

Calendar No. 159

112TH CONGRESS
1ST SESSION

S. 1525

To extend the authority of Federal-aid highway programs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2011

Mrs. BOXER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

A BILL

To extend the authority of Federal-aid highway programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation Extension Act of 2012”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Federal-aid highway programs continuation.

Sec. 102. Administrative expenses.

TITLE II—ADDITIONAL PROGRAMS

Sec. 201. Dingell-Johnson Sport Fish Restoration Act.

TITLE III—RESCISSION

Sec. 301. Rescission of unobligated balances.

1 **SEC. 2. DEFINITIONS.**

2 In this Act and the amendments made by this Act:

3 (1) PART-YEAR FUNDING DATE.—The term
4 “Part-Year Funding Date” means January 31,
5 2012.

6 (2) PART-YEAR RATIO.—The term “Part-Year
7 Ratio” means the ratio calculated by dividing—

8 (A) the number of days included in the pe-
9 riod beginning on October 1, 2011, and ending
10 on the Part-Year Funding Date; by

11 (B) 366.

12 (3) SAFETEA-LU.—The term “SAFETEA-
13 LU” means the Safe, Accountable, Flexible, Effi-
14 cient Transportation Equity Act: A Legacy for
15 Users (Public Law 109–59; 119 Stat. 1144).

16 (4) STEA OF 2010.—The term “STEA of
17 2010” means the Surface Transportation Extension
18 Act of 2010 (Public Law 111–147; 124 Stat. 78).

1 **TITLE I—FEDERAL-AID**
2 **HIGHWAYS**

3 **SEC. 101. FEDERAL-AID HIGHWAY PROGRAMS CONTINU-**
4 **ATION.**

5 (a) IN GENERAL.—Except as otherwise provided in
6 this section, requirements, authorities, conditions, eligi-
7 bilities, limitations, and other provisions authorized under
8 titles I, V, and VI of SAFETEA–LU (119 Stat. 1144),
9 the SAFETEA–LU Technical Corrections Act of 2008
10 (122 Stat. 1572), titles I and VI of the Intermodal Sur-
11 face Transportation Efficiency Act of 1991 (105 Stat.
12 1914), titles I and V of the Transportation Equity Act
13 for the 21st Century (112 Stat. 107), and title 23, United
14 States Code (excluding chapter 4 of that title), which
15 would otherwise expire on or cease to apply after Sep-
16 tember 30, 2011, are incorporated by reference and shall
17 continue in effect through the Part-Year Funding Date.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Except
19 as provided in section 102, there are authorized to be ap-
20 propriated out of the Highway Trust Fund (other than
21 the Mass Transit Account) for the period beginning on
22 October 1, 2011, and ending on the Part-Year Funding
23 Date, a sum equal to—

24 (1) the total amount authorized to be appro-
25 priated out of the Highway Trust Fund (other than

1 the Mass Transit Account) for programs, projects,
2 and activities for fiscal year 2011 under subtitle A
3 of title IV of the STEA of 2010; multiplied by

4 (2) the Part-Year Ratio.

5 (c) USE OF FUNDS.—

6 (1) IN GENERAL.—Except as otherwise ex-
7 pressly provided in this section, funds authorized to
8 be appropriated under subsection (b) for the period
9 beginning on October 1, 2011, and ending on the
10 Part-Year Funding Date, shall be distributed, ad-
11 ministered, limited, and made available for obliga-
12 tion in the same manner and in the same propor-
13 tional amounts as funds authorized to be appro-
14 priated out of the Highway Trust Fund for fiscal
15 year 2011 to carry out programs, projects, activities,
16 eligibilities, and requirements under sections
17 411(d)(2), 411(d)(3)(B), and 411(d)(4) of the
18 STEA of 2010, SAFETEA-LU (119 Stat. 1144),
19 the SAFETEA-LU Technical Corrections Act of
20 2008 (122 Stat. 1572), titles I and VI of the Inter-
21 modal Surface Transportation Efficiency Act of
22 1991 (105 Stat. 1914), titles I and V of the Trans-
23 portation Equity Act for the 21st Century (112
24 Stat. 107), and title 23, United States Code (exclud-
25 ing chapter 4 of that title).

1 (2) CONTRACT AUTHORITY.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), funds authorized to be ap-
4 propriated under this section—

5 (i) shall be available for obligation
6 and shall be administered in the same
7 manner as if such funds were apportioned
8 under chapter 1 of title 23, United States
9 Code; and

10 (ii) for the period beginning on Octo-
11 ber 1, 2011, and ending on the Part-Year
12 Funding Date, shall be subject to a limita-
13 tion on obligations included in an Act mak-
14 ing appropriations for fiscal year 2012 or
15 a portion of that fiscal year, except that
16 during such period obligations subject to
17 such limitation shall not exceed—

18 (I) the amount of such limitation
19 on obligations included in an Act
20 making appropriations for fiscal year
21 2012; multiplied by

22 (II) the Part-Year Ratio.

