARRIER SAFETY PROGRAM” the following: “: *Provided further*, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764-1765), the Federal share payable under such grants shall be 100 percent”.

Ante, p. 298.

Ante, p. 298.

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(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 24, 2004.

SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) by striking “or” at the end of subparagraph (E),

(C) by striking the period at the end of subparagraph (F) and inserting “, or”,

(D) by inserting after subparagraph (F), the following new subparagraph:

“(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) in subparagraph (C), by striking “or” at the end of such subparagraph,

(C) in subparagraph (D), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (D) the following new subparagraph:

“(E) the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2003” each place it appears and inserting “Surface Transportation Extension Act of 2004”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “March 1, 2004” and inserting “May 1, 2004”, and

(B) by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.

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26 USC 9503
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on April 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved February 29, 2004.

LEGISLATIVE HISTORY—H.R. 3850:
CONGRESSIONAL RECORD, Vol. 150 (2004):
Feb. 26, considered and passed House.
Feb. 27, considered and passed Senate.

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Public Law 109–14
109th Congress

An Act

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

May 31, 2005
[H.R. 2566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2005.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005”.

SEC. 2. ADVANCES.

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144) is amended by striking “as amended by this section” and inserting “as amended by this Act and the Surface Transportation Extension Act of 2005”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **ADMINISTRATION OF FUNDS.**—Section 2(b)(3) of such Act (118 Stat. 1145) is amended by striking “the amendment made under subsection (d)” and inserting “section 1101(l) of the Transportation Equity Act for the 21st Century”.

(2) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act is amended by striking “\$1,866,666,667” and inserting “\$2,100,000,000”.

(3) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “May 31” inserting “June 30”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145) is amended by striking “\$22,685,936,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$25,521,678,000 for the period of October 1, 2004, through June 30, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146) is amended to read as follows: 23 USC 104 note.

“(e) **LIMITATION ON OBLIGATIONS.**—

“(1) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—Subject to paragraph (2), for the period of October 1, 2004, through June 30, 2005, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading ‘FEDERAL-AID HIGHWAYS’ in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204), in accordance

with section 110 of such title (23 U.S.C. 104 note; 118 Stat. 3209); except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), and 110(a)(5) of such title shall equal the greater of—

“(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2005 (including any amendments made by this Act and such Act); or

“(B) $\frac{9}{12}$ of the funding provided for or limitation set on such program, project, or activity in title I of division H of the Consolidated Appropriations Act, 2005.

“(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2004, through June 30, 2005, shall not exceed \$26,025,000,000; except that this limitation shall not apply to \$479,250,000 in obligations for minimum guarantee for such period.

“(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After June 30, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

Applicability.

“(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading ‘FEDERAL-AID HIGHWAYS’ in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204).”.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004 (118 Stat. 1147) is amended by striking “\$234,682,667” and inserting “\$264,018,000”.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147) is amended—

(i) in the first sentence by striking “\$183,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$206,250,000 for the period of October 1, 2004, through June 30, 2005”; and

(ii) in the second sentence by striking “\$8,666,667” and inserting “\$9,750,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$164,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$184,500,000 for the period of October 1, 2004, through June 30, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$110,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$123,750,000 for the period of October 1, 2004, through June 30, 2005”.

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(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking “\$93,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$105,000,000 for the period of October 1, 2004, through June 30, 2005”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$25,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$28,500,000 for the period of October 1, 2004, through June 30, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148) is amended—

(i) in clause (i) by striking “\$6,666,667” and inserting “\$7,500,000”;

(ii) in clause (ii) by striking “\$3,333,333” and inserting “\$3,750,000”; and

(iii) in clause (iii) by striking “\$3,333,333” and inserting “\$3,750,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148) is amended by striking “2001,” and all that follows through “May 31, 2005” and inserting “2001, \$25,500,000 for fiscal year 2002, \$26,500,000 for each of fiscal years 2003 and 2004, and \$19,875,000 for the period of October 1, 2004, through June 30, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$7,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$8,250,000 for the period of October 1, 2004, through June 30, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking “\$3,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$3,750,000 for the period of October 1, 2004, through June 30, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15)(A) of such Act (112 Stat. 113; 118 Stat. 1149) is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149) is amended by striking “\$333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$375,000 for the period of October 1, 2004, through June 30, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149) is amended by striking “\$16,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$18,750,000 for the period of October 1, 2004, through June 30, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(G) and inserting the following:

“(G) \$97,500,000 for the period of October 1, 2004, through June 30, 2005.”;

(B) in subsection (a)(2) by striking “\$1,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$1,500,000 for the period of October 1, 2004, through June 30, 2005”; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking “\$1,733,333,333” and inserting “\$1,950,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149) is amended—

(A) by striking “\$1,000,000” and inserting “\$1,125,000”; and

(B) by striking “May 31” and inserting “June 30”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149) is amended by striking “\$68,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$77,250,000 for the period of October 1, 2004, through June 30, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149) is amended by striking “\$33,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$37,500,000 for the period of October 1, 2004, through June 30, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$20,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$23,250,000 for the period of October 1, 2004, through June 30, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$81,333,333

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for the period of October 1, 2004, through May 31, 2005” and inserting “\$91,500,000 for the period of October 1, 2004, through June 30, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking “\$17,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$19,875,000 for the period of October 1, 2004, through June 30, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150) is amended by striking “\$145,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$163,125,000 for the period of October 1, 2004, through June 30, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150) is amended by striking “\$24,266,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$27,300,000 for the period of October 1, 2004, through June 30, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150) is amended by striking “\$12,533,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$14,100,000 for the period of October 1, 2004, through June 30, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151) is amended by striking “\$333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$375,000 for the period of October 1, 2004, through June 30, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$66,666,667” and inserting “\$75,000,000”;

and

(2) by striking “May 31” and inserting “June 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$66,666,667” and inserting “\$75,000,000”;

and

(2) by striking “May 31” and inserting “June 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151) is amended by striking “\$500,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$562,500 for the period of October 1, 2004, through June 30, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking “\$3,500,000” and inserting “\$3,937,500”;

(2) by striking “\$166,667” and inserting “\$187,500”; and

(3) by striking “May 31” each place it appears and inserting “June 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151) is amended—

(1) in paragraph (1) by striking “\$6,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$7,500,000 for the period of October 1, 2004, through June 30, 2005”; and

(2) in paragraph (2) by striking “\$6,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting

“\$7,500,000 for the period of October 1, 2004, through June 30, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151) is amended—

(1) by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 4(a)(1) of such Act” before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151) is amended—

(1) by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 4 of such Act”; and

(4) by inserting “and by section 4 of such Act” before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151) is amended by inserting “and section 4 of the Surface Transportation Extension Act of 2005” after “this section”.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$74,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$84,000,000 for the period of October 1, 2004, through June 30, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$73,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$82,500,000 for the period of October 1, 2004, through June 30, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152) is amended by striking “\$110,000,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$123,750,000 for the period of October 1, 2004, through June 30, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking “1998 through” and all that follows through “May 31, 2005” and inserting “1998 through 2004 and \$54,000,000 for the period of October 1, 2004, through June 30, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking “\$13,333,333 for the period of October 1, 2004, through May 31, 2005” and inserting “\$15,000,000 for the period of October 1, 2004, through June 30, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153) is amended by striking “\$26,666,667 for the period of October 1, 2004, through May 31, 2005” and inserting “\$30,000,000 for the period of October 1, 2004, through June 30, 2005”.

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(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153) is amended by striking “\$2,400,000 for the period of October 1, 2004, through May 31, 2005” and inserting “\$2,700,000 for the period of October 1, 2004, through June 30, 2005”.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended by striking “\$160,552,536 for the period of October 1, 2004, through May 31, 2005” and inserting “\$192,631,044 for the period October 1, 2004 through June 30, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$126,402,740 for the period of October 1, 2004, through June 30, 2005.”

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(5) \$14,958,904 for the period of October 1, 2004, through June 30, 2005.”

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended—

(A) by striking “May 31,” and inserting “June 30,”; and

(B) by striking “\$665,753” and inserting “\$747,945”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154) is amended—

(1) by striking “\$665,753” and inserting “\$747,945”; and

(2) by striking “May 31” and inserting “June 30”.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(B) by striking “\$6,933,333” and inserting “\$7,800,000”; and

(C) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,000,000” and inserting “\$2,250,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$33,333,333” and inserting “\$37,500,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,201,760,000” and inserting “\$2,545,785,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (2)(B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in paragraph (2)(C) by striking “May 31, 2005” and inserting “June 30, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155) is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (1) by striking “\$3,233,300” and inserting “\$3,637,462”;

(4) in paragraph (2) by striking “\$33,333,333” and inserting “\$37,500,000”;

(5) in paragraph (3) by striking “\$65,064,001” and inserting “\$73,197,001”;

(6) in paragraph (4) by striking “\$172,690,702” and inserting “\$194,277,040”;

(7) in paragraph (5) by striking “\$4,633,333” and inserting “\$5,212,500”; and

(8) in paragraph (6) by striking “\$2,473,245,331” and inserting “\$2,782,400,997”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$1,740,960,000” and inserting “\$2,012,985,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$41,813,334” and inserting “\$48,346,668”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

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(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$28,266,667” and inserting “\$32,683,333”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in subparagraph (C) by striking “May 31, 2005” and inserting “June 30, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156) is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in paragraph (1) by striking “\$3,500,000” and inserting “\$3,937,500”;

(4) in paragraph (2) by striking “\$5,500,000” and inserting “\$6,187,500”; and

(5) in paragraph (3)—

(A) by striking “\$2,666,667” and inserting “\$3,000,000”; and

(B) by striking “\$666,667” and inserting “\$750,000”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$3,200,000” and inserting “\$3,700,000”;

and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(3) in subparagraph (B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “May 31, 2005” and inserting “June 30, 2005”;

(B) in paragraph (1)(A) by striking “\$1,333,333” and inserting “\$1,500,000”;

(C) in paragraph (1)(B) by striking “\$1,333,333” and inserting “\$1,500,000”; and

(D) in paragraph (2) by striking “May 31, 2005” and inserting “June 30, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857; 118 Stat. 1157) is amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$41,600,000” and inserting “\$48,100,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$80,000,000” and inserting “\$92,500,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”;

(2) in paragraph (1)(B)(vii) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(3) in paragraph (2) by striking “May 31, 2005, not more than \$6,666,667” and inserting “June 30, 2005, not more than \$7,500,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

“(G) \$3,937,500 for the period of October 1, 2004, through June 30, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,133,333” and inserting “\$1,275,000”; and

(B) by striking “May 31, 2005” and inserting “June 30, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “MAY 31, 2005” and inserting “JUNE 30, 2005”; and

(2) in subparagraph (A) by striking “May 31, 2005” and inserting “June 30, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158) is amended—

(1) by striking “\$5,172,000,000” and inserting “\$5,818,500,000”; and

(2) by striking “May 31, 2005” and inserting “June 30, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158) is amended—

(1) by striking “May 31, 2005” and inserting “June 30, 2005”; and

(2) by striking “\$3,233,333” and inserting “\$3,637,500”.

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(p) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158) is amended—

23 USC 322 note.

(1) by striking “May 31, 2005,” and inserting “June 30, 2005”; and

(2) by striking “\$3,333,333” and inserting “\$3,750,000”.

(q) **PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.**—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158) are amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(r) **NEW JERSEY URBAN CORE PROJECT.**—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158) are amended by striking “May 31, 2005” and inserting “June 30, 2005”.

(s) **TREATMENT OF FUNDS.**—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

23 USC 101 note.

(t) **LOCAL SHARE.**—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158) is amended by striking “May 31, 2005” and inserting “June 30, 2005”.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) **FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.**—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

“(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;”.

(b) **CLEAN VESSEL ACT FUNDING.**—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) **FIRST 9 MONTHS OF FISCAL YEAR 2005.**—For the period of October 1, 2004, through June 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$61,499,997, 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) \$7,499,997 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) \$6,000,000 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 transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

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(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$3,333,336” and inserting “\$3,750,003”; and
- (2) by striking “\$1,333,336” and inserting “\$1,500,003”.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

26 USC 9503.

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “June 1, 2005” and inserting “July 1, 2005”,

(B) by striking “or” at the end of subparagraph (J),

(C) by striking the period at the end of subparagraph (K) and inserting “, or”,

(D) by inserting after subparagraph (K) the following new subparagraph:

“(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005.”, and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “June 1, 2005” and inserting “July 1, 2005”,

(B) in subparagraph (H), by striking “or” at the end of such subparagraph,

(C) in subparagraph (I), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (I) the following new subparagraph:

“(J) the Surface Transportation Extension Act of 2005.”, and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “June 1, 2005” and inserting “July 1, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2004, Part V” each place it appears and inserting “Surface Transportation Extension Act of 2005”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “June 1, 2005” and inserting “July 1, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2005”.

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- (3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “June 1, 2005” and inserting “July 1, 2005”. 26 USC 9504.
- (c) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking “2005” each place it appears and inserting “2006”:
- (1) Section 4481(f). 26 USC 4481.
- (2) Section 4482(c)(4). 26 USC 4482.
- (3) Section 4482(d).
- (4) Section 4483(h). 26 USC 4483.
- (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 4481 note.
- (e) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—
- (1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and
- (2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003. Termination date.

Approved May 31, 2005.

LEGISLATIVE HISTORY—H.R. 2566:
 CONGRESSIONAL RECORD, Vol. 151 (2005):
 May 25, considered and passed House.
 May 26, considered and passed Senate.

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Public Law 109–20
109th Congress

An Act

July 1, 2005
[H.R. 3104]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2005, Part II.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part II”.

SEC. 2. ADVANCES.

