A BILL

To extend the authority of Federal-aid highway programs.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents of
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.

In this Act and the amendments made by this Act:

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

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

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

(B) 366.


TITLE I—FEDERAL-AID
HIGHWAYS

SEC. 101. FEDERAL-AID HIGHWAY PROGRAMS CONTINUATION.

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

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

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

(2) the Part-Year Ratio.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Except as otherwise expressly provided in this section, funds authorized to be appropriated under subsection (b) for the period beginning on October 1, 2011, and ending on the Part-Year Funding Date, shall be distributed, administered, limited, and made available for obligation in the same manner and in the same proportional amounts as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2011 to carry out programs, projects, activities, eligibilities, and requirements under sections 411(d)(2), 411(d)(3)(B), and 411(d)(4) of the STEA of 2010, SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).
(2) Contract authority.—

(A) In general.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section—

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

(ii) for the period beginning on October 1, 2011, and ending on the Part-Year Funding Date, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2012 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed—

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

(II) the Part-Year Ratio.

(B) Exceptions.—A limitation on obligations described in subparagraph (A)(ii) shall not apply to any obligation under—
(i) section 125 of title 23, United States Code; or

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

(3) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2012 (other than an Act or resolution making continuing appropriations), the Secretary of Transportation shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this title for Federal-aid highways and highway safety construction programs; and

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

(d) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—
(1) IN GENERAL.—Each program authorized
under paragraphs (1) through (5) of section 5101(a)
of SAFETEA–LU (119 Stat. 1779) shall be continued for the period beginning on October 1, 2011,
and ending on the Part-Year Funding Date, at the
funding level made available for that program for
fiscal year 2011, multiplied by the Part-Year Ratio.

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

SEC. 102. ADMINISTRATIVE EXPENSES.

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

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

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

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

TITLE II—ADDITIONAL
PROGRAMS

SEC. 201. DINGELL-JOHNSON SPORT FISH RESTORATION
ACT.

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

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

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

TITLE III—RESCISSION

SEC. 301. RESCISSION OF UNOBLIGATED BALANCES. On September 1, 2012, of the unobligated balances
of funds apportioned before that date to each State under
chapter 1 of title 23, United States Code, $3,130,000,000
is permanently rescinded: Provided, That such rescission
shall not apply to the funds distributed in accordance with
sections 130(f) and 104(b)(5) of title 23, United States
Code, sections 133(d)(1) and 163 of that title (as in effect
on the day before the date of enactment of the
SAFETEA–LU), or the first sentence of section
133(d)(3)(A) of title 23, United States Code: Provided
further, That notwithstanding section 1132 of the Energy
Independence and Security Act of 2007 (121 Stat. 1763),
in administering the rescission required under this section,
the Secretary of Transportation shall allow each State to
determine the amount of the required rescission to be
drawn from the programs to which the rescission applies.
A BILL

S. 1525

Calendar No. 159

To extend the authority of Federal-aid highway programs.

Passed and agreed to in the Senate.
September 8, 2011.