

Calendar No. 126

111TH CONGRESS
1ST SESSION

S. 1498

[Report No. 111-59]

To provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2009

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 provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

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.**

4 This Act may be cited as the “Surface Transpor-
5 tation Extension Act of 2009”.

1 **SEC. 2. FEDERAL-AID HIGHWAYS.**

2 (a) IN GENERAL.—Except as provided in this Act,
3 requirements, authorities, conditions, eligibilities, limita-
4 tions, and other provisions authorized under titles I, V,
5 and VI of the Safe, Accountable, Flexible, Efficient Trans-
6 portation Equity Act: A Legacy for Users (119 Stat.
7 1144), the SAFETEA-LU Technical Corrections Act of
8 2008 (122 Stat. 1572), and title 23, United States Code,
9 which would otherwise expire on or cease to apply after
10 September 30, 2009, are incorporated by reference and
11 shall continue in effect until March 31, 2011.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Except
13 as provided in section 3, there are authorized to be appro-
14 priated out of the Highway Trust Fund (other than the
15 Mass Transit Account)—

16 (1) for fiscal year 2010, a sum equal to the
17 total amount authorized to be appropriated for pro-
18 grams, projects, and activities for fiscal year 2009
19 under titles I, V, and VI of the Safe, Accountable,
20 Flexible, Efficient Transportation Equity Act: A
21 Legacy for Users (119 Stat. 1144), and title 23,
22 United States Code; and

23 (2) for the period beginning on October 1,
24 2010, and ending on March 31, 2011, a sum equal
25 to $\frac{1}{2}$ of the total amount authorized for programs,
26 projects, and activities for fiscal year 2009 under ti-

1 tles I, V, and VI of the Safe, Accountable, Flexible,
2 Efficient Transportation Equity Act: A Legacy for
3 Users (119 Stat. 1144), and title 23, United States
4 Code.

5 (c) USE OF FUNDS.—

6 (1) FISCAL YEAR 2010.—Except as otherwise
7 expressly provided in this Act, funds authorized to
8 be appropriated under subsection (b)(1) for fiscal
9 year 2010 shall be distributed, administered, limited,
10 and made available for obligation in the same man-
11 ner and at the same level as funds authorized to be
12 appropriated for fiscal year 2009 to carry out pro-
13 grams, projects, activities, eligibilities, and require-
14 ments under the Safe, Accountable, Flexible, Effi-
15 cient Transportation Equity Act: A Legacy for
16 Users (119 Stat. 1144), the SAFETEA-LU Tech-
17 nical Corrections Act of 2008 (122 Stat. 1572), and
18 title 23, United States Code.

19 (2) FISCAL YEAR 2011.—Except as otherwise
20 expressly provided in this Act, funds authorized to
21 be appropriated under subsection (b)(2) for the pe-
22 riod beginning on October 1, 2010, and ending on
23 March 31, 2011, shall be distributed, administered,
24 limited, and made available for obligation in the
25 same manner and at the same level as $\frac{1}{2}$ of the

1 total amount of funds authorized to be appropriated
2 for fiscal year 2009 to carry out programs, projects,
3 activities, eligibilities, and requirements under the
4 Safe, Accountable, Flexible, Efficient Transportation
5 Equity Act: A Legacy for Users (119 Stat. 1144),
6 the SAFETEA-LU Technical Corrections Act of
7 2008 (122 Stat. 1572), and title 23, United States
8 Code.

9 (3) CALCULATION.—The amounts authorized to
10 be appropriated under subsection (b) shall be cal-
11 culated without regard to any rescission or cancella-
12 tion of funds or contract authority for fiscal year
13 2009 under the Safe, Accountable, Flexible, Effi-
14 cient Transportation Equity Act: A Legacy for
15 Users (119 Stat. 1144) or any other law.

16 (4) CONTRACT AUTHORITY.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), funds authorized to be ap-
19 propriated under this section shall be—

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

24 (ii) subject to a limitation on obliga-
25 tions for Federal-aid highways and high-

1 way safety construction programs de-
2 scribed in paragraph (5).