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324) is amended by striking “and the Surface Transportation Extension Act of 2005” and inserting “, the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324) is amended by striking “\$2,100,000,000” and inserting “\$2,240,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “June 30” inserting “July 19”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324) is amended by striking “\$25,521,678,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$27,223,123,200 for the period of October 1, 2004, through July 19, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324) is amended—

23 USC 104 note.

(1) in paragraph (1)—

(A) by striking “June 30” and inserting “July 19”;

(B) by striking “and the Surface Transportation Extension Act of 2005” and inserting “, the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II”; and

(C) by striking “⁹/₁₂” and inserting “80 percent”; and

(2) in paragraph (2)—

(A) by striking “June 30, 2005, shall not exceed \$26,025,000,000” and inserting “July 19, 2005, shall not exceed \$27,760,000,000”; and

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- (B) by striking “\$479,250,000” and inserting “\$511,200,000”; and
- (3) in paragraph (3) by striking “June 30” and inserting “July 19”.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325) is amended by striking “highway program” and all that follows through “2005” and inserting “highway program \$281,619,200 for fiscal year 2005”.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325) is amended—

(i) in the first sentence by striking “\$206,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$220,000,000 for the period of October 1, 2004, through July 19, 2005”; and

(ii) in the second sentence by striking “\$9,750,000” and inserting “\$10,400,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking “\$184,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$196,800,000 for the period of October 1, 2004, through July 19, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking “\$123,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$132,000,000 for the period of October 1, 2004, through July 19, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$105,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$112,000,000 for the period of October 1, 2004, through July 19, 2005”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$28,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$30,400,000 for the period of October 1, 2004, through July 19, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation

Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326) is amended—

(i) in clause (i) by striking “\$7,500,000” and inserting “\$8,000,000”;

(ii) in clause (ii) by striking “\$3,750,000” and inserting “\$4,000,000”; and

(iii) in clause (iii) by striking “\$3,750,000” and inserting “\$4,000,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$8,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,800,000 for the period of October 1, 2004, through July 19, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “\$3,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$4,000,000 for the period of October 1, 2004, through July 19, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

Effective date.

(A) TECHNICAL CORRECTION.—Effective May 31, 2005, section 4(a)(7) of the Surface Transportation Extension Act of 2005 (119 Stat. 326) is amended by striking “1101(a)(15)(A)” and inserting “1101(a)(15)”.

(B) INCREASED FUNDING.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326) is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326) is amended by striking “\$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$400,000 for the period of October 1, 2004, through July 19, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$18,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$20,000,000 for the period of October 1, 2004, through July 19, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$104,000,000 for the period of October 1, 2004, through July 19, 2005.”;

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(B) in subsection (a)(2) by striking “\$1,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$1,600,000 for the period of October 1, 2004, through July 19, 2005”; and

(C) in the item relating to fiscal year 2005 in the table contained in subsection (c) by striking “\$1,950,000,000” and inserting “\$2,080,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327) is amended—

(A) by striking “\$1,125,000” and inserting “\$1,200,000”;

and

(B) by striking “June 30” and inserting “July 19”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$77,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$82,400,000 for the period of October 1, 2004, through July 19, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “\$37,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$40,000,000 for the period of October 1, 2004, through July 19, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$23,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$24,800,000 for the period of October 1, 2004, through July 19, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “\$91,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$97,600,000 for the period of October 1, 2004, through July 19, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328) is amended by striking “\$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150;

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119 Stat. 328) is amended by striking “\$163,125,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$174,000,000 for the period of October 1, 2004, through July 19, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328) is amended by striking “\$27,300,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$29,120,000 for the period of October 1, 2004, through July 19, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328) is amended by striking “\$14,100,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$15,040,000 for the period of October 1, 2004, through July 19, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “\$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$400,000 for the period of October 1, 2004, through July 19, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$75,000,000” and inserting “\$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$75,000,000” and inserting “\$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “\$562,500 for the period of October 1, 2004, through June 30, 2005” and inserting “\$600,000 for the period of October 1, 2004, through July 19, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “\$3,937,500” and inserting “\$4,200,000”;

(2) by striking “\$187,500” and inserting “\$200,000”; and

(3) by striking “June 30” each place it appears and inserting “July 19”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) in paragraph (1) by striking “\$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,000,000 for the period of October 1, 2004, through July 19, 2005”; and

(2) in paragraph (2) by striking “\$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$8,000,000 for the period of October 1, 2004, through July 19, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface

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Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II”; and

(2) by striking “the amendment made by subsection (a)(1) of this section or the amendment made by section 4(a)(1) of such Act” and inserting “the amendments made by subsection (a) of this section, section 4(a) of the Surface Transportation Extension Act of 2005, and section 4(a) of the Surface Transportation Extension Act of 2005, Part II”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II”;

(2) by striking “and by section 4 of such Act” the first place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”; and

(3) by striking “and by section 4 of such Act” the second place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329) is amended by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II”.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$84,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$89,600,000 for the period of October 1, 2004, through July 19, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$123,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$132,000,000 for the period of October 1, 2004, through July 19, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$54,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$57,600,000 for the period of October 1, 2004, through July 19, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking “\$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329) is amended by striking “\$30,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$32,000,000 for the period of October 1, 2004, through July 19, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330) is amended by striking “\$2,700,000 for the period of October 1, 2004, through June 30, 2005” and inserting “\$2,880,000 for the period of October 1, 2004, through July 19, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended by striking “\$192,631,044 for the period of October 1, 2004, through June 30, 2005” and inserting “\$206,037,600 for the period of October 1, 2004, through July 19, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$135,200,000 for the period of October 1, 2004, through July 19, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by striking “(5) \$14,958,904 for the period of October 1, 2004, through June 30, 2005.” and inserting the following:

“(6) \$16,000,000 for the period of October 1, 2004, through July 19, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

(A) by striking “June 30” and inserting “July 19”; and

(B) by striking “\$747,945” and inserting “\$800,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330) is amended—

(1) by striking “\$747,945” and inserting “\$800,000”; and

(2) by striking “June 30” and inserting “July 19”.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph

(1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

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(B) by striking “\$7,800,000” and inserting “\$8,320,000”;
and

(C) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,250,000” and inserting “\$2,400,000”;
and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$37,500,000” and inserting “\$40,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,545,785,000” and inserting “\$2,675,300,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (2)(B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in paragraph (2)(C) by striking “June 30, 2005” and inserting “July 19, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331) is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in the matter preceding paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (1) by striking “\$3,637,462” and inserting “\$3,879,960”;

(4) in paragraph (2) by striking “\$37,500,000” and inserting “\$40,000,000”;

(5) in paragraph (3) by striking “\$73,197,001” and inserting “\$76,231,201”;

(6) in paragraph (4) by striking “\$194,277,040” and inserting “\$202,330,313”;

(7) in paragraph (5) by striking “\$5,212,500” and inserting “\$5,560,000”; and

(8) in paragraph (6) by striking “\$2,782,400,997” and inserting “\$2,897,738,526”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$2,012,985,000” and inserting “\$2,235,820,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$48,346,668” and inserting “\$47,946,667”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$32,683,333” and inserting “\$36,933,334”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in subparagraph (C) by striking “June 30, 2005” and inserting “July 19, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332) is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in the matter preceding paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in paragraph (1) by striking “\$3,937,500” and inserting “\$4,200,000”;

(4) in paragraph (2) by striking “\$6,187,500” and inserting “\$6,600,000”; and

(5) in paragraph (3)—

(A) by striking “\$3,000,000” and inserting “\$3,200,000”; and

(B) by striking “\$750,000” and inserting “\$800,000”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$3,700,000” and inserting “\$4,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(3) in subparagraph (B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332) is amended—

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(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “June 30, 2005” and inserting “July 19, 2005”;

(B) in paragraph (1)(A) by striking “\$1,500,000” and inserting “\$1,600,000”;

(C) in paragraph (1)(B) by striking “\$1,500,000” and inserting “\$1,600,000”; and

(D) in paragraph (2) by striking “June 30, 2005” and inserting “July 19, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332) is amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$48,100,000” and inserting “\$52,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in subparagraph (B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$92,500,000” and inserting “\$80,000,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”;

(2) in paragraph (1)(B)(vii) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(3) in paragraph (2) by striking “June 30, 2005, not more than \$7,500,000” and inserting “July 19, 2005, not more than \$8,000,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

“(G) \$4,200,000 for the period of October 1, 2004, through July 19, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,275,000” and inserting “\$1,360,000”; and

(B) by striking “June 30, 2005” and inserting “July 19, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JUNE 30, 2005” and inserting “JULY 19, 2005”; and

(2) in subparagraph (A) by striking “June 30, 2005” and inserting “July 19, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking “\$5,818,500,000” and inserting “\$6,166,400,000”; and

(2) by striking “June 30, 2005” and inserting “July 19, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking “June 30, 2005” and inserting “July 19, 2005”; and

(2) by striking “\$3,637,500” and inserting “\$3,880,000”.

23 USC 322 note. (p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334) is amended—

(1) by striking “June 30, 2005,” and inserting “July 19, 2005”; and

(2) by striking “\$3,750,000” and inserting “\$4,000,000”.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334) are amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334) are amended by striking “June 30, 2005” and inserting “July 19, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334) is amended by striking “June 30, 2005” and inserting “July 19, 2005”.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking “(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;” and inserting the following:

“(7) \$8,000,000 for the period of October 1, 2004, through July 19, 2005;”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 292 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 19, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$65,600,000, 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:

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“(A) \$8,000,000 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) \$6,400,000 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 transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$3,750,003” and inserting “\$4,000,000”; and
- (2) by striking “\$1,500,003” and inserting “\$1,600,000”.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “July 1, 2005” and inserting “July 20, 2005”,

(B) by striking “or” at the end of subparagraph (K),

(C) by striking the period at the end of subparagraph (L) and inserting “, or”,

(D) by inserting after subparagraph (L) the following new subparagraph:

“(M) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part II.”, and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 1, 2005” and inserting “July 20, 2005”,

(B) in subparagraph (I), by striking “or” at the end of such subparagraph,

(C) in subparagraph (J), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (J) the following new subparagraph:

“(K) the Surface Transportation Extension Act of 2005, Part II.”, and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 1, 2005” and inserting “July 20, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

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26 USC 9504. (1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part II”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 1, 2005” and inserting “July 20, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2005” and inserting “Surface Transportation Extension Act of 2005, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 1, 2005” and inserting “July 20, 2005”.

26 USC 9503 note. (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 19, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 1, 2005.

LEGISLATIVE HISTORY—H.R. 3104:

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 30, considered and passed House and Senate.

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Public Law 109–35
109th Congress

An Act

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 20, 2005
[H.R. 3332]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2005, Part III.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part III”.

SEC. 2. ADVANCES.

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346) is amended by striking “and the Surface Transportation Extension Act of 2005, Part II” and inserting “, the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346) is amended by striking “\$2,240,000,000” and inserting “\$2,268,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “July 19” inserting “July 21”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346) is amended by striking “\$27,223,123,200 for the period of October 1, 2004, through July 19, 2005” and inserting “\$27,563,412,240 for the period of October 1, 2004, through July 21, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346) is amended—

23 USC 104 note.

(1) in paragraph (1)—

(A) by striking “July 19” and inserting “July 21”;

(B) by striking “and the Surface Transportation Extension Act of 2005, Part II” and inserting “, the Surface Transportation Extension Act of 2005, Part II, and the Surface Transportation Extension Act of 2005, Part III”; and

(C) by striking “80 percent” and inserting “80.8 percent”; and

(2) in paragraph (2)—

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(A) by striking “July 19, 2005, shall not exceed \$27,760,000,000” and inserting “July 21, 2005, shall not exceed \$28,107,000,000”; and

(B) by striking “\$511,200,000” and inserting “\$517,590,000”; and

(3) in paragraph (3) by striking “July 19” and inserting “July 21”.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$281,619,200” and inserting “\$285,139,440”.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346) is amended—

(i) in the first sentence by striking “\$220,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$222,750,000 for the period of October 1, 2004, through July 21, 2005”; and

(ii) in the second sentence by striking “\$10,400,000” and inserting “\$10,530,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$196,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$199,260,000 for the period of October 1, 2004, through July 21, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346) is amended by striking “\$132,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$133,650,000 for the period of October 1, 2004, through July 21, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$112,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$113,400,000 for the period of October 1, 2004, through July 21, 2005”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$30,400,000 for the period of October 1, 2004, through July 19, 2005” and inserting

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“\$30,780,000 for the period of October 1, 2004, through July 21, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended—

(i) in clause (i) by striking “\$8,000,000” and inserting “\$8,100,000”;

(ii) in clause (ii) by striking “\$4,000,000” and inserting “\$4,050,000”; and

(iii) in clause (iii) by striking “\$4,000,000” and inserting “\$4,050,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$21,200,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$21,465,000 for the period of October 1, 2004, through July 21, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$8,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,910,000 for the period of October 1, 2004, through July 21, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$4,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$4,050,000 for the period of October 1, 2004, through July 21, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346) is amended by striking “\$400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$405,000 for the period of October 1, 2004, through July 21, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$20,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$20,250,000 for the period of October 1, 2004, through July 21, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$105,300,000 for the period of October 1, 2004, through July 21, 2005.”;

(B) in subsection (a)(2) by striking “\$1,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$1,620,000 for the period of October 1, 2004, through July 21, 2005”; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking “\$2,080,000,000” and inserting “\$2,106,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended—

(A) by striking “\$1,200,000” and inserting “\$1,215,000”; and

(B) by striking “July 19” and inserting “July 21”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$82,400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$83,430,000 for the period of October 1, 2004, through July 21, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$40,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$40,500,000 for the period of October 1, 2004, through July 21, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$24,800,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$25,110,000 for the period of October 1, 2004, through July 21, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346) is amended by striking “\$97,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$98,820,000 for the period of October 1, 2004, through July 21, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$21,200,000 for the period of October 1, 2004, through July 19, 2005”

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and inserting “\$21,465,000 for the period of October 1, 2004, through July 21, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$174,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$176,175,000 for the period of October 1, 2004, through July 21, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$29,120,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$29,484,000 for the period of October 1, 2004, through July 21, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$15,040,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$15,228,000 for the period of October 1, 2004, through July 21, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$400,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$405,000 for the period of October 1, 2004, through July 21, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$80,000,000” and inserting “\$81,000,000”;

and

(2) by striking “July 19” and inserting “July 21”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$80,000,000” and inserting “\$81,000,000”;

and

(2) by striking “July 19” and inserting “July 21”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended by striking “\$600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$607,500 for the period of October 1, 2004, through July 21, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) by striking “\$4,200,000” and inserting “\$4,252,000”;

(2) by striking “\$200,000” and inserting “\$202,500”; and

(3) by striking “July 19” each place it appears and inserting “July 21”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346) is amended—

(1) in paragraph (1) by striking “\$8,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,100,000 for the period of October 1, 2004, through July 21, 2005”; and

(2) in paragraph (2) by striking “\$8,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$8,100,000 for the period of October 1, 2004, through July 21, 2005”.

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(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III”; and

(2) by striking “and section 4(a) of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4(a) of the Surface Transportation Extension Act of 2005, Part II, and section 4(a) of the Surface Transportation Extension Act of 2005, Part III”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part II” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act of 2005, Part III”;

(2) by striking “and section 4 of the Surface Transportation Extension Act, Part II” the first place it appears and inserting “section 4 of the Surface Transportation Extension Act, Part II, and section 4 of the Surface Transportation Extension Act, Part III”; and

(3) by striking “and section 4 of the Surface Transportation Extension Act, Part II” the second place it appears and inserting “, section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346) is amended by striking “and section 4 of the Surface Transportation Extension Act, Part II” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, Part II, and section 4 of the Surface Transportation Extension Act, Part III”.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$89,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$90,720,000 for the period of October 1, 2004, through July 21, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$88,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$89,100,000 for the period of October 1, 2004, through July 21, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$132,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$133,650,000 for the period of October 1, 2004, through July 21, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat.

