

112TH CONGRESS
1ST SESSION

S. _____

To extend the authority of Federal-aid highway programs.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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).

19 **TITLE I—FEDERAL-AID**
20 **HIGHWAYS**

21 **SEC. 101. FEDERAL-AID HIGHWAY PROGRAMS CONTINU-**
22 **ATION.**

23 (a) **IN GENERAL.**—Except as otherwise provided in
24 this section, requirements, authorities, conditions, eligi-

1 bilities, limitations, and other provisions authorized under
2 titles I, V, and VI of SAFETEA-LU (119 Stat. 1144),
3 the SAFETEA-LU Technical Corrections Act of 2008
4 (122 Stat. 1572), titles I and VI of the Intermodal Sur-
5 face Transportation Act of 1991 (105 Stat. 1914), titles
6 I and V of the Transportation Equity Act for the 21st
7 Century (112 Stat. 107), and title 23, United States Code
8 (excluding chapter 4 of that title), which would otherwise
9 expire on or cease to apply after September 30, 2011, are
10 incorporated by reference and shall continue in effect
11 through the Part-Year Funding Date.

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

18 (1) the total amount authorized to be appro-
19 priated out of the Highway Trust Fund (other than
20 the Mass Transit Account) for programs, projects,
21 and activities for fiscal year 2011 under subtitle A
22 of title IV of the STEA of 2010; multiplied by

23 (2) the Part-Year Ratio.

24 (c) USE OF FUNDS.—

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

21 (2) CONTRACT AUTHORITY.—

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

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

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

14 (I) the amount of such limitation
15 on obligations included in an Act
16 making appropriations for fiscal year
17 2012; multiplied by

18 (II) the Part-Year Ratio.

19 (B) EXCEPTIONS.—A limitation on obliga-
20 tions described in subparagraph (A)(ii) shall
21 not apply to any obligation under—

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

24 (ii) section 105 of title 23, United
25 States Code for the period beginning on

1 October 1, 2011, and ending on the Part-
2 Year Funding Date, only in an amount
3 equal to \$639,000,000 multiplied by the
4 Part-Year Ratio.

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

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

17 (B) multiply the resulting distribution of
18 any obligation limitation under such Act by the
19 Part-Year Ratio.

20 (d) EXTENSION OF AUTHORIZATIONS UNDER TITLE
21 V OF SAFETEA—LU.—

22 (1) IN GENERAL.—Each program authorized
23 under paragraphs (1) through (5) of section 5101(a)
24 of SAFETEA—LU (119 Stat. 1779) shall be contin-
25 ued for the period beginning on October 1, 2011,

1 and ending on the Part-Year Funding Date, at the
2 funding level made available for that program for
3 fiscal year 2011, multiplied by the Part-Year Ratio.

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

13 **SEC. 102. ADMINISTRATIVE EXPENSES.**

14 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
15 Notwithstanding any other provision of this title or any
16 other law, there are authorized to be appropriated from
17 the Highway Trust Fund (other than the Mass Transit
18 Account), from amounts provided under section 101, for
19 administrative expenses of the Federal-aid highway pro-
20 gram for the period beginning on October 1, 2011, and
21 ending on the Part-Year Funding Date, an amount equal
22 to \$422,425,000 multiplied by the Part-Year Ratio.

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

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

5 (2) subject to a limitation on obligations for
6 Federal-aid highways and highway safety construc-
7 tion programs, except that such funds shall remain
8 available until expended.

9 **TITLE II—ADDITIONAL**
10 **PROGRAMS**

11 **SEC. 201. DINGELL-JOHNSON SPORT FISH RESTORATION**
12 **ACT.**

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

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

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

1 **TITLE III—RESCISSION**

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

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