3 (B) EXCEPTIONS.—A limitation on obliga-
4 tions described in subparagraph (A)(ii) shall
5 not apply to any obligation under—

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

8 (ii) section 105 of title 23, United
9 States Code—

10 (I) for fiscal year 2010, only in
11 an amount equal to \$639,000,000;
12 and

13 (II) for the period beginning on
14 October 1, 2010, and ending on
15 March 31, 2011, only in an amount
16 equal to \$319,500,000.

17 (5) LIMITATION ON OBLIGATIONS.—Notwith-
18 standing any other provision of law—

19 (A) for fiscal year 2010, funds authorized
20 to be appropriated under subsection (b) or this
21 subsection shall be subject to the limitation on
22 obligations for fiscal year 2009 under section
23 1102 of the Safe, Accountable, Flexible, Effi-
24 cient Transportation Equity Act: A Legacy for
25 Users (119 Stat. 1157); and

1 (B) for the period beginning on October 1,
2 2010, and ending on March 31, 2011, funds
3 authorized to be appropriated under subsection
4 (b) or this subsection shall be subject to a limi-
5 tation on obligations equal to $\frac{1}{2}$ of the limita-
6 tion on obligations for fiscal year 2009 under
7 section 1102 of the Safe, Accountable, Flexible,
8 Efficient Transportation Equity Act: A Legacy
9 for Users (119 Stat. 1157).

10 (d) EXTENSION AND FLEXIBILITY FOR CERTAIN AL-
11 LOCATED PROGRAMS.—

12 (1) FISCAL YEAR 2010.—Notwithstanding any
13 other provision of law, for fiscal year 2010, the por-
14 tion of the share of funds of a State under sub-
15 section (b)(1) determined by the amount that the
16 State received for fiscal year 2009 to carry out sec-
17 tions 1301, 1302, 1307, 1702, and 1934 of the
18 Safe, Accountable, Flexible, Efficient Transportation
19 Equity Act: A Legacy for Users (119 Stat. 1198,
20 1204, 1217, 1256, and 1485), and section 144(f)(1)
21 of title 23, United States Code, shall be—

22 (A) made available to the State for pro-
23 grams apportioned under sections 104(b) and
24 144 of title 23, United States Code, and in the
25 same proportion for each such program that—

1 (i) the amount apportioned to the
2 State for that program for fiscal year
3 2009; bears to

4 (ii) the amount apportioned to the
5 State for fiscal year 2009 for all programs
6 apportioned under such sections of such
7 Code; and

8 (B) administered in the same manner and
9 with the same period of availability as such
10 funding is administered under such sections.

11 (2) FISCAL YEAR 2011.—Notwithstanding any
12 other provision of law, for the period beginning on
13 October 1, 2010, and ending on March 31, 2011,
14 the portion of the share of funds of a State under
15 subsection (b)(2) determined by $\frac{1}{2}$ of the amount
16 that the State received for fiscal year 2009 to carry
17 out sections 1301, 1302, 1307, 1702, and 1934 of
18 the Safe, Accountable, Flexible, Efficient Transpor-
19 tation Equity Act: A Legacy for Users (119 Stat.
20 1198, 1204, 1217, 1256, and 1485) and section
21 144(f)(1) of title 23, United States Code, shall be—

22 (A) made available to the State for pro-
23 grams apportioned under sections 104(b) and
24 144 of title 23, United States Code, and in the
25 same proportion for each such program that—

1 (i) the amount apportioned to the
2 State for that program for fiscal year
3 2009; bears to

4 (ii) the amount apportioned to the
5 State for fiscal year 2009 for all programs
6 apportioned under such sections of such
7 Code; and

8 (B) administered in the same manner and
9 with the same period of availability as such
10 funding is administered under such sections.

11 (3) ADDITIONAL FUNDS.—

12 (A) IN GENERAL.—No additional funds
13 shall be provided for any project or activity
14 under subsection (c), or paragraph (1) or (2) of
15 this subsection, that the Secretary of Transpor-
16 tation determines was sufficiently funded before
17 or during fiscal year 2009 to achieve the au-
18 thorized purpose of the project or activity.