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329; 119 Stat. 346) is amended by striking “\$57,600,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$58,320,000 for the period of October 1, 2004, through July 21, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$16,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$16,200,000 for the period of October 1, 2004, through July 21, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346) is amended by striking “\$32,000,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$32,400,000 for the period of October 1, 2004, through July 21, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking “\$2,880,000 for the period of October 1, 2004, through July 19, 2005” and inserting “\$2,916,000 for the period of October 1, 2004, through July 21, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking “\$206,037,600 for the period of October 1, 2004, through July 19, 2005” and inserting “\$208,154,425 for the period of October 1, 2004, through July 21, 2005”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$136,589,041 for the period of October 1, 2004, through July 21, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(6) \$16,164,384 for the period of October 1, 2004, through July 21, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended—

(A) by striking “July 19” and inserting “July 21”; and

(B) by striking “\$800,000” and inserting “\$808,219”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346) is amended—

(1) by striking “\$800,000” and inserting “\$808,219”; and

(2) by striking “July 19” and inserting “July 21”.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) **ALLOCATING AMOUNTS.**—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(B) by striking “\$8,320,000” and inserting “\$8,424,000”;

and

(C) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,400,000” and inserting “\$2,430,000”;

and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(4) in paragraph (3)(C)—

(A) by striking “\$40,000,000” and inserting “\$40,500,000”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”.

(b) **FORMULA GRANTS AUTHORIZATIONS.**—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,675,300,000” and inserting “\$2,793,483,000”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (2)(B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(4) in paragraph (2)(C) by striking “July 19, 2005” and inserting “July 21, 2005”.

(c) **FORMULA GRANT FUNDS.**—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346) is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in paragraph (1) by striking “\$3,879,960” and inserting “\$3,928,459”;

(4) in paragraph (2) by striking “\$40,000,000” and inserting “\$40,500,000”;

(5) in paragraph (3) by striking “\$76,231,201” and inserting “\$79,052,761”;

(6) in paragraph (4) by striking “\$202,330,313” and inserting “\$209,819,203”;

(7) in paragraph (5) by striking “\$5,560,000” and inserting “\$5,629,500”; and

(8) in paragraph (6) by striking “\$2,897,738,526” and inserting “\$3,004,993,077”.

(d) **CAPITAL PROGRAM AUTHORIZATIONS.**—Section 5338(b)(2) of title 49, United States Code, is amended—

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- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
 - (2) in subparagraph (A)(vii)—
 - (A) by striking “\$2,235,820,000” and inserting “\$2,263,265,142”; and
 - (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and
 - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
 - (2) in subparagraph (A)(vii)—
 - (A) by striking “\$47,946,667” and inserting “\$48,546,727”; and
 - (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and
 - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
 - (2) in subparagraph (A)(vii)—
 - (A) by striking “\$36,933,334” and inserting “\$37,385,434”; and
 - (B) by striking “July 19, 2005” and inserting “July 21, 2005”;
 - (3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”; and
 - (4) in subparagraph (C) by striking “July 19, 2005” and inserting “July 21, 2005”.
- (g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346) is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
 - (2) in the matter preceding paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;
 - (3) in paragraph (1) by striking “\$4,200,000” and inserting “\$4,252,500”;
 - (4) in paragraph (2) by striking “\$6,600,000” and inserting “\$6,682,500”; and
 - (5) in paragraph (3)—
 - (A) by striking “\$3,200,000” and inserting “\$3,240,000”; and
 - (B) by striking “\$800,000” and inserting “\$810,000”.
- (h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—
- (1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;
 - (2) in subparagraph (A)—
 - (A) by striking “\$4,000,000” and inserting “\$4,060,000”; and
 - (B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(3) in subparagraph (B) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “July 19, 2005” and inserting “July 21, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 19, 2005” and inserting “July 21, 2005”;

(B) in paragraph (1)(A) by striking “\$1,600,000” and inserting “\$1,620,000”;

(C) in paragraph (1)(B) by striking “\$1,600,000” and inserting “\$1,620,000”; and

(D) in paragraph (2) by striking “July 19, 2005” and inserting “July 21, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346) is amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$52,000,000” and inserting “\$52,780,000”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$80,000,000” and inserting “\$81,027,500”; and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”;

(2) in paragraph (1)(B)(vii) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(3) in paragraph (2) by striking “July 19, 2005, not more than \$8,000,000” and inserting “July 21, 2005, not more than \$8,100,000”.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

“(G) \$4,222,125 for the period of October 1, 2004, through July 21, 2005.”; and

(2) in paragraph (2)—

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(A) by striking “\$1,360,000” and inserting “\$1,407,375”;
and

(B) by striking “July 19, 2005” and inserting “July 21, 2005”.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 19, 2005” and inserting “JULY 21, 2005”; and

(2) in subparagraph (A) by striking “July 19, 2005” and inserting “July 21, 2005”.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking “\$6,166,400,000” and inserting “\$6,229,759,760”; and

(2) by striking “July 19, 2005” and inserting “July 21, 2005”.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346) is amended—

(1) by striking “July 19, 2005” and inserting “July 21, 2005”; and

(2) by striking “\$3,880,000” and inserting “\$3,928,500”.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended—

23 USC 322 note.

(1) by striking “July 19, 2005,” and inserting “July 21, 2005”; and

(2) by striking “\$4,000,000” and inserting “\$4,050,000”.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) are amended by striking “July 19, 2005” and inserting “July 21, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346) is amended by striking “July 19, 2005” and inserting “July 21, 2005”.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

“(7) \$8,099,997 for the period of October 1, 2004, through July 21, 2005;”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 42 WEEKS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 21, 2005, of the balance

of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$66,420,000, reduced by 82.9 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) \$8,100,000 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) \$6,480,000 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 transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$4,000,000” and inserting “\$4,050,000”; and
- (2) by striking “\$1,600,000” and inserting “\$1,620,003”.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “July 20, 2005” and inserting “July 22, 2005”;

(B) by striking “or” at the end of subparagraph (L);

(C) by striking the period at the end of subparagraph (M) and inserting “, or”;

(D) by inserting after subparagraph (M) the following new subparagraph:

“(N) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part III.”; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 20, 2005” and inserting “July 22, 2005”;

(B) in subparagraph (J), by striking “or” at the end of such subparagraph;

(C) in subparagraph (K), by inserting “or” at the end of such subparagraph;

(D) by inserting after subparagraph (K) the following new subparagraph:

“(L) the Surface Transportation Extension Act of 2005, Part III.”; and

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(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 20, 2005” and inserting “July 22, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005, Part II” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part III”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 20, 2005” and inserting “July 22, 2005”; and

(B) by striking “Surface Transportation Extension Act of 2005, Part II” and inserting “Surface Transportation Extension Act of 2005, Part III”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 20, 2005” and inserting “July 22, 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

26 USC 9503 note.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 21, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

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Approved July 20, 2005.

LEGISLATIVE HISTORY—H.R. 3332:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 19, considered and passed House and Senate.

119 STAT. 410

PUBLIC LAW 109–40—JULY 28, 2005

Public Law 109–40
109th Congress

An Act

July 28, 2005
[H.R. 3453]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2005, Part V.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part V”.

SEC. 2. ADVANCES.

(a) **IN GENERAL.**—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “and the Surface Transportation Extension Act of 2005, Part IV” and inserting “the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V”.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **SPECIAL RULES FOR MINIMUM GUARANTEE.**—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$2,301,370,400” and inserting “\$2,324,000,000”.

(2) **EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.**—Section 144(g)(3) of title 23, United States Code, is amended by striking “July 27” and inserting “July 30”.

(c) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$27,968,968,718 for the period of October 1, 2004, through July 27, 2005” and inserting “\$28,243,990,320 for the period of October 1, 2004, through July 30, 2005”.

(d) **LIMITATION ON OBLIGATIONS.**—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)—

(A) by striking “July 27” and inserting “July 30”;

(B) by striking “and the Surface Transportation Extension Act of 2005, Part IV” and inserting “the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V”; and

23 USC 104 note.

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(C) by striking “82.2 percent” and inserting “83 percent”; and

(2) in paragraph (2)—

(A) by striking “July 27, 2005, shall not exceed \$28,520,554,600” and inserting “July 30, 2005, shall not exceed \$28,801,000,000”; and

(B) by striking “\$525,205,602” and inserting “\$530,370,000”; and

(3) in paragraph (3) by striking “July 27” and inserting “July 30”.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$289,334,862” and inserting “\$292,179,920”.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

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

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in the first sentence by striking “\$226,027,450 for the period of October 1, 2004, through July 27, 2005” and inserting “\$228,250,000 for the period of October 1, 2004, through July 30, 2005”; and

(ii) in the second sentence by striking “\$10,684,934” and inserting “\$10,790,000”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$202,191,828 for the period of October 1, 2004, through July 27, 2005” and inserting “\$204,180,000 for the period of October 1, 2004, through July 30, 2005”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$135,616,470 for the period of October 1, 2004, through July 27, 2005” and inserting “\$136,950,000 for the period of October 1, 2004, through July 30, 2005”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,360 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,600,000 for the period of October 1, 2004, through July 30, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$115,068,520 for the period of October 1, 2004, through July 27, 2005” and inserting “\$116,200,000 for the period of October 1, 2004, through July 30, 2005”.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$31,232,884 for the period of October 1, 2004, through July 27, 2005” and inserting “\$31,540,000 for the period of October 1, 2004, through July 30, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in clause (i) by striking “\$8,219,180” and inserting “\$8,300,000”;

(ii) in clause (ii) by striking “\$4,109,590” and inserting “\$4,150,000”; and

(iii) in clause (iii) by striking “\$4,109,590” and inserting “\$4,150,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$21,780,827 for the period of October 1, 2004, through July 27, 2005” and inserting “\$21,995,000 for the period of October 1, 2004, through July 30, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$9,041,098 for the period of October 1, 2004, through July 27, 2005” and inserting “\$9,130,000 for the period of October 1, 2004, through July 30, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$4,109,590 for the period of October 1, 2004, through July 27, 2005” and inserting “\$4,150,000 for the period of October 1, 2004, through July 30, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$90,410,980 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,300,000 for the period of October 1, 2004, through July 30, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$410,959 for the period of October 1, 2004, through July 27, 2005” and inserting “\$415,000 for the period of October 1, 2004, through July 30, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$20,547,950 for the period of October 1, 2004, through July 27, 2005” and inserting “\$20,750,000 for the period of October 1, 2004, through July 30, 2005”.

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(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) \$107,900,000 for the period of October 1, 2004, through July 30, 2005.”;

(B) in subsection (a)(2) by striking “\$1,643,836 for the period of October 1, 2004, through July 27, 2005” and inserting “\$1,660,000 for the period of October 1, 2004, through July 30, 2005”; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking “\$2,136,986,800” and inserting “\$2,158,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking “\$1,232,877” and inserting “\$1,245,000”; and

(B) by striking “July 27” and inserting “July 30”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$84,657,554 for the period of October 1, 2004, through July 27, 2005” and inserting “\$85,490,000 for the period of October 1, 2004, through July 30, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$41,095,900 for the period of October 1, 2004, through July 27, 2005” and inserting “\$41,500,000 for the period of October 1, 2004, through July 30, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,360 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,600,000 for the period of October 1, 2004, through July 30, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$25,479,458 for the period of October 1, 2004, through July 27, 2005” and inserting “\$25,730,000 for the period of October 1, 2004, through July 30, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$90,410,980 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,300,000 for the period of October 1, 2004, through July 30, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119

Stat. 379; 119 Stat. 394) is amended by striking “\$100,273,996 for the period of October 1, 2004, through July 27, 2005” and inserting “\$101,260,000 for the period of October 1, 2004, through July 30, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$21,780,827 for the period of October 1, 2004, through July 27, 2005” and inserting “\$21,995,000 for the period of October 1, 2004, through July 30, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$178,767,165 for the period of October 1, 2004, through July 27, 2005” and inserting “\$180,525,000 for the period of October 1, 2004, through July 30, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$29,917,815 for the period of October 1, 2004, through July 27, 2005” and inserting “\$30,212,000 for the period of October 1, 2004, through July 30, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$15,452,058 for the period of October 1, 2004, through July 27, 2005” and inserting “\$15,604,000 for the period of October 1, 2004, through July 30, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$410,959 for the period of October 1, 2004, through July 27, 2005” and inserting “\$415,000 for the period of October 1, 2004, through July 30, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$82,191,800” and inserting “\$83,000,000”;

and

(2) by striking “July 27” and inserting “July 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$82,191,800” and inserting “\$83,000,000”;

and

(2) by striking “July 27” and inserting “July 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$616,439 for the period of October 1, 2004, through July 27, 2005” and inserting “\$622,500 for the period of October 1, 2004, through July 30, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$4,315,069” and inserting “\$4,357,500”;

(2) by striking “\$205,480” and inserting “\$207,500”; and

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(3) by striking “July 27” each place it appears and inserting “July 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1) by striking “\$8,219,180 for the period of October 1, 2004, through July 27, 2005” and inserting “\$8,300,000 for the period of October 1, 2004, through July 30, 2005”; and

(2) in paragraph (2) by striking “\$8,219,180 for the period of October 1, 2004, through July 27, 2005” and inserting “\$8,300,000 for the period of October 1, 2004, through July 30, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”; and

(2) by striking “and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4(a) of the Surface Transportation Extension Act of 2005, Part IV, and section 4(a) of the Surface Transportation Extension Act of 2005, Part V”.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “and section 4 of Surface Transportation Extension Act of 2005, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”;

(2) by striking “and section 4 of the Surface Transportation Extension Act, Part IV” the first place it appears and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”; and

(3) by striking “and section 4 of the Surface Transportation Extension Act, Part IV” the second place it appears and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “and section 4 of the Surface Transportation Extension Act, Part IV” and inserting “section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V”.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking

“\$92,054,794 for the period of October 1, 2004, through July 27, 2005” and inserting “\$92,975,342 for the period of October 1, 2004, through July 30, 2005”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$90,410,958 for the period of October 1, 2004, through July 27, 2005” and inserting “\$91,315,068 for the period of October 1, 2004, through July 30, 2005”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$135,616,438 for the period of October 1, 2004, through July 27, 2005” and inserting “\$136,972,603 for the period of October 1, 2004, through July 30, 2005”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$59,178,082 for the period of October 1, 2004, through July 27, 2005” and inserting “\$59,769,863 for the period of October 1, 2004, through July 30, 2005”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$16,438,356 for the period of October 1, 2004, through July 27, 2005” and inserting “\$16,602,704 for the period of October 1, 2004, through July 30, 2005”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$32,876,712 for the period of October 1, 2004, through July 27, 2005” and inserting “\$33,205,479 for the period of October 1, 2004, through July 30, 2005”.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$2,958,904 for the period of October 1, 2004, through July 27, 2005” and inserting “\$2,988,493 for the period of October 1, 2004, through July 30, 2005”.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$211,682,467 for the period of October 1, 2004, through July 27, 2005” and inserting “\$213,799,290 for the period of October 1, 2004, through July 30, 2005”.

