

S. 1813, Boxer, Inhofe, Baucus, Vitter #1:

A manager's amendment making technical changes to S. 1813, Moving Ahead for Progress in the 21st Century Act.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. _____

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 3, after the item relating to section 1518,

2 insert the following:

“Sec. 1519. Requirements for eligible bridge projects.

3 On page 18, line 6, insert “preservation,” after

4 “maintenance,”.

5 On page 23, line 5, strike “to”.

6 On page 27, strike lines 6 through 12 and insert the

7 following:

1 “(C) Other connector highways (including
2 toll facilities) that were not included in the Na-
3 tional Highway System before the date of en-
4 actment of the MAP-21 but that provide motor
5 vehicle access between arterial routes on the
6 National Highway System and a major inter-
7 modal transportation facility.

8 On page 35, line 20, insert “preservation,” after
9 “maintenance,”.

10 On page 36, line 8, strike “truck-tractor or” and in-
11 sert “truck-tractor,”.

12 On page 36, line 11, strike “or”.

13 On page 38, strike line 3 and insert the following:

14 (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON
15 INTERSTATE SYSTEM.—

16 (1) IN GENERAL.—Section 1105(e)(5)(A) of the
17 Intermodal Surface Transportation Efficiency Act of
18 1991 (105 Stat. 2032; 109 Stat. 597) is amended
19 by striking “and subsections (c)(18) and (c)(20)”
20 and inserting “, in subsections (c)(18) and (c)(20),

1 and in subparagraphs (A)(iii) and (B) of subsection
2 (c)(26)".

3 (2) ROUTE DESIGNATION.—Section
4 1105(e)(5)(C)(i) of the Intermodal Surface Trans-
5 portation Efficiency Act of 1991 (105 Stat. 2032;
6 109 Stat. 598) is amended by adding at the end the
7 following: "The routes referred to subparagraphs
8 (A)(iii) and (B)(i) of subsection (c)(26) are des-
9 ignated as Interstate Route I-11."

10 (c) CONFORMING AMENDMENTS.—

11 On page 50, strike line 12 and insert the following:
12 "that are transferred under this subsection.

13 "(g) REPORT TO CONGRESS.—For each fiscal year,
14 the Secretary shall make available to the public, in a user-
15 friendly format via the Internet, a report that describes—

16 "(1) the amount obligated, by each State, for
17 Federal-aid highways and highway safety construc-
18 tion programs during the preceding fiscal year;

19 "(2) the balance, as of the last day of the pre-
20 ceding fiscal year, of the unobligated apportionment
21 of each State by fiscal year under this section;

22 "(3) the balance of unobligated sums available
23 for expenditure at the discretion of the Secretary for
24 such highways and programs for the fiscal year; and

1 “(4) the rates of obligation of funds appor-
2 tioned or set aside under this section, according to—
3 “(A) program;
4 “(B) funding category of subcategory;
5 “(C) type of improvement;
6 “(D) State; and
7 “(E) sub-State geographical area, includ-
8 ing urbanized and rural areas, on the basis of
9 the population of each such area.”.

10 On page 51, strike lines 3 through 6 and insert the
11 following:

12 “(2) to ensure that investments of Federal-aid
13 funds in highway construction are directed to sup-
14 port progress toward the achievement of perform-
15 ance targets for infrastructure condition and per-
16 formance.

17 On page 57, line 5, insert “and turning lanes” after
18 “lanes”.

19 On page 57, lines 13 and 14, strike “based on a proc-
20 ess defined by the Secretary to guide effective investment
21 decisions”.

1 On page 57, line 23, strike “and, to the maximum
2 extent practicable, reflect the” and insert “and supporting
3 the progress toward the achievement of the”.

4 On page 58, lines 5 and 6, strike “highway infra-
5 structure” and insert “pavement and bridge”.

6 On page 58, line 18, strike “by regulation and”.

7 On page 60, line 3, insert “final” after “promul-
8 gates”.

9 On page 62, between lines 16 and 17, insert the fol-
10 lowing:

11 “(9) PROCESS.—Not later than 18 months
12 after the date of enactment of the MAP-21, the Sec-
13 retary shall, by regulation and in consultation with
14 State departments of transportation, establish the
15 process to develop the State asset management plan
16 described in paragraph (1) and establish the stand-
17 ards and measures described in paragraph (4).

18 On page 62, line 22, insert “, excluding bridges on
19 the Interstate System,” after “System”.

1 On page 63, line 11, strike “except that” and all that
2 follows through line 15 and insert “except that for each
3 year after fiscal year 2013, the amount required to be obli-
4 gated under this clause shall be increased by 2 percent
5 over the amount required to be obligated in the previous
6 fiscal year; and”.