23 (B) EXCEPTIONS.—A limitation on obliga-
24 tions described in subparagraph (A)(ii) shall
25 not apply to any obligation under—

1 (i) section 125 of title 23, United
2 States Code; or

3 (ii) section 105 of title 23, United
4 States Code for the period beginning on
5 October 1, 2011, and ending on the Part-
6 Year Funding Date, only in an amount
7 equal to \$639,000,000 multiplied by the
8 Part-Year Ratio.

9 (3) CALCULATIONS FOR DISTRIBUTION OF OB-
10 LIGATION LIMITATION.—Upon enactment of an Act
11 making appropriations for the Department of Trans-
12 portation for fiscal year 2012 (other than an Act or
13 resolution making continuing appropriations), the
14 Secretary of Transportation shall—

15 (A) as necessary for purposes of making
16 the calculations for the distribution of any obli-
17 gation limitation under such Act, annualize the
18 amount of contract authority provided under
19 this title for Federal-aid highways and highway
20 safety construction programs; and

21 (B) multiply the resulting distribution of
22 any obligation limitation under such Act by the
23 Part-Year Ratio.

24 (d) EXTENSION OF AUTHORIZATIONS UNDER TITLE
25 V OF SAFETEA-LU.—

1 (1) IN GENERAL.—Each program authorized
2 under paragraphs (1) through (5) of section 5101(a)
3 of SAFETEA-LU (119 Stat. 1779) shall be contin-
4 ued for the period beginning on October 1, 2011,
5 and ending on the Part-Year Funding Date, at the
6 funding level made available for that program for
7 fiscal year 2011, multiplied by the Part-Year Ratio.

8 (2) DISTRIBUTION OF FUNDS.—Funds for pro-
9 grams continued under paragraph (1) shall be dis-
10 tributed to major program areas under those pro-
11 grams in the same proportions as funds were allo-
12 cated for those program areas for fiscal year 2011,
13 except that designations for specific activities shall
14 not be required to be continued for the period begin-
15 ning on October 1, 2011, and ending on the Part-
16 Year Funding Date.

17 **SEC. 102. ADMINISTRATIVE EXPENSES.**

18 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
19 Notwithstanding any other provision of this title or any
20 other law, there are authorized to be appropriated from
21 the Highway Trust Fund (other than the Mass Transit
22 Account), from amounts provided under section 101, for
23 administrative expenses of the Federal-aid highway pro-
24 gram for the period beginning on October 1, 2011, and

1 ending on the Part-Year Funding Date, an amount equal
 2 to \$422,425,000 multiplied by the Part-Year Ratio.

3 (b) CONTRACT AUTHORITY.—Funds authorized to be
 4 appropriated by this section shall be—

5 (1) available for obligation, and shall be admin-
 6 istered, in the same manner as if such funds were
 7 apportioned under chapter 1 of title 23, United
 8 States Code; and

9 (2) subject to a limitation on obligations for
 10 Federal-aid highways and highway safety construc-
 11 tion programs, except that such funds shall remain
 12 available until expended.

13 **TITLE II—ADDITIONAL** 14 **PROGRAMS**

15 **SEC. 201. DINGELL-JOHNSON SPORT FISH RESTORATION**

16 **ACT.**

17 Section 4 of the Dingell-Johnson Sport Fish Restora-
 18 tion Act (16 U.S.C. 777c) is amended—

19 (1) in subsection (a) by inserting “and, for the
 20 period beginning on October 1, 2011, and ending on
 21 the Part-Year Funding Date set forth or otherwise
 22 established in the Surface Transportation Extension
 23 Act of 2012” after “2006 through 2011” ; and

24 (2) in subsection (b)(1)(A) by inserting “and,
 25 for the period beginning on October 1, 2011, and

1 ending on the Part-Year Funding Date set forth or
2 otherwise established in the Surface Transportation
3 Extension Act of 2012” after “2006 through 2011”.

4 **TITLE III—RESCISSION**

5 **SEC. 301. RESCISSION OF UNOBLIGATED BALANCES.**

6 On September 1, 2012, of the unobligated balances
7 of funds apportioned before that date to each State under
8 chapter 1 of title 23, United States Code, \$3,130,000,000
9 is permanently rescinded: *Provided*, That such rescission
10 shall not apply to the funds distributed in accordance with
11 sections 130(f) and 104(b)(5) of title 23, United States
12 Code, sections 133(d)(1) and 163 of that title (as in effect
13 on the day before the date of enactment of the
14 SAFETEA–LU), or the first sentence of section
15 133(d)(3)(A) of title 23, United States Code: *Provided*
16 *further*, That notwithstanding section 1132 of the Energy
17 Independence and Security Act of 2007 (121 Stat. 1763),
18 in administering the rescission required under this section,
19 the Secretary of Transportation shall allow each State to
20 determine the amount of the required rescission to be
21 drawn from the programs to which the rescission applies.

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