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(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) Not more than \$140,293,151 for the period of October 1, 2004, through July 30, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER’S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

“(6) \$16,602,740 for the period of October 1, 2004, through July 30, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking “July 27” and inserting “July 30”; and

(B) by striking “\$821,918” and inserting “\$830,137”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$821,918” and inserting “\$830,137”; and

(2) by striking “July 27” and inserting “July 30”.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph

(1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(B) by striking “\$8,547,000” and inserting “\$8,550,000”;

and

(C) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (3)(B)—

(A) by striking “\$2,465,754” and inserting “\$2,470,000”;

and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in paragraph (3)(C)—

(A) by striking “\$41,095,900” and inserting “\$41,506,850”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in paragraph (2)(A)(vii)—

(A) by striking “\$2,795,000,000” and inserting “\$2,796,817,658”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (2)(B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

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(4) in paragraph (2)(C) by striking “July 27, 2005” and inserting “July 30, 2005”.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (1) by striking “\$3,986,261” and inserting “\$4,026,123”;

(4) in paragraph (2) by striking “\$41,095,900” and inserting “\$41,506,850”;

(5) in paragraph (3) by striking “\$79,100,000” and inserting “\$79,102,926”;

(6) in paragraph (4) by striking “\$210,000,000” and inserting “\$212,000,000”; and

(7) in paragraph (5) by striking “\$5,712,330” and inserting “\$5,769,452”.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$2,309,000,366” and inserting “\$2,336,442,169”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$49,546,681” and inserting “\$50,146,668”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$39,554,804” and inserting “\$39,950,343”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in subparagraph (C) by striking “July 27, 2005” and inserting “July 30, 2005”.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156;

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119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in the matter preceding paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in paragraph (1) by striking “\$4,315,070” and inserting “\$4,358,219”;

(4) in paragraph (2) by striking “\$6,780,824” and inserting “\$6,848,630”; and

(5) in paragraph (3)—

(A) by striking “\$3,287,672” and inserting “\$3,320,548”;

and

(B) by striking “\$821,918” and inserting “\$830,137”.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)—

(A) by striking “\$4,131,508” and inserting “\$4,180,822”;

and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(3) in subparagraph (B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking “July 27, 2005” and inserting “July 30, 2005”.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking “July 27, 2005” and inserting “July 30, 2005”;

(B) in paragraph (1)(A) by striking “\$1,643,836” and inserting “\$1,660,274”;

(C) in paragraph (1)(B) by striking “\$1,643,836” and inserting “\$1,660,274”; and

(D) in paragraph (2) by striking “July 27, 2005” and inserting “July 30, 2005”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$53,709,604” and inserting “\$54,350,686”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in subparagraph (B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”.

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(k) **JOB ACCESS AND REVERSE COMMUTE PROGRAM.**—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking “\$82,739,750” and inserting “\$83,767,125”; and

(B) by striking “July 27, 2005” and inserting “July 30, 2005”;

(2) in paragraph (1)(B)(vii) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(3) in paragraph (2) by striking “July 27, 2005, not more than \$8,219,180” and inserting “July 30, 2005, not more than \$8,301,370”.

(l) **RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.**—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking paragraph (1)(G) and inserting the following:
“(G) \$5,769,452 for the period of October 1, 2004, through July 30, 2005.”; and

(2) in paragraph (2)—

(A) by striking “\$1,428,082” and inserting “\$1,428,124”;

and
(B) by striking “July 27, 2005” and inserting “July 30, 2005”.

(m) **URBANIZED AREA FORMULA GRANTS.**—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 27, 2005” and inserting “JULY 30, 2005”; and

(2) in subparagraph (A) by striking “July 27, 2005” and inserting “July 30, 2005”.

(n) **OBLIGATION CEILING.**—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “\$6,335,343,944” and inserting “\$6,398,695,996”; and

(2) by striking “July 27, 2005” and inserting “July 30, 2005”.

(o) **FUEL CELL BUS AND BUS FACILITIES PROGRAM.**—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “July 27, 2005” and inserting “July 30, 2005”; and

(2) by striking “\$3,986,000” and inserting “\$4,026,164”.

(p) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking “July 27, 2005” and inserting “July 30, 2005.”; and

(2) by striking “\$4,100,000” and inserting “\$4,150,685”.

(q) **PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.**—Subsections (a), (b), and (c)(1) of

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119 STAT. 421

section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking “July 27, 2005” and inserting “July 30, 2005”.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “July 27, 2005” and inserting “July 30, 2005”.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

“(7) \$8,301,370 for the period of October 1, 2004, through July 30, 2005.”.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) FIRST 303 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$68,071,233, 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) \$8,301,370 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) \$6,641,096 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 transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$4,100,000” and inserting “\$4,150,685”; and
- (2) by striking “\$1,643,836” and inserting “\$1,660,274”.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “July 28, 2005” and inserting “July 31, 2005”;

26 USC 9503.

(B) by striking “or” at the end of subparagraph (N);
 (C) by striking the period at the end of subparagraph (O) and inserting “, or”;

(D) by inserting after subparagraph (O) the following new subparagraph:

“(P) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part V.”; and

(E) in the matter after subparagraph (P), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 28, 2005” and inserting “July 31, 2005”;

(B) in subparagraph (L), by striking “or” at the end of such subparagraph;

(C) in subparagraph (M), by inserting “or” at the end of such subparagraph;

(D) by inserting after subparagraph (M) the following new subparagraph:

“(N) the Surface Transportation Extension Act of 2005, Part V.”; and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking “July 28, 2005” and inserting “July 31, 2005”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2005, Part IV” each place it appears and inserting “Surface Transportation Extension Act of 2005, Part V”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 28, 2005” and inserting “July 31, 2005”; and

(B) by striking “Surface Transportation Extension Act of 2005, Part IV” and inserting “Surface Transportation Extension Act of 2005, Part V”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “July 28, 2005” and inserting “July 31, 2005”.

26 USC 9503
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

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119 STAT. 423

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code; and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved July 28, 2005.

LEGISLATIVE HISTORY—H.R. 3453:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 27, considered and passed House and Senate.

119 STAT. 435

PUBLIC LAW 109–42—JULY 30, 2005

Public Law 109–42
109th Congress

An Act

July 30, 2005
[H.R. 3512]

To provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2005, Part VI.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2005, Part VI”.

SEC. 2. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM.

Ante, p. 411.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147, 119 Stat. 325) is amended by striking “\$292,179,920” and inserting “\$309,260,880”.

(b) **LIMITATION ON OBLIGATIONS.**—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108–447 (118 Stat. 3204) not more than \$17,080,960 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Federal Highway Administration for the period of July 30, 2005, through August 14, 2005.

Ante, p. 412.

(b) **CONFORMING AMENDMENT.**—Section 2(e)(3) of such Act (118 Stat. 1146, 119 Stat. 325) is amended by striking “July 30” and inserting “August 14”.

SEC. 3. ADMINISTRATIVE EXPENSES FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) **IN GENERAL.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay the administrative expenses of the National Highway Traffic Administration in carrying out the highway safety programs authorized by sections 157 and 163 of chapter 1 of title 23, United States Code, and sections 402, 403, 405, and 410 of chapter 4 of such title, the National Driver Register under chapter 303 of title 49, United States Code, the motor vehicle safety program under chapter 301 of such title 49, and the motor vehicle information and cost savings program under part C of subtitle VI of such title 49 \$4,125,000 for the period of July 30, 2005, through August 14, 2005.

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119 STAT. 436

(b) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

SEC. 4. ADMINISTRATIVE EXPENSES FOR MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

Ante, p. 416.

(1) by striking “\$213,799,290” and inserting “\$224,383,414”;

and

(2) by striking “July 30” and inserting “August 14”.

SEC. 5. ADMINISTRATIVE EXPENSES FOR FEDERAL TRANSIT PROGRAMS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “JULY 30” and inserting “AUGUST 14”;

(2) in subparagraph (A)(vii)—

(A) by striking “\$54,350,686” and inserting “\$57,650,686”; and

(B) by striking “July 30” and inserting “August 14”;

and

(3) in subparagraph (B)(vii) by striking “July 30” and inserting “August 14”.

(b) **OBLIGATION CEILING.**—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 885; 118 Stat. 1158; 119 Stat. 333) is amended—

Ante, p. 420.

(1) by striking “\$6,398,695,996” and inserting “\$6,401,995,996”; and

(2) by striking “July 30” and inserting “August 14”.

SEC. 6. BUREAU OF TRANSPORTATION STATISTICS.

(a) **IN GENERAL.**—Section 5001(a)(4) of the Transportation Equity Act for the 21st Century (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking “\$25,730,000 for the period of October 1, 2004, through July 30, 2005” and inserting “\$27,000,000 for the period of October 1, 2004, through August 14, 2005”.

Ante, p. 413.

(b) **LIMITATION ON OBLIGATIONS.**—Of the obligation limitation made available for Federal-aid highways and highway safety construction programs for fiscal year 2005 by division H of Public Law 108-447 (118 Stat. 3204) not more than \$1,270,000 shall be available, in addition to any obligation limitation previously provided, for administrative expenses of the Bureau of Transportation Statistics for the period of July 30, 2005, through August 14, 2005.

SEC. 7. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) **HIGHWAY TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “July 31, 2005” and inserting “August 15, 2005”,

(B) by striking “or” at the end of subparagraph (O),

(C) by striking the period at the end of subparagraph (P) and inserting “, or”,

(D) by inserting after subparagraph (P) the following new subparagraph:

“(Q) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part VI.”, and

(E) in the matter after subparagraph (Q), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “July 31, 2005” and inserting “August 15, 2005”,

(B) in subparagraph (M), by striking “or” at the end of such subparagraph,

(C) in subparagraph (N), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (N) the following new subparagraph:

“(O) the Surface Transportation Extension Act of 2005, Part VI.”, and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by adding at the end the following: “The preceding sentence shall be applied by substituting ‘August 15, 2005’ for the date therein.”.

(b) AQUATIC RESOURCES TRUST FUND.—

26 USC 9504.

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Subparagraphs (A), (B), and (C) shall each be applied by substituting ‘Surface Transportation Extension Act of 2005, Part VI’ for ‘Surface Transportation Extension Act of 2005, Part V’.”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “July 31, 2005” and inserting “August 15, 2005”, and

(B) by striking “Surface Transportation Extension Act of 2005, Part V” and inserting “Surface Transportation Extension Act of 2005, Part VI”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by adding at the end the following new sentence: “The preceding sentence shall be applied by substituting ‘August 15, 2005’ for the date therein.”.

Applicability.

(c) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on August 14, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

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119 STAT. 438

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

(d) **SUBSEQUENT REPEAL OF CERTAIN TEMPORARY PROVISIONS.**—Each of the following provisions of the Internal Revenue Code of 1986 are amended by striking the last sentence thereof:

(1) Section 9503(b)(6)(B).

26 USC 9503.

(2) Section 9504(b)(2).

26 USC 9504.

(3) Section 9504(d)(2).

(e) **EFFECTIVE DATE.**—

26 USC 9503
note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **SUBSEQUENT REPEAL.**—The amendments made by subsection (d) shall take effect on the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and shall be executed immediately before the amendments made by such Act.

Approved July 30, 2005.

LEGISLATIVE HISTORY—H.R. 3512:

CONGRESSIONAL RECORD, Vol. 151 (2005):

July 29, considered and passed House and Senate.

119 STAT. 1144

PUBLIC LAW 109-59—AUG. 10, 2005

Public Law 109-59
109th Congress

An Act

Aug. 10, 2005
[H.R. 3]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Inter-governmental relations. 23 USC 101 note. 119 STAT. 1153

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” or “SAFETEA-LU”.

* * * * *

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

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):

* * * * *

119 STAT. 1154

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

* * * * *

(B) PARK ROADS AND PARKWAYS.—

(i) IN GENERAL.—For park roads and parkways under section 204 of such title—

- (I) \$180,000,000 for fiscal year 2005;
- (II) \$195,000,000 for fiscal year 2006;
- (III) \$210,000,000 for fiscal year 2007;
- (IV) \$225,000,000 for fiscal year 2008; and
- (V) \$240,000,000 for fiscal year 2009.

(ii) MINIMUM ALLOCATION TO CERTAIN STATES.—A State containing more than 50 percent of the total acreage of the National Park System shall receive not less than 3 percent of any funds appropriated under this subparagraph.

* * * * *

(D) PUBLIC LANDS HIGHWAYS.—For Federal lands highways under section 204 of such title—

- (i) \$260,000,000 for fiscal year 2005;
- (ii) \$280,000,000 for fiscal year 2006;
- (iii) \$280,000,000 for fiscal year 2007;
- (iv) \$290,000,000 for fiscal year 2008; and
- (v) \$300,000,000 for fiscal year 2009.

* * * * *

119 STAT. 1155

(12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of such title—

- (A) \$26,500,000 for fiscal year 2005;

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119 STAT. 1155

- (B) \$30,000,000 for fiscal year 2006;
- (C) \$35,000,000 for fiscal year 2007;
- (D) \$40,000,000 for fiscal year 2008; and
- (E) \$43,500,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of such title—

- (A) \$38,000,000 for fiscal year 2005;
- (B) \$55,000,000 for fiscal year 2006;
- (C) \$60,000,000 for fiscal year 2007;
- (D) \$65,000,000 for fiscal year 2008; and
- (E) \$67,000,000 for fiscal year 2009.

* * * * *

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

119 STAT. 1165

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

- (1) by striking “2000” and inserting “2007”;
- (2) by inserting after “such fiscal year” the first place it appears: “and the succeeding fiscal year”.