7 On page 64, line 8, insert “under subsection
8 (f)(4)(D)” before the period.

9 Beginning on page 64, strike line 17 and all that fol-
10 lows through page 65, line 5, and insert the following:

11 “(i) to obligate, from the amounts ap-
12 portioned to the State under section
13 104(b)(1), an amount for bridges on the
14 National Highway System that is not less
15 than 50 percent of the amount of funds
16 apportioned to the State for fiscal year
17 2009 under the highway bridge program
18 for the purposes described in section 144
19 (as in effect on the day before the date of
20 enactment of the MAP-21), except that for
21 each year after fiscal year 2013, the
22 amount required to be obligated under this
23 clause shall be increased by 2 percent over

1 the amount required to be obligated in the
2 previous fiscal year; and

3 On page 65, line 23, insert “under subsection
4 (f)(4)(D)” after “Secretary”.

5 On page 66, line 8, strike “15” and insert “18”.

6 On page 66, line 9, insert “final” after “promul-
7 gates”.

8 On page 78, line 5, strike “system” and insert “pro-
9 gram”.

10 Beginning on page 82, strike line 15 and all that fol-
11 lows through page 83, line 6, and insert the following:

12 “(A) PENALTY.—If the total deck area of
13 deficient off-system bridges in a State increases
14 for the 2 most recent consecutive years, the
15 State shall be required, during the following fis-
16 cal year, to obligate for the improvement of de-
17 ficient off-system bridges from the amounts ap-
18 portioned to the State under section 104(b)(2)
19 an amount that is not less than 110 percent of
20 the amount of funds required to be obligated by

1 the State for off-system bridges for fiscal year
2 2009 under section 144(f)(2), as in effect on
3 the day before the date of enactment of the
4 MAP-21, except that for each year after fiscal
5 year 2013, the amount required to be obligated
6 under this subparagraph shall be increased by
7 2 percent over the amount required to be obli-
8 gated in the previous fiscal year.

9 On page 84, strike line 14 and insert the following:

10 “Secretary.

11 “(h) ADMINISTRATION.—

12 “(1) SUBMISSION OF PROJECT AGREEMENT.—

13 For each fiscal year, each State shall submit a
14 project agreement that—

15 “(A) certifies that the State will meet all
16 the requirements of this section; and

17 “(B) notifies the Secretary of the amount
18 of obligations needed to carry out the program
19 under this section.

20 “(2) REQUEST FOR ADJUSTMENTS OF
21 AMOUNTS.—Each State shall request from the Sec-
22 retary such adjustments to the amount of obliga-
23 tions referred to in paragraph (1)(B) as the State
24 determines to be necessary.

1 “(3) EFFECT OF APPROVAL BY THE SEC-
2 RETARY.—Approval by the Secretary of a project
3 agreement under paragraph (1) shall be deemed a
4 contractual obligation of the United States to pay
5 transportation mobility program funds made avail-
6 able under this title.”.

7 On page 85, lines 20 and 21, strike “each fiscal year”
8 and insert “each of fiscal years 2012 and 2013”.

9 On page 111, line 13, strike “comprehensive”.

10 On page 124, line 5, insert “for projects” after “next
11 fiscal year”.

12 On page 124, strike lines 11 through 20 and insert
13 the following:

14 “(2) RAIL-HIGHWAY GRADE CROSSINGS.—If the
15 average number of fatalities at rail-highway grade
16 crossings in a State over the most recent 2-year pe-
17 riod for which data are available increases over the
18 average number of fatalities during the preceding 2-
19 year period, that State shall be required to obligate
20 in the next fiscal year for projects on rail-highway
21 grade crossings an amount equal to 120 percent of

1 the amount of funds the State received for fiscal
2 year 2009 for rail-highway grade crossings under
3 section 130(f) (as in effect on the day before the
4 date of enactment of the MAP-21).

5 On page 130, line 23, strike “advanced”.

6 On page 135, line 7, strike “the apportioned amount”
7 and insert “the amount apportioned”.

8 Beginning on page 149, strike line 8 and all that fol-
9 lows through page 151, line 13, and insert the following:
10 “(D) Planning, designing, or constructing
11 boulevards and other roadways largely in the
12 right-of-way of former Interstate System routes
13 or other divided highways.

