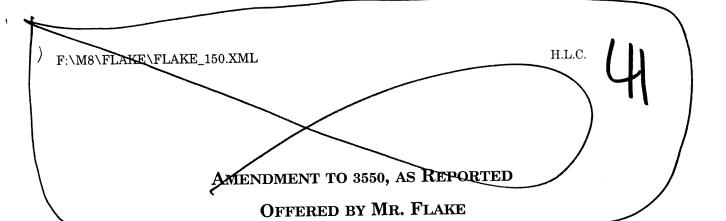
3 AN AMEN	DMENT TO BE C	FFERED BY
REPRESENTATIVE	FLAKE	OF
ARIZONA	, OR <u>His</u>	DESIGNEE,
DEBATABLE FOR _	/ 0 MIN	IUTES.



At the end of section 1103, add the following:

1	(e) Subtraction of Earmarks From Surface
2	Transportation Program Funding.—
3	(1) In General.—Section 104(b)(3) of title
4	23, United States Code, is amended—
5	(A) in subparagraph (B) by striking "sub-
6	paragraph (A)" and inserting "subparagraphs
7	(A) and (C)"; and
8	(B) by adding at the end the following:
9	"(C) Subtraction of Earmarks.——
10	"(i) In general.—Amounts to be ap-
11	portioned to a State under subparagraph
12	(A) for each of fiscal years 2004 through
13	2009 shall be reduced by the aggregate
14	amount made available to the State (and
15	recipients in the State) out of the Highway
16	Trust Fund for that fiscal year for projects
17	described in sections 1702, 3037, and
18	3038 of the Transportation Equity Act: A
19	Legacy for Users.

1	"(ii) Effect on minimum guar-
2	ANTEE.—In determining a State's percent-
3	age return from the Highway Trust Fund
4	(other than the Mass Transit Account) for
5	purposes of section 105 for a fiscal year,
6	the Secretary shall treat amounts sub-
7	tracted under clause (i) for that fiscal year
8	as amounts apportioned to the State for
9	the surface transportation program for
10	that fiscal year.
11	"(iii) Reapportionment.—Amounts
12	subtracted from a State for a fiscal year
13	under this subparagraph shall be reappor-
14	tioned among the States under the formula
15	in subparagraph (A).".