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

- (1) by striking “2000” and inserting “2007”;
- (2) by striking “October 1 of the succeeding” and inserting “October 15 of such”;
- (3) by inserting after “Account)” the following: “for such fiscal year and the succeeding fiscal year”; and
- (4) by adding at the end the following: “No reduction under this paragraph and no reduction under section 1102(h), and no reduction under title VIII or any amendment made by title VIII, of the SAFETEA-LU shall be made for a fiscal year if, as of October 1 of such fiscal year the balance in the Highway Trust Fund (other than the Mass Transit Account) exceeds \$6,000,000,000.”.

119 STAT. 1166

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended—

23 USC 110.

- (1) by striking “minimum guarantee” and inserting “equity bonus”; and
- (2) by striking “Transportation Equity Act for the 21st Century” and inserting “SAFETEA-LU”.

(d) ADDITION OF HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 110(c) of such title is amended by inserting “the highway safety improvement program,” after “the surface transportation program,”.

(e) TECHNICAL AMENDMENT.—Section 110(b)(1)(A) of such title is amended by striking “for” the second place it appears.

23 USC 110 note.

(f) SPECIAL RULE.—If the amount available pursuant to section 110 of title 23, United States Code, for fiscal year 2007 is greater than zero, the Secretary shall—

- (1) determine the total amount necessary to increase each State’s rate of return (as determined under section 105(b)(1)(A) of title 23, United States Code) to 92 percent, excluding amounts provided under this paragraph;
- (2) allocate to each State the lesser of—
 - (A) the amount computed for that State under paragraph (1); or

119 STAT. 1166

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(B) an amount determined by multiplying the total amount calculated under section 110 of title 23, United States Code, for fiscal year 2007 by the ratio that—

(i) the amount determined for such State under paragraph (1); bears to

(ii) the total amount computed for all States in paragraph (1); and

(3) allocate amounts remaining in excess of the amounts allocated in paragraph (2) to all States in accordance with section 110 of title 23, United States Code.

* * * * *

119 STAT. 1168

SEC. 1109. RECREATIONAL TRAILS.

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: “Before apportioning sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct for administrative, research, technical assistance, and training expenses for such program \$840,000 for each of fiscal years 2005 through 2009.”; and

(2) in paragraph (2) by striking “After” and all that follows through “remainder of the sums” and inserting “The Secretary shall apportion the sums”.

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

“(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

“(A) maintenance and restoration of existing recreational trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

“(C) purchase and lease of recreational trail construction and maintenance equipment;

“(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

“(i) permissible under other law;

“(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) and that is in effect;

“(iii) approved by the administering agency of the State designated under subsection (c)(1); and

“(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

119 STAT. 1169

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119 STAT. 1169

“(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

“(F) assessment of trail conditions for accessibility and maintenance;

“(G) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

“(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year.”.

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated) by striking “(2)(F)” and inserting “(2)(H)”.

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting “and the Federal share of the administrative costs of a State” after “project”; and

(B) by striking “not exceed 80 percent” and inserting “be determined in accordance with section 120(b)”;

(2) in paragraph (2)(A) by striking “80 percent of” and inserting “the amount determined in accordance with section 120(b) for”;

(3) in paragraph (2)(B) by inserting “sponsoring the project” after “Federal agency”;

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking “80 percent” and inserting “the Federal share as determined in accordance with section 120(b)”;

(7) by inserting after paragraph (3) the following:

“(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section.”.

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

“(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary

119 STAT. 1170

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may allow preapproval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described in subsection (d)(2) (other than subparagraph (H)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.”.

Contracts.
23 USC 206 note.

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

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119 STAT. 1172

SEC. 1114. HIGHWAY BRIDGE PROGRAM.

* * * * *

119 STAT. 1174
23 USC 144.

(e) BRIDGE SET-ASIDE.—

(1) FISCAL YEAR 2005.—Section 144(g)(1)(C) of such title is amended—

(A) in the subsection heading by striking “2003” and inserting “2005”; and

(B) in the first sentence by striking “2003” and inserting “2005”.

Effective date.

(2) FISCAL YEARS 2006 THROUGH 2009.—Effective October 1, 2005, section 144(g) of such title (as amended by subsection (d) of this section) is amended—

(A) by striking the subsection designation and all that follows through the period at the end of paragraph (2) and inserting the following:

“(g) BRIDGE SET-ASIDES.—

“(1) DESIGNATED PROJECTS.—

“(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but \$100,000,000 shall be apportioned as provided in subsection (e). Such \$100,000,000 shall be available as follows:

“(i) \$12,500,000 per fiscal year for the Golden Gate Bridge.

“(ii) \$18,750,000 per fiscal year for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

“(iii) \$12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.

“(iv) \$12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.

“(v) \$12,500,000 per fiscal year for replacement and reconstruction of State maintained bridges in the State of Oklahoma.

“(vi) \$4,500,000 per fiscal year for replacement of the Missisquoi Bay Bridge, Vermont.

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“(vii) \$8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.

“(viii) \$8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.

“(ix) \$10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.

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“(B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

“(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

* * * * *

SEC. 1119. FEDERAL LANDS HIGHWAYS.

119 STAT. 1181

(a) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Section 120(k) of title 23, United States Code, is amended—

(A) by striking “Federal-aid highway”; and

(B) by striking “section 104” and inserting “this title or chapter 53 of title 49”.

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(2) TECHNICAL REFERENCES.—Section 120(l) of such title is amended by striking “section 104” and inserting “this title or chapter 53 of title 49”.

(b) PAYMENTS TO FEDERAL AGENCIES FOR FEDERAL-AID PROJECTS.—Section 132 of such title is amended—

(1) by striking the first two sentences and inserting the following:

“(a) IN GENERAL.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may—

“(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

“(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

“(b) REIMBURSEMENT.—On execution with a State of a project agreement described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2).”; and

(2) in the last sentence by striking “Any sums” and inserting the following:

“(c) RECOVERY AND CREDITING OF FUNDS.—Any sums”.

(c) ALLOCATIONS.—Section 202 of such title is amended—

(1) in subsection (a) by striking “(a) On October 1” and all that follows through “Such allocation” and inserting the following:

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- Effective date. “(a) ALLOCATION BASED ON NEED.—
 “(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for forest development roads and trails according to the relative needs of the various national forests and grasslands.
 “(2) PLANNING.—The allocation under paragraph (1)”;
 (2) in subsection (d)(2)—
 (A) by adding at the end the following:
 “(E) TRANSFERRED FUNDS.—
 “(i) IN GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and available for immediate use by, the eligible Indian tribes, in accordance with the formula for distribution of funds under the Indian reservation roads program.
 “(ii) USE OF FUNDS.—Notwithstanding any other provision of this section, funds available to Indian tribes for Indian reservation roads shall be expended on projects identified in a transportation improvement program approved by the Secretary.”; and
 (B) in subsection (d)(3)(A) by striking “under this title” and inserting “under this chapter and section 125(e)”.
- 119 STAT. 1183 (d) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 202 of such title is amended by striking subsection (b) and inserting the following:
 “(b) ALLOCATION FOR PUBLIC LANDS HIGHWAYS.—
 “(1) PUBLIC LANDS HIGHWAYS.—
 “(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 34 percent of the sums authorized to be appropriated for that fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in the States, respectively, as determined by the Secretary, on application of the State transportation departments of the respective States.
 “(B) PREFERENCE.—In making the allocation under subparagraph (A), the Secretary shall give preference to those projects that are significantly impacted by Federal land and resource management activities that are proposed by a State that contains at least 3 percent of the total public land in the United States.
 “(2) FOREST HIGHWAYS.—
 “(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 66 percent of the funds authorized to be appropriated for public lands highways for forest highways in accordance with section 134 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 202 note; 101 Stat. 173).
 “(B) PUBLIC ACCESS TO AND WITHIN NATIONAL FOREST SYSTEM.—In making the allocation under subparagraph (A), the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through—
- Effective date.

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“(i) renewable resource and land use planning; and
“(ii) assessments of the impact of that planning
on transportation facilities.”.

* * * * *

(h) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended— 119 STAT. 1187

(1) in subsection (a)(1) by inserting “refuge roads,” after “parkways;” and

(2) by striking subsection (b) and inserting the following:
“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of—

“(A) transportation planning, research, and engineering and construction of, highways, roads, parkways, and transit facilities located on public lands, national parks, and Indian reservations; and

119 STAT. 1188

“(B) operation and maintenance of transit facilities located on public lands, national parks, and Indian reservations.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to such activity with—

“(A) a State (including a political subdivision of a State); or

“(B) an Indian tribe.

“(3) INDIAN RESERVATION ROADS.—In the case of an Indian reservation road—

“(A) Indian labor may be employed, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and

“(B) funds made available to carry out this section may be used to pay bridge preconstruction costs (including planning, design, and engineering).

“(4) FEDERAL EMPLOYMENT.—No maximum limitation on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

“(5) AVAILABILITY OF FUNDS.—Funds made available under this section for each class of Federal lands highways shall be available for any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, the areas served by the particular class of Federal lands highways.

“(6) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve funds from administrative funds of the Bureau of Indian Affairs that are associated with the Indian reservation roads program to finance Indian technical centers under section 504(b).”.

* * * * *

119 STAT. 1190

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23 USC 401 note.

(n) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as “wildlife vehicle collisions”).

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

Deadline.

(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) CONTENTS.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

119 STAT. 1191

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions.

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

(o) LIMITATION ON APPLICABILITY.—The requirements of the January 4, 2005, Federal Highway Administration, a final rule on the implementation of the Uniform Relocation Assistance and Real Property Acquisition policy Act of 1970 (42 U.S.C. 4601 et seq.) shall not apply to the voluntary conservation easement activities of the Department of Agriculture or the Department of the Interior.

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119 STAT. 1254

Subtitle G—High Priority Projects

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended to read as follows:

“(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—

“(1) IN GENERAL.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section.

119 STAT. 1255

“(2) AVAILABILITY OF FUNDS.—

“(A) FOR TEA-21.—Of amounts made available to carry out this section for fiscal years 1998 through 2003, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section.

“(B) FOR SAFETEA-LU.—Of amounts made available to carry out this section for fiscal years 2005 through 2009, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1702 of the SAFETEA-LU the amount listed for such project in such section.

“(3) AVAILABILITY OF UNALLOCATED FUNDS.—Any amounts made available to carry out such program that are not allocated for projects described in such section shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.”.

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended to read as follows:

“(b) FOR TEA-21.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 1998 through 2003—

“(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

“(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

“(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

“(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

“(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

“(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

“(c) FOR SAFETEA-LU.—For each project to be carried out with funds made available to carry out the high priority projects program under this section for fiscal years 2005 through 2009—

“(1) 20 percent of such amount shall be available for obligation beginning in fiscal year 2005;

“(2) 20 percent of such amount shall be available for obligation beginning in fiscal year 2006;

“(3) 20 percent of such amount shall be available for obligation beginning in fiscal year 2007;

“(4) 20 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

119 STAT. 1255

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“(5) 20 percent of such amount shall be available for obligation beginning in fiscal year 2009.”

(c) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended—

(1) in paragraph (1) by inserting after “21st Century” the following: “or section 1701 of the SAFETEA-LU, as the case may be,”; and

119 STAT. 1256

(2) by striking “section 1602 of the Transportation Equity Act for the 21st Century.” and inserting “such section 1602 or 1702, as the case may be.”

(d) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by inserting after “21st Century” the following: “or section 1102(g) of the SAFETEA-LU, as the case may be”.

(e) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after “described in” the following: “section 1702 of the SAFETEA-LU,”;

(2) by inserting after “for such projects by” the following: “section 1101(a)(16) of the SAFETEA-LU,”; and

(3) by striking “117 of title 23, United States Code,” and inserting “section 117 of this title,”.

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(16) of this Act) for fiscal years 2005 through 2009 to carry out each such project:

		Highway Projects High Priority Projects					
No.	State	Project Description				Amount	
* * * * *							
119 STAT. 1257	No.	State	Project Description				Amount
	30	NY	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan				\$15,000,000
* * * * *							
119 STAT. 1263	No.	State	Project Description				Amount
	187	NY	Enhance Battery Park Bikeway Perimeter, New York City				\$1,600,000
* * * * *							
119 STAT. 1265	No.	State	Project Description				Amount
	221	NY	Improve traffic flow on Rockaway Point Boulevard in the Breezy Point neighborhood of Queens County, including work to install a traffic signal at the intersection of Rockaway Point Boulevard and Reid Avenue				\$500,000
* * * * *							

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119 STAT. 1269

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
324	MI	Alger County, Repaving a portion of H-58 from Buck Hill towards Little Beaver Road	\$1,280,720
*	*	*	*
119 STAT. 1270			
No.	State	Project Description	Amount
344	NJ	Streetscape and Traffic Improvement Project to Downtown West Orange	\$800,000
*	*	*	*
119 STAT. 1272			
No.	State	Project Description	Amount
417	MD	Construct a visitors center and related roads serving Fort McHenry	\$3,760,000
*	*	*	*
119 STAT. 1273			
No.	State	Project Description	Amount
423	WV	Construct New River Parkway	\$3,600,000
*	*	*	*
429	CA	Seismic retrofit of the Golden Gate Bridge	\$8,800,000
*	*	*	*
119 STAT. 1275			
No.	State	Project Description	Amount
483	VA	Construction of Virginia Blue Ridge Trail in Amherst County, VA	\$240,000
*	*	*	*
119 STAT. 1276			
No.	State	Project Description	Amount
505	NY	Erie Canalway National Heritage Corridor in Lockport, NY—Transportation Enhancements	\$2,600,000
*	*	*	*
509	CA	Scenic preservation and run-off mitigation in the Santa Monica Mountains National Recreation Area near PCH and U.S. 101	\$1,200,000
*	*	*	*
119 STAT. 1288			
No.	State	Project Description	Amount
829	MA	Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/Fairhaven bridge	\$1,400,000
*	*	*	*

119 STAT. 1291

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
892	PA	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township	\$600,000

* * * * *

119 STAT. 1292

No.	State	Project Description	Amount
935	MN	Construct a bike trail along the north side of TH 11 to the Voyageurs National Park Visitor Center on Black Bay of Rainy Lake	\$540,000

* * * * *

119 STAT. 1295

No.	State	Project Description	Amount
1001	MS	Widen U.S. Highway 61 and improve major intersections, Natchez	\$3,040,000
1009	MD	MD4 at Suitland Parkway	\$3,200,000

* * * * *

119 STAT. 1304

No.	State	Project Description	Amount
1214	CA	Golden Gate National Parks Conservancy—Plan and Implement Trails and Bikeways Plan for the Golden Gate National Recreation Area and Presidio	\$5,000,000
1229	PA	Independence National Historic Park scenic enhancement and pedestrian walkways improvement project in conjunction with the park's Executive Mansion Exhibit	\$3,600,000

