

3 AN AMENDMENT TO BE OFFERED BY

REPRESENTATIVE FLAKE OF

ARIZONA, OR HIS DESIGNEE,

DEBATABLE FOR 10 MINUTES.

4

**AMENDMENT TO 3550, AS REPORTED  
OFFERED BY MR. FLAKE**

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).”.