19 (B) RESERVATION AND REDISTRIBUTION
20 OF FUNDS.—Funds made available in accord-
21 ance with paragraph (1) or (2) of subsection (c)
22 or paragraph (1) or (2) of this subsection for
23 a project or activity described in subparagraph
24 (A) shall be—

1 (i) reserved by the Secretary of
2 Transportation; and

3 (ii) redistributed to each State in ac-
4 cordance with paragraph (1) or (2) of sub-
5 section (e), or paragraph (1) or (2) of this
6 subsection, as appropriate, for use in car-
7 rying out other highway projects and ac-
8 tivities extended by subsection (e) or this
9 subsection, in the proportion that—

10 (I) the total amount of funds
11 made available for fiscal year 2009 for
12 projects and activities described in
13 subparagraph (A) in the State; bears
14 to

15 (II) the total amount of funds
16 made available for fiscal year 2009 for
17 those projects and activities in all
18 States.

19 (e) EXTENSION OF AUTHORIZATIONS UNDER TITLE
20 V OF SAFETEA-LU.—

21 (1) IN GENERAL.—The programs authorized
22 under paragraphs (1) through (5) of section 5101(a)
23 of the Safe, Accountable, Flexible, Efficient Trans-
24 portation Equity Act: A Legacy for Users (119 Stat.
25 1779) shall be continued—

1 (A) for fiscal year 2010, at the funding
2 levels authorized for those programs for fiscal
3 year 2009; and

4 (B) for the period beginning on October 1,
5 2010, and ending on March 31, 2011, at $\frac{1}{2}$ the
6 levels authorized for those programs for fiscal
7 year 2009.

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 2009,
13 except that designations for specific activities shall
14 not be required to be continued for—

15 (A) fiscal year 2010; or

16 (B) the period beginning on October 1,
17 2010, and ending on March 31, 2011.

18 (3) ADDITIONAL FUNDS.—

19 (A) IN GENERAL.—No additional funds
20 shall be provided for any project or activity
21 under this subsection that the Secretary of
22 Transportation determines was sufficiently
23 funded before or during fiscal year 2009 to
24 achieve the authorized purpose of the project or
25 activity.

1 (B) DISTRIBUTION.—Funds that would
2 have been made available under paragraph (1)
3 for a project or activity but for the prohibition
4 under subparagraph (A) shall be distributed in
5 accordance with paragraph (2).

6 (4) LIMITATION ON OBLIGATIONS.—Notwith-
7 standing any other provision of law—

8 (A) for fiscal year 2010, funds authorized
9 to be appropriated under this subsection shall
10 be subject to the limitation on obligations for
11 fiscal year 2009 under section 5102 of the Safe,
12 Accountable, Flexible, Efficient Transportation
13 Equity Act: A Legacy for Users (119 Stat.
14 1780); and

15 (B) for the period beginning on October 1,
16 2010, and ending on March 31, 2011, funds
17 authorized to be appropriated under this sub-
18 section shall be subject to a limitation on obli-
19 gations equal to $\frac{1}{2}$ of the limitation on obliga-
20 tions for fiscal year 2009 under section 5102 of
21 the Safe, Accountable, Flexible, Efficient
22 Transportation Equity Act: A Legacy for Users
23 (119 Stat. 1780).

1 **SEC. 3. ADMINISTRATIVE EXPENSES.**

2 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—

3 Notwithstanding any other provision of this Act or any
4 other law, there are authorized to be appropriated from
5 the Highway Trust Fund (other than the Mass Transit
6 Account), from amounts provided under section 2, for ad-
7 ministrative expenses of the Federal-aid highway pro-
8 gram—

9 (1) \$422,425,000 for fiscal year 2010; and

10 (2) \$217,023,500 for the period beginning on
11 October 1, 2010, and ending on March 31, 2011.

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

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

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

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