* * * * *

119 STAT. 1308

No.	State	Project Description	Amount
1326	MA	Design and Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities and heavily visited national sites	\$3,200,000
1339	IL	Construct underpass at intersection of Damen/Fullerton/Elston Avenues, Chicago	\$4,400,000

* * * * *

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount	
1397	NY	Rehabilitate and redesign Erie Canal Museum in Syracuse, NY through the Erie Canalway National Heritage Corridor Commission	\$400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1314
1486	PA	Project to realign intersection of King of Prussia Road and Upper Gulph Road to provide turning lanes and signalization	\$1,319,200	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1315
1517	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN	\$800,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1318
1599	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor	\$400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1320
1645	NY	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton	\$600,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1326
1795	AZ	Grand Canyon Greenway Trails	\$2,560,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1327
1832	VA	National Park Service transportation improvements to Historic Jamestowne, Virginia	\$3,400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1328
1843	VA	Rocky Knob Heritage Center—Planning, design, site acquisition, and construction for trail system and visitors center on Blue Ridge Parkway	\$1,200,000	
* * * * *				

119 STAT. 1329

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1886	VA	Blue Ridge Music Center—Install lighting/ steps, upgrade existing trail system and equip interpretative center with visitor information	\$1,200,000
* * * * *			
119 STAT. 1334			
No.	State	Project Description	Amount
1993	TN	Improve existing two lane highway to a four lane facility along the U.S. 412 Corridor west of Natchez Trace to U.S. 43 at Mount Pleasant	\$8,000,000
* * * * *			
119 STAT. 1335			
No.	State	Project Description	Amount
2039	NM	U.S. 62-180 Reconstruction, Texas State Line to Carlsbad	\$4,000,000
* * * * *			
119 STAT. 1337			
No.	State	Project Description	Amount
2092	NY	Rehabilitate Riis Park Boardwalk	\$300,000
* * * * *			
119 STAT. 1338			
No.	State	Project Description	Amount
2097	VA	Northern Virginia Potomac Heritage National Scenic Trail	\$800,000
* * * * *			
119 STAT. 1343			
No.	State	Project Description	Amount
2218	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA	\$1,600,000
* * * * *			
2229	NY	Develop an identity and signage program for the Erie Canalway National Heritage Corridor	\$800,000
* * * * *			
119 STAT. 1344			
No.	State	Project Description	Amount
2257	NY	Design and Construction of Downtown Jamestown Connector Trail	\$1,600,000
* * * * *			
2260	AK	Make necessary improvements to Indian River Road in City and Borough of Sitka	\$2,000,000
* * * * *			

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount	
2303	WA	Cultural and Interpretive Center (Hanford Reach National Monument) facility, Richland, WA	\$1,280,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1348
2351	MA	Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 146 and Millbury Street, Worcester	\$6,400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1350
2412	NY	Develop terminal facilities for water taxi projects in New York City	\$4,400,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1354
2520	NY	Construct the Fire Island ferry terminal facility, Patchogue	\$1,600,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1355
2551	VA	Improve transportation infrastructure for visitors to Jamestown 2007	\$425,520	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1357
2588	MN	Heritage Center at the Grand Portage National Monument	\$1,400,000	
* * * * *				
2606	CA	Replace South Access to the Golden Gate Bridge—Doyle Drive	\$8,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1367
2846	GA	Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park	\$6,160,000	
* * * * *				

119 STAT. 1370

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
2925	NY	Conduct studies, if necessary, and construct infrastructure projects for Governor's Island	\$3,200,000
	*	*	*
119 STAT. 1371			
No.	State	Project Description	Amount
2966	OH	Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park	\$400,000
	*	*	*
119 STAT. 1375			
No.	State	Project Description	Amount
3060	DC	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail	\$800,000
	*	*	*
119 STAT. 1376			
No.	State	Project Description	Amount
3093	TN	Construction of the Foothills Parkway in the Great Smoky Mountains National Park	\$7,500,000
	*	*	*
119 STAT. 1380			
No.	State	Project Description	Amount
3199	NJ	Edison National Historic Site Traffic Improvement Project to improve traffic flow and promote safety	\$192,000
	*	*	*
119 STAT. 1381			
No.	State	Project Description	Amount
3229	CA	Construction and enhancements of trails in the Santa Monica Mountains National Recreation Area	\$800,000
	*	*	*
119 STAT. 1387			
No.	State	Project Description	Amount
3370	PA	Construct interim U.S. 422 improvements at Valley Forge river crossing	\$800,000
	*	*	*
3374	OH	Plan and construct pedestrian trail along the Ohio and Erie Canal Towpath Trail in downtown Akron, OH	\$760,000
	*	*	*

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
3443	NJ	Downtown West Orange streetscape and traffic improvement program	\$1,440,000
*	*	*	*
No.	State	Project Description	Amount
3512	MD	MD4 at Suitland Parkway	\$4,000,000
*	*	*	*
No.	State	Project Description	Amount
3674	DC	Highway improvements to improve access to the Kennedy Center	\$4,000,000
*	*	*	*
3693	AK	Improvements to Lake Camp Road in Bristol Bay Borough	\$3,000,000
*	*	*	*
No.	State	Project Description	Amount
3707	AK	Upgrades for road access to McCarthy, AK, for design, engineering, permitting, and construction	\$5,000,000
*	*	*	*
3716	AK	Gustavus: Dock replacement for the Alaska Marine Highway	\$3,000,000
*	*	*	*
3720	AK	Sitka: Improvements to Indian River Road, including but not limited to design, engineering, permitting, and construction	\$500,000
*	*	*	*
No.	State	Project Description	Amount
3950	GA	Kennesaw National Battlefield Park for land acquisition in carrying out viewshed protection and wildlife abatement	\$3,000,000
*	*	*	*
No.	State	Project Description	Amount
4268	MA	Design and construct multimodal improvements and facilities in New Bedford	\$5,500,000
*	*	*	*
4277	MA	Design and construct Boston National Park traveler information system and visitor center in Boston	\$7,000,000
*	*	*	*

119 STAT. 1392

119 STAT. 1398

119 STAT. 1399

119 STAT. 1408

119 STAT. 1420

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
4283	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester	\$2,000,000
* * * * *			
119 STAT. 1421			
No.	State	Project Description	Amount
4293	MD	Construct a visitor center and related roads, and parking serving Fort McHenry	\$5,300,000
4294	MD	Construct Assateague Island National Seashore visitors center and related road improvements	\$6,300,000
* * * * *			
4300	MD	Construct MD 4 at Suitland Parkway	\$2,800,000
* * * * *			
119 STAT. 1422			
No.	State	Project Description	Amount
4323	ME	Construction of an Intermodal Center in Acadia Park, Bar Harbor	\$4,000,000
* * * * *			
119 STAT. 1423			
No.	State	Project Description	Amount
4347	MI	Alger County, repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road	\$1,000,000
* * * * *			
119 STAT. 1425			
No.	State	Project Description	Amount
4410	MS	Transportation improvements for Washington Street/Old U.S. Highway 61, Vicksburg	\$5,000,000
* * * * *			
119 STAT. 1426			
No.	State	Project Description	Amount
4423	MT	Develop and reconstruct Two Medicine Bridge, U.S. 2, East of Glacier National Park	\$25,000,000
* * * * *			
119 STAT. 1428			
No.	State	Project Description	Amount
4471	ND	Reconstruction of U.S. 85 north of Grassy Butte to Long-X Bridge near Teddy Roosevelt National Park North Unit	\$6,500,000
* * * * *			

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount	
4637	OH	Design and construct a Towpath Trail from southern Cuyahoga County through downtown Cleveland to Lake Erie. Cleveland, OH	\$1,800,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1441
4846	RI	Transportation Improvements for the Blackstone River Bikeway (Providence, Woonsocket)	\$10,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1442
4852	RI	Transportation Enhancements at Blackstone Valley Heritage Corridor	\$500,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1444
4901	SD	Purchase critical conservation easements along the Heartland Expressway (Highway 79) adjacent to Custer State Park and Wind Cave National Park	\$2,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1445
4949	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County	\$500,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1446
4974	TN	Construction of the Foothills Parkway in Smoky Mountains National Park, Sevier County	\$10,000,000	
* * * * *				
No.	State	Project Description	Amount	119 STAT. 1449
5049	VA	National Park Service transportation improvements to Historic Jamestowne in FY 2006 ...	\$2,000,000	
* * * * *				
5056	VA	National Park Service, Appalachian Trail, High Top Mountain land acquisition, FY 2006	\$500,000	
* * * * *				

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Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
5100	WA	Design and construct pedestrian land bridge spanning SR 14	\$2,500,000

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119 STAT. 1451

No.	State	Project Description	Amount
5102	WA	Hanford Reach National Monument Road Improvement	\$1,500,000

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119 STAT. 1453

No.	State	Project Description	Amount
5167	WY	U.S. 26-287: repair road from Dubois to Moran Junction, Wyoming to improve access to Yellowstone National Park (Togwotee Pass Reconstruction)	\$25,000,000

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119 STAT. 1455

Subtitle H—Environment

SEC. 1801. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Section 147 of title 23, United States Code, is amended to read as follows:

“§ 147. Construction of ferry boats and ferry terminal facilities

“(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

“(b) FEDERAL SHARE.—The Federal share of the cost of construction of ferry boats, ferry terminals, and ferry maintenance facilities under this section shall be 80 percent.

“(c) ALLOCATION OF FUNDS.—The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing ferries, that—

“(1) provide critical access to areas that are not well-served by other modes of surface transportation;

“(2) carry the greatest number of passengers and vehicles;

or

“(3) carry the greatest number of passengers in passenger-only service.

“(d) SET-ASIDE FOR PROJECTS ON NHS.—

“(1) IN GENERAL.—\$20,000,000 of the amount made available to carry out this section for each of fiscal years 2005 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

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“(2) ALASKA.—\$10,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

“(3) NEW JERSEY.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

“(4) WASHINGTON.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

“(e) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended. 119 STAT. 1456

“(f) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.”.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by striking the item relating to section 147 and inserting the following:

“147. Construction of ferry boats and ferry terminal facilities.”.

(c) CONFORMING REPEAL.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is repealed. 23 USC 129 note.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out section 147 of title 23, United States Code, by section 1101 of this Act, there are authorized to be appropriated such sums as may be necessary to carry out such section 147 for fiscal year 2006 and each fiscal year thereafter. Such funds shall remain available until expended. 23 USC 147 note.

(e) NATIONAL FERRY DATABASE.— 23 USC 129 note.

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.—Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter; Deadline.

(B) ensure that the database is easily accessible to the public; and Public information.

(C) make available, from the amounts made available for the Bureau of Transportation Statistics by section 5101 of this Act, not more than \$500,000 for each of fiscal years 2006 through 2009 to establish and maintain the database.

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(f) TERRITORY FERRIES.—Section 129(c)(5) of title 23, United States Code, is amended by striking “the Commonwealth of Puerto Rico” each place it appears and inserting “any territory of the United States”.

SEC. 1802. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Section 162(a) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking “the roads as” and all that follows and inserting “the roads as—

“(A) National Scenic Byways;

“(B) All-American Roads; or

“(C) America’s Byways.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) NOMINATION.—

“(A) IN GENERAL.—To be considered for a designation, a road must be nominated by a State, an Indian tribe, or a Federal land management agency and must first be designated as a State scenic byway, an Indian tribe scenic byway, or, in the case of a road on Federal land, as a Federal land management agency byway.

“(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

“(i) jurisdiction over the road; or

“(ii) responsibility for managing the road.

“(C) SAFETY.—An Indian tribe shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).

“(4) RECIPROCAL NOTIFICATION.—States, Indian tribes, and Federal land management agencies shall notify each other regarding nominations made under this subsection for roads that—

“(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

“(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.”.

(b) GRANTS AND TECHNICAL ASSISTANCE.—Section 162(b) of such title is amended—

(1) in paragraph (1) by inserting “and Indian tribes” after “provide technical assistance to States”;

(2) in paragraph (1)(A) by striking “designated as” and all that follows through “; and” and inserting “designated as—

“(i) National Scenic Byways;

“(ii) All-American Roads;

“(iii) America’s Byways;

“(iv) State scenic byways; or

“(v) Indian tribe scenic byways; and”; and

(3) in paragraph (1)(B) by inserting “or Indian tribe” after “State”;

(4) in paragraph (2)(A) by striking “Byway or All-American Road” and inserting “Byway, All-American Road, or 1 of America’s Byways”;

119 STAT. 1457

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119 STAT. 1457

(5) in paragraph (2)(B)—

(A) by striking “State-designated” and inserting “State or Indian tribe”; and

(B) by striking “designation as a” and all that follows through “; and” and inserting “designation as—

“(i) a National Scenic Byway;

“(ii) an All-American Road; or

“(iii) 1 of America’s Byways; and”; and

(6) in paragraph (2)(C) by inserting “or Indian tribe” after “State”.

(c) ELIGIBLE PROJECTS.—Section 162(c) of such title is amended—

(1) in paragraph (1) by inserting “or Indian tribe” after “State”; 119 STAT. 1458

(2) in paragraph (3)—

(A) by inserting “Indian tribe scenic byway,” after “improvements to a State scenic byway,”; and

(B) by inserting “Indian tribe scenic byway,” after “designation as a State scenic byway,”; and

(3) in paragraph (4) by striking “passing lane,”.

(d) CONFORMING AMENDMENT.—Section 162(e) of such title is amended by inserting “or Indian tribe” after “State”.

SEC. 1803. AMERICA’S BYWAYS RESOURCE CENTER.

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America’s Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways, All-American Roads, and America’s Byways with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$1,500,000 for fiscal year 2005 and \$3,000,000 for each of fiscal years 2006 through 2009.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

119 STAT. 1458

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23 USC 144 note. **SEC. 1804. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.**

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

(1) **HISTORIC COVERED BRIDGE.**—The term “historic covered bridge” means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

(2) **STATE.**—The term “State” has the meaning such term has in section 101(a) of title 23, United States Code.

(b) **HISTORIC COVERED BRIDGE PRESERVATION.**—The Secretary shall—

(1) collect and disseminate information on historic covered bridges;

(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;

119 STAT. 1459

(3) conduct research on the history of historic covered bridges; and

(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).

(2) **ELIGIBLE PROJECTS.**—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

or

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site.

(3) **AUTHENTICITY REQUIREMENTS.**—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$10,000,000 for each of fiscal years 2006 through 2009.

(e) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.

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119 STAT. 1459

SEC. 1805. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVER-PASSES. 23 USC 144 note.

(a) **IN GENERAL.**—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.

(b) **RECIPIENT RESPONSIBILITIES.**—A recipient of the debris described in subsection (a) shall—

(1) bear the additional cost associated with having the debris made available;

(2) ensure that placement of the debris complies with applicable law; and 119 STAT. 1460

(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.

(c) **DEFINITION.**—In this section, the term “beneficial use” means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.

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Subtitle I—Miscellaneous

119 STAT. 1464

* * * * *

SEC. 1934. TRANSPORTATION IMPROVEMENTS.

119 STAT. 1485

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—For each of fiscal years 2005 through 2009, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to make allocations in accordance with paragraph (2) to carry out each project described in the table contained in subsection (c), at the amount specified for each such project in that table.

(2) **ALLOCATION PERCENTAGES.**—Of the total amount specified for each project described in the table contained in subsection (c), 10 percent for fiscal year 2005, 20 percent for fiscal year 2006, 25 percent for fiscal year 2007, 25 percent for fiscal year 2008, and 20 percent for fiscal year 2009 shall be allocated to carry out each such project in that table.

(b) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Funds authorized to be appropriated to carry out 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, except that the funds shall remain available until expended.

(2) **FEDERAL SHARE.**—The Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title.

(c) **TABLE.**—The table referred to in subsections (a) and (b) is as follows:

* * * * *

119 STAT. 1490

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Transportation Improvements

No.	State	Project Description	Amount
83.	IA	Lewis and Clark Trail Study	\$250,000

* * * * *

119 STAT. 1495

No.	State	Project Description	Amount
183.	MD	Upgrade MD 4 at Suitland Parkway	\$5,000,000
184.	MD	Construct Fort McHenry Visitors Center and related parking facilities	\$2,000,000

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119 STAT. 1496

No.	State	Project Description	Amount
201.	MI	Alger County, Repaving a portion of H–58 between Sullivan Creek towards Little Beaver Road	\$11,000,000

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119 STAT. 1498

No.	State	Project Description	Amount
238.	MT	Develop and construct St. Mary water project road and bridge infrastructure including: New bridge and approaches across St. Mary River, stabilization and improvements to U.S. 89, and road/canal from Siphon Bridge to Spider Lake	\$8,000,000

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119 STAT. 1501

No.	State	Project Description	Amount
296.	NV	Hoover Dam Bypass—Boulder City Extension	\$26,500,000

* * * * *

119 STAT. 1507

No.	State	Project Description	Amount
418.	VT	Property acquisition and improvements for public access and viewshed protection for the Cedar Creek Vermont monument at the Cedar Creek and Belle Grove National Historical Park in Virginia	\$2,000,000

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119 STAT. 1511

SEC. 1940. GOING-TO-THE-SUN ROAD, GLACIER NATIONAL PARK, MONTANA.

(a) PROJECT AUTHORIZATION.—There is authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to resurface, repair, rehabilitate, and reconstruct the Going-to-the-Sun Road at Glacier National Park, Montana, in accordance with the framework identified in Alternative 3 (shared use alternative) of the environmental impact state-

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119 STAT. 1511

ment and record of decision dated 2003 and relating to the Going-to-the-Sun Road, to remain available until expended—

- (1) \$10,000,000 for fiscal year 2005;
- (2) \$10,000,000 for fiscal year 2006;
- (3) \$10,000,000 for fiscal year 2007;
- (4) \$10,000,000 for fiscal year 2008; and
- (5) \$10,000,000 for fiscal year 2009.

(b) FEDERAL SHARE.—The Federal share of the costs of the project described in subsection (a) shall be 100 percent.

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SEC. 1952. CONGESTION RELIEF.

119 STAT. 1514
Virginia.

The Secretary shall conduct a design and feasibility analysis to alleviate southbound traffic congestion along the George Washington Parkway, Virginia, between Interstate Route 495 and the 14th Street Bridge and shall take appropriate action in response to the results of that analysis.

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SEC. 1954. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

119 STAT. 1515

Section 217(c) of title 23, United States Code, is amended by striking “in conjunction with such trails, roads, highways, and parkways”.

* * * * *

SEC. 1960. DENALI ACCESS SYSTEM PROGRAM.

119 STAT. 1516

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

- (1) by redesignating section 309 as section 310; and
- (2) by inserting after section 308 the following:

“SEC. 309. DENALI ACCESS SYSTEM PROGRAM.

“(a) ESTABLISHMENT OF THE DENALI ACCESS SYSTEM PROGRAM.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Secretary of Transportation shall establish a program to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali access system program under this section.

Deadline.

“(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Denali Commission shall establish a Denali Access System Program Advisory Committee (referred to in this section as the ‘advisory committee’).

Deadline.

“(2) MEMBERSHIP.—The advisory committee shall be composed of nine members to be appointed by the Governor of the State of Alaska as follows:

“(A) The chairman of the Denali Commission.

“(B) Four members who represent existing regional native corporations, native nonprofit entities, or tribal governments, including one member who is a civil engineer.

“(C) Four members who represent rural Alaska regions or villages, including one member who is a civil engineer.

“(3) TERMS.—

“(A) IN GENERAL.—Except for the chairman of the Commission who shall remain a member of the advisory

committee, members shall be appointed to serve a term of 4 years.

“(B) INITIAL MEMBERS.—Except for the chairman of the Commission, of the eight initial members appointed to the advisory committee, two shall be appointed for a term of 1 year, two shall be appointed for a term of 2 years, two shall be appointed for a term of 3 years, and two shall be appointed for a term of 4 years. All subsequent appointments shall be for 4 years.

“(4) RESPONSIBILITIES.—The advisory committee shall be responsible for the following activities:

“(A) Advising the Commission on the surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads and facilities necessary to connect isolated rural communities to a road system.

“(B) Advising the Commission on considerations for coordinated transportation planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

“(C) Establishing a list of transportation priorities for Alaska Native village and rural community transportation projects on an annual basis, including funding recommendations.

119 STAT. 1517

“(D) Facilitate the Commission’s work on transportation projects involving more than one region.

“(5) FACA EXEMPTION.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

“(c) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The Secretary shall allocate funding authorized and made available for the Denali access system program to the Commission to carry out this section.

“(2) DISTRIBUTION OF FUNDING.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

“(d) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

“(e) DESIGN STANDARDS.—Each project carried out under this section shall use technology and design standards determined by the Commission to be appropriate given the location and the functionality of the project.

“(f) MAINTENANCE.—Funding for a construction project under this section may include an additional amount equal to not more than 10 percent of the total cost of construction, to be retained for future maintenance of the project. All such retained funds shall be dedicated for maintenance of the project and may not be used for other purposes.

“(g) LEAD AGENCY DESIGNATION.—For purposes of projects carried out under this section, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.

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119 STAT. 1517

“(h) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, funds made available to carry out this section may be used to meet the non-Federal share of the cost of projects under title 23, United States Code.

“(i) SURFACE TRANSPORTATION PROGRAM TRANSFERABILITY.—

“(1) TRANSFERABILITY.—In any fiscal year, up to 15 percent of the amounts made available to the State of Alaska for surface transportation by section 133 of title 23, United States Code, may be transferred to the Denali access system program.

“(2) NO EFFECT ON SET-ASIDE.—Paragraph (2) of section 133(d), United States Code, shall not apply to funds transferred under paragraph (1).

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$15,000,000 for each of fiscal years 2006 through 2009.

“(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of any project carried out using such funds shall be determined in accordance with section 120(b).”.

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TITLE III—PUBLIC TRANSPORTATION

* * * * *

119 STAT. 1544
Federal Public
Transportation
Act of 2005.
49 USC 5101
note.
119 STAT. 1573

“5308. Clean fuels grant program.”.

SEC. 3011. CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 is amended to read as follows:

“§ 5309. Capital investment grants

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

* * * * *

“(m) ALLOCATING AMOUNTS.— 119 STAT. 1586

“(1) FISCAL YEAR 2005.—Of the amounts made available or appropriated for fiscal year 2005 under section 5338(a)(3)—

“(A) \$1,437,829,600 shall be allocated for new fixed capital projects under subsection (d);

“(B) \$1,204,684,800 shall be allocated for capital projects for fixed guideway modernization; and

“(C) \$669,600,000 shall be allocated for capital projects for buses and bus-related equipment and facilities.

* * * * *

“(6) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1)(A) and (2)(A)—

“(A) \$10,400,000 shall be available in fiscal year 2005 for capital projects in Alaska and Hawaii for new fixed

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guideway systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals;

“(B) \$15,000,000 shall be available in each of fiscal years 2006 through 2009 for capital projects in Alaska and Hawaii for new fixed guideway ferry systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals; and

“(C) \$5,000,000 shall be available for each of fiscal years 2006 through 2009 for payments to the Denali Commission under the terms of section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for docks, waterfront development projects, and related transportation infrastructure.

“(7) BUS AND BUS FACILITY GRANTS.—The amounts made available under paragraphs (1)(C) and (2)(C) shall be allocated as follows:

“(A) FERRY BOAT SYSTEMS.—\$10,000,000 shall be available in each of fiscal years 2006 through 2009 for ferry boats or ferry terminal facilities. Of such funds, the following amounts shall be set aside for each fiscal year:

“(i) \$2,500,000 for the San Francisco Water Transit Authority.

“(ii) \$2,500,000 for the Massachusetts Bay Transportation Authority Ferry System.

“(iii) \$1,000,000 for the Camden, New Jersey Ferry System.

“(iv) \$1,000,000 for the Governor’s Island, New York Ferry System

“(v) \$1,000,000 for the Philadelphia Penn’s Landing Ferry Terminal.

“(vi) \$1,000,000 for the Staten Island Ferry.

“(vii) \$650,000 for the Maine State Ferry Service, Rockland.

“(viii) \$350,000 for the Swans Island, Maine Ferry Service.

* * * * *

119 STAT. 1608

SEC. 3021. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 is amended by striking section 5320 and inserting the following:

“§ 5320. Alternative transportation in parks and public lands

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, intra—agency agreement, or other agreement to carry out a qualified project under this section to enhance the protection of national parks and public lands and increase the enjoyment of those visiting the parks and public lands by—

119 STAT. 1609

“(i) ensuring access to all, including persons with disabilities;

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119 STAT. 1609

“(ii) improving conservation and park and public land opportunities in urban areas through partnering with State and local governments; and

“(iii) improving park and public land transportation infrastructure.

“(B) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

“(2) USE OF FUNDS.—A grant, cooperative agreement, inter-agency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

“(3) ALTERNATIVE TRANSPORTATION FACILITIES AND SERVICES.—Projects receiving assistance under this section shall provide alternative transportation facilities and services that complement and enhance existing transportation services in national parks and public lands in a manner that is consistent with Department of Interior and other public land management policies regarding private automobile access to and in such parks and lands.

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

“(1) ELIGIBLE AREA.—The term ‘eligible area’ means any federally owned or managed park, refuge, or recreational area that is open to the general public, including—

“(A) a unit of the National Park System;

“(B) a unit of the National Wildlife Refuge System;

“(C) a recreational area managed by the Bureau of Land Management;

“(D) a recreation area managed by the Bureau of Reclamation; and

“(E) a unit of the National Forest System.

“(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means a Federal agency that manages an eligible area.

“(3) ALTERNATIVE TRANSPORTATION.—The term ‘alternative transportation’ means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service. Such term also includes a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft).

“(4) QUALIFIED PARTICIPANT.—The term ‘qualified participant’ means—

“(A) a Federal land management agency; or

“(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land

management agency or other governmental or nongovernmental participant.

“(5) QUALIFIED PROJECT.—The term ‘qualified project’ means a planning or capital project in or in the vicinity of an eligible area that—

“(A) is an activity described in section 5302(a)(1)(A), 5303, 5304, 5305, or 5309(b);

“(B) involves—

“(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of the Federal Public Transportation Act of 2005 with clean fuel vehicles; or

“(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

“(C) relates to the capital costs of coordinating the Federal land management agency public transportation systems with other public transportation systems;

“(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

“(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or

“(F) is any other alternative transportation project that—

“(i) enhances the environment;

“(ii) prevents or mitigates an adverse impact on a natural resource;

“(iii) improves Federal land management agency resource management;

“(iv) improves visitor mobility and accessibility and the visitor experience;

“(v) reduces congestion and pollution (including noise pollution and visual pollution); or

“(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

“(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

“(1) technical assistance in alternative transportation;

“(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

“(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

“(d) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year under section 5338(b)(2)(J) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

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“(2) ADDITIONAL AMOUNTS.—Amounts made available under this subsection are in addition to amounts otherwise available to the Secretary to carry out planning, research, and technical assistance under this chapter or any other provision of law.

“(3) MAXIMUM AMOUNT.—No qualified project shall receive more than 25 percent of the total amount made available to carry out this section under section 5338(b)(2)(J) for any fiscal year.

“(e) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under section 5303;

“(ii) the statewide planning provisions under section 5304; and

“(iii) the public participation requirements under section 5307(d); and

“(B) in the case of a qualified project that is at a unit of the National Park System, the planning process shall be consistent with the general management plans of the unit of the National Park System; and

“(2) if the qualified participant is a State or local governmental authority, or more than one State or local governmental authority in more than one State, the qualified participant shall—

“(A) comply with the metropolitan planning provisions under section 5303;

“(B) comply with the statewide planning provisions under section 5304;

“(C) comply with the public participation requirements under section 5307(d); and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(f) COST SHARING.—

“(1) GOVERNMENT’S SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the Government’s share of the net project cost to be provided to a qualified participant under this section.

“(2) CONSIDERATIONS.—In establishing the Government’s share of the net project cost to be provided under this section, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public transportation authority or private entity engaged in public transportation;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

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“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) SPECIAL RULE.—Notwithstanding any other provision of law, funds appropriated to any Federal land management agency may be counted toward the remainder of the net project cost.

“(g) SELECTION OF QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary of the Interior considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(h) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

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“(2) FINANCING COSTS.—

“(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) LIMITATION ON AMOUNT OF INTEREST.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

“(i) RELATIONSHIP TO OTHER LAWS.—

“(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5333(a) to the extent the Secretary determines to be appropriate.

“(2) OTHER REQUIREMENTS.—A qualified participant under this section shall be subject to any other requirements that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than \$25,000,000—

“(A) the qualified project shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement in accordance with section 5309(g); and

“(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(j) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

“(k) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) GRANTS AND OTHER ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) INFORMATION.—The Secretary may request and receive appropriate information from any source.

“(3) FUNDING.—Grants, cooperative agreements, contracts, and other agreements under paragraph (1) shall be awarded from amounts allocated under subsection (d)(1).

“(1) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a State infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

“(m) REPORTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects under this section to—

“(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(C) the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) ANNUAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(k)(1).”

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5320 and inserting the following:

“5320. Alternative transportation in parks and public lands.”

* * * * *

SEC. 3044. PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUELS GRANT PROGRAM.

(a) PROJECTS.—Of the amounts made available to carry out section 5309(m)(2)(C) of title 49, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

* * * * *

Project Description	FY 06	FY 07	FY 08	FY 09
29. Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area ...	\$192,280	\$200,640	\$217,360	\$225,720
30. Sevier County, Tennessee—U.S. 441 bus rapid transit	\$48,070	\$50,160	\$54,340	\$56,430

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Project Description	FY 06	FY 07	FY 08	FY 09	
46. National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ	\$192,280	\$200,640	\$217,360	\$225,720	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1661
94. Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	\$19,228	\$20,064	\$21,736	\$22,572	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1662
112. Mariposa, CA—Yosemite National Park CNG-Hydrogen transit buses and facilities	\$480,700	\$501,600	\$543,400	\$564,300	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1675
273. Boston, MA Harbor Park Pavilion and Intermodal Station	\$240,350	\$250,800	\$271,700	\$282,150	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1680
331. Gettysburg, Pennsylvania—transit transfer center	\$172,860	\$180,375	\$195,407	\$202,922	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1687
423. Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK	\$575,000	\$600,000	\$650,000	\$675,000	
* * * * *					
Project Description	FY 06	FY 07	FY 08	FY 09	119 STAT. 1691
483. Campobello Park, ME, Bus Acquisition	\$22,000	\$34,000	\$0	\$0	
* * * * *					

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Project Description	FY 06	FY 07	FY 08	FY 09
570. Maine Department of Transportation-Acadia Intermodal Facility	\$687,000	\$714,000	\$776,000	\$823,000

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119 STAT. 1839

TITLE VI—TRANSPORTATION
PLANNING AND PROJECT DELIVERY

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119 STAT. 1857

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

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“§ 139. Efficient environmental reviews for project decision-making

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

“(1) AGENCY.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(4) LEAD AGENCY.—The term ‘lead agency’ means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

“(6) PROJECT.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

“(7) PROJECT SPONSOR.—The term ‘project sponsor’ means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

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“(8) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means any statewide agency of a State with responsibility for one or more modes of transportation.

“(b) APPLICABILITY.—

“(1) IN GENERAL.—The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 and may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

“(2) FLEXIBILITY.—Any authorities granted in this section may be exercised for a project, class of projects, or program of projects.

“(c) LEAD AGENCIES.—

“(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

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“(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969.

“(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary’s action or approval results in Federal funding.

“(4) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

“(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

“(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility—

“(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

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“(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 is completed in accordance with this section and applicable Federal law.

“(d) PARTICIPATING AGENCIES.—

“(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

“(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

119 STAT. 1860

“(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a ‘cooperating agency’ under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

“(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

“(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

“(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

Procedures.

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

Notification.

“(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project,

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for the purpose of informing the Secretary that the environmental review process should be initiated.

“(f) PURPOSE AND NEED.—

“(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

“(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project’s purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

“(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

“(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

“(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

“(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

“(4) ALTERNATIVES ANALYSIS.—

“(A) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

“(B) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

“(C) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

“(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

“(g) COORDINATION AND SCHEDULING.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

119 STAT. 1861

119 STAT. 1861

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“(B) SCHEDULE.—

“(i) IN GENERAL.—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of participating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of the project;

“(IV) the overall schedule for and cost of the project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

“(D) MODIFICATION.—The lead agency may—

“(i) lengthen a schedule established under subparagraph (B) for good cause; and

“(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

“(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

“(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

“(ii) made available to the public.

“(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

“(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

119 STAT. 1862

Federal Register,
publication.

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119 STAT. 1862

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and Notice.

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice. 119 STAT. 1863 Notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

“(h) ISSUE IDENTIFICATION AND RESOLUTION.—

“(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

“(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

“(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

“(4) ISSUE RESOLUTION.—

“(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor or the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies, the project sponsor, and the Governor

119 STAT. 1863

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(if the meeting was requested by the Governor) to resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

Deadline.
Federal Register,
publication.

“(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—

If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Council on Environmental Quality, and shall publish such notification in the Federal Register.

“(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

“(j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

119 STAT. 1864

“(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under this title or chapter 53 of title 49, the Secretary may approve a request by the State to provide funds so made available under this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the projects in that State or participating in a State process that has been approved by the Secretary for that State. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State.

“(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

“(3) USE OF FEDERAL LANDS HIGHWAY FUNDS.—The Secretary may also use funds made available under section 204 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

“(4) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

“(5) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

“(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

“(1) JUDICIAL REVIEW.—Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1864

“(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

“(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

“(A) any practice of seeking, considering, or responding to public comment; or

“(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

“(1) LIMITATIONS ON CLAIMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

Deadlines.
Notices.
Federal Register,
publication.

119 STAT. 1865

“(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing such action.”.

(b) EXISTING ENVIRONMENTAL REVIEW PROCESS.—Nothing in this section affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary under section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA-LU.

23 USC 139 note.

(c) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by inserting after the item relating to section 138 the following:

“139. Efficient environmental reviews for project decisionmaking.”.

(d) REPEAL.—Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed.

23 USC 109 note.

* * * * *

119 STAT. 1868

PUBLIC LAW 109-59—AUG. 10, 2005

SEC. 6005. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is further amended by inserting after section 326 the following:

119 STAT. 1869 **“§ 327. Surface transportation project delivery pilot program**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the ‘program’).

“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

“(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project; but

“(ii) the Secretary may not assign—

“(I) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

“(II) any responsibility imposed on the Secretary by section 134 or 135.

“(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

“(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

“(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

“(b) STATE PARTICIPATION.—

“(1) NUMBER OF PARTICIPATING STATES.—The Secretary may permit not more than 5 States (including the States of Alaska, California, Ohio, Oklahoma, and Texas) to participate in the program.

“(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall promulgate regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum—

Deadline.
Regulations.

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1869

“(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and 119 STAT. 1870

“(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

“(3) PUBLIC NOTICE.—

“(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application. Deadline.

“(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

“(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

“(A) the regulatory requirements under paragraph (2) have been met;

“(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

“(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

“(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.

“(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

“(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(2) be in such form as the Secretary may prescribe;

“(3) provide that the State—

“(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

“(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

“(C) certifies that State laws (including regulations) are in effect that—

“(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State

119 STAT. 1870

PUBLIC LAW 109-59—AUG. 10, 2005

laws is reviewable by a court of competent jurisdiction;
and

“(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed.

119 STAT. 1871

“(d) JURISDICTION.—

“(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

“(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

“(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

“(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (i).

“(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

“(g) AUDITS.—

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall conduct—

“(A) semiannual audits during each of the first 2 years of State participation; and

“(B) annual audits during each subsequent year of State participation.

“(2) PUBLIC AVAILABILITY AND COMMENT.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

“(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

Deadline.

“(h) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

“(i) TERMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

“(2) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) notification of the determination of noncompliance; and

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1871

“(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by Secretary.” 119 STAT. 1872

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is further amended by adding after the item relating to section 326 the following: 23 USC 301.

“327. Surface transportation project delivery pilot program.”

* * * * *

SEC. 6007. EXEMPTION OF INTERSTATE SYSTEM.

119 STAT. 1873

Section 103(c) of title 23, United States Code, is amended by adding at the end the following:

“(5) EXEMPTION OF INTERSTATE SYSTEM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

“(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature). Such elements shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable. 119 STAT. 1874

“(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f).”

* * * * *

SEC. 6009. PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

(a) PROGRAMS AND PROJECTS WITH DE MINIMIS IMPACTS.—

(1) TITLE 23.—Section 138 of title 23, United States Code, is amended—

(A) in the first sentence, by striking “it is hereby” and inserting the following: “(a) DECLARATION OF POLICY.— It is”; and

(B) by adding at the end the following:

“(b) DE MINIMIS IMPACTS.—

“(1) REQUIREMENTS.—

119 STAT. 1874

PUBLIC LAW 109-59—AUG. 10, 2005

“(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

119 STAT. 1875

“(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (a)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (a)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

“(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

“(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

“(i) the transportation program or project will have no adverse effect on the historic site; or

“(ii) there will be no historic properties affected by the transportation program or project;

“(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

“(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

“(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

Notice.

“(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

“(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.”.

(2) TITLE 49.—Section 303 of title 49, United States Code, is amended—

(A) by striking “(c) The Secretary” and inserting the following:

“(c) APPROVAL OF PROGRAMS AND PROJECTS.—Subject to subsection (d), the Secretary”; and

PUBLIC LAW 109-59—AUG. 10, 2005

119 STAT. 1875

(B) by adding at the end the following:

“(d) DE MINIMIS IMPACTS.—

“(1) REQUIREMENTS.—

“(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

119 STAT. 1876

“(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (c)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (c)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

“(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

“(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

“(i) the transportation program or project will have no adverse effect on the historic site; or

“(ii) there will be no historic properties affected by the transportation program or project;

“(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

“(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

“(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

“(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

Notice.

“(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.”.

(b) CLARIFICATION OF EXISTING STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall (in consultation

23 USC 138 note.

Deadline.

Regulations.

119 STAT. 1876

PUBLIC LAW 109–59—AUG. 10, 2005

with affected agencies and interested parties) promulgate regulations that clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 303 of title 49, United States Code.

119 STAT. 1877

(2) REQUIREMENTS.—The regulations—

(A) shall clarify the application of the legal standards to a variety of different types of transportation programs and projects depending on the circumstances of each case; and

(B) may include, as appropriate, examples to facilitate clear and consistent interpretation by agency decision-makers.

(c) IMPLEMENTATION STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) conduct a study on the implementation of this section and the amendments made by this section; and

(B) commission an independent review of the study plan and methodology, and any associated conclusions, by the Transportation Research Board of the National Academy of Sciences.

(2) COMPONENTS.—In conducting the study, the Secretary shall evaluate—

(A) the processes developed under this section and the amendments made by this section and the efficiencies that may result;

(B) the post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects conducted under this section and the amendments made by this section; and

(C) the quantity of projects with impacts that are considered de minimis under this section and the amendments made by this section, including information on the location, size, and cost of the projects.

(3) REPORT REQUIREMENT.—The Secretary shall prepare—

(A) not earlier than the date that is 3 years after the date of enactment of this Act, a report on the results of the study conducted under this subsection; and

(B) not later than March 1, 2010, an update on the report required under subparagraph (A).

(4) REPORT RECIPIENTS.—The Secretary shall—

(A) submit the report, review of the report, and update required under paragraph (3) to—

(i) the appropriate committees of Congress;

(ii) the Secretary of the Interior; and

(iii) the Advisory Council on Historic Preservation;

and

(B) make the report and update available to the public.

23 USC 512 note.

SEC. 6010. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.

Regulations.
Deadline.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the

PUBLIC LAW 109–59—AUG. 10, 2005

119 STAT. 1877

requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act.

(b) **NATIONWIDE PROGRAMMATIC AGREEMENT.**—

(1) **DEVELOPMENT.**—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

119 STAT. 1878

(2) **CONSULTATION.**—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

(c) **INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.**—In this section, the term “intelligent transportation infrastructure and systems” means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in subtitle C of title V of this Act.

* * * * *

Approved August 10, 2005.

119 STAT. 1978

LEGISLATIVE HISTORY—H.R. 3 (S. 732):

HOUSE REPORTS: Nos. 109–12 and Pt. 2 (both from Comm. on Transportation and Infrastructure) and 109–203 (Comm. of Conference).

SENATE REPORTS: No. 109–53 accompanying S. 732 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Mar. 9, 10, considered and passed House.

Apr. 26–28, May 9–13, 16, 17, considered and passed Senate, amended.

July 29, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Aug. 10, Presidential remarks and statement.

119 STAT. 2396

PUBLIC LAW 109-115—NOV. 30, 2005

Public Law 109-115
109th Congress

An Act

Nov. 30, 2005
[H.R. 3058]

Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, the
District of
Columbia, and
Independent
Agencies
Appropriations
Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND
URBAN DEVELOPMENT, THE JUDICIARY, AND INDE-
PENDENT AGENCIES APPROPRIATIONS ACT, 2006

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, and
Independent
Agencies
Appropriations
Act, 2006.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

* * * * *

119 STAT. 2420

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

* * * * *

SEC. 144. 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 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.

* * * * *

119 STAT. 2523

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the

PUBLIC LAW 109–115—NOV. 30, 2005

119 STAT. 2523

Judiciary, the District of Columbia, and Independent Agencies
Appropriations Act, 2006”.

Approved November 30, 2005.

LEGISLATIVE HISTORY—H.R. 3058 (S. 1446):

HOUSE REPORTS: Nos. 109–153 (Comm. on Appropriations) and 109–307
(Comm. of Conference).

SENATE REPORTS: Nos. 109–106 accompanying S. 1446 and 109–109 (both from
Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 29, 30, considered and passed House.

Oct. 17–20, considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 41 (2005):

Nov. 30, Presidential statement.

120 STAT. 780

PUBLIC LAW 109-280—AUG. 17, 2006

Public Law 109-280
109th Congress

An Act

Aug. 17, 2006
[H.R. 4]

To provide economic security for all Americans, and for other purposes.

Pension
Protection Act
of 2006.
29 USC 1001
note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pension Protec-
tion Act of 2006”.

* * * * *

120 STAT. 1108

TITLE XIII—OTHER PROVISIONS

* * * * *

120 STAT. 1109

SEC. 1302. GOING-TO-THE-SUN ROAD.

(a) **IN GENERAL.**—Section 1940 of the Safe, Accountable,
Flexible, Efficient Transportation Equity Act: A Legacy for Users
(119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as
paragraphs (1) through (3), respectively; and

(C) by striking “\$10,000,000” each place that it appears
and inserting “\$16,666,666”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in
this section, funds authorized to be appropriated under this section
shall be available for obligation in the same manner as if the
funds were apportioned under chapter 1 of title 23, United States
Code.”.

(b) **RESCISSION.**—Section 10212 of the Safe, Accountable,
Flexible, Efficient Transportation Equity Act: A Legacy for Users
(119 Stat. 1937) is amended by striking “\$8,543,000,000” each place
it appears and inserting “\$8,593,000,000”.

23 USC 101 note.

* * * * *

120 STAT. 1172

Approved August 17, 2006.

LEGISLATIVE HISTORY—H.R. 4:

CONGRESSIONAL RECORD, Vol. 152 (2006):

July 28, considered and passed House.

Aug. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

Aug. 17, Presidential remarks and statement.