14 On page 154, line 6, insert “for” after “50 percent”.

15 On page 165, line 6, strike “or” at the end.

16 On page 165, line 9, insert “or” after the semicolon.

1 On page 165, between lines 9 and 10, insert the fol-
2 lowing:

3 “(iii) mitigation of the congestion im-
4 pacts from freight movement;

5 On page 169, line 17, insert “for vehicles” after “sys-
6 tems”.

7 On page 174, lines 9 and 10, strike “and transport
8 providers” and insert “, transport providers, and States”.

9 On page 178, line 14, strike “quantifiable”.

10 On page 182, line 22, strike “system” and insert
11 “highway”.

12 On page 200, strike lines 8 through 13 and insert
13 the following:

14 “(aa) 50 percent, equal to
15 the ratio that the amount allo-
16 cated to each tribe as a tribal
17 share for fiscal year 2011 bears
18 to the total tribal share amount
19 allocated to all tribes for that fis-
20 cal year; and

1 On page 238, line 15, strike “60” and insert “30”.

2 On page 238, line 23, insert “in which the project
3 is located” after “State”.

4 On page 241, line 17, strike “injuries,” and insert
5 “and serious injuries”.

6 On page 242, line 21, insert “under this section”
7 after “funds”.

8 On page 243, lines 20 and 21, strike the brackets
9 surrounding “section 10a-d of title 41, United States
10 Code”.

11 Beginning on page 244, strike line 15 and all that
12 follows through page 245, line 6, and insert the following:

13 (g) FEDERAL SHARE OF PROJECT COST.—

14 (1) IN GENERAL.—If a project funded under
15 this section is to construct or improve a privately
16 owned facility or would primarily benefit a private
17 entity, the Federal share shall be the lesser of 50
18 percent of the total project cost or the quantified
19 public benefit of the project. For all other projects
20 funded under this section—

1 (A) the Federal share of funds under this
2 section shall be up to 50 percent of the project
3 cost; and

4 (B) the project sponsor may use other eli-
5 gible Federal transportation funds to cover up
6 to an additional 30 percent of the project costs.

7 (2) PRE-APPROVAL COSTS.—The Secretary may
8 allow costs incurred prior to project approval to be
9 used as a credit toward the non-Federal share of the
10 cost of the project. Such costs must be adequately
11 documented, necessary, reasonable, and allocable to
12 the current phase of the project and such costs may
13 not be included as a cost or used to meet cost-shar-
14 ing or matching requirements of any other federally-
15 financed project.

16 On page 245, line 19, strike “system” and insert
17 “highway”.

18 On page 246, line 8, insert “serious” before “inju-
19 ries”.

20 Beginning on page 248, strike line 23 and all that
21 follows through page 249, line 11, and insert the following:

1 “(9) NONMETROPOLITAN PLANNING ORGANIZA-
2 TION.—The term ‘nonmetropolitan planning organi-
3 zation’ means an organization that—

4 “(A) was designated as a metropolitan
5 planning organization as of the day before the
6 date of enactment of the MAP-21; and

7 “(B) is not designated as a tier I or tier
8 II metropolitan planning organization.

9 On page 249, between lines 22 and 23, insert the fol-
10 lowing:

11 “(11) RURAL PLANNING ORGANIZATION.—The
12 term ‘rural planning organization’ means an organi-
13 zation that—

14 “(A) was designated as a metropolitan
15 planning organization as of the day before the
16 date of enactment of the MAP-21; and

17 “(B) is not designated as a tier I or tier
18 II metropolitan planning organization.

19 On page 273, line 8, insert “where applicable,” after
20 “149(k),”.

21 On page 273, line 22, insert “where applicable,” after
22 “149(k),”.

1 On page 274, lines 4 and 5, strike “described in this
2 paragraph into other” and insert “described in other”.

3 On page 274, line 13, strike “plan;” and insert “plan,
4 where applicable;”.

5 Beginning on page 282, strike line 19 and all that
6 follows through page 284, line 8 and insert the following:

7 “(3) SCENARIO DEVELOPMENT.—

8 “(A) IN GENERAL.—When preparing the
9 metropolitan transportation plan, the metropoli-
10 tan planning organization may, while fitting the
11 needs and complexity of its community, develop
12 multiple scenarios for consideration as a part of
13 the development of the metropolitan transpor-
14 tation plan, in accordance with subparagraph
15 (B).

16 “(B) COMPONENTS OF SCENARIOS.—The
17 scenarios—

18 “(i) shall include potential regional in-
19 vestment strategies for the planning hori-
20 zon;

21 “(ii) shall include an assumed dis-
22 tribution of population and employment;

1 “(iii) may include a scenario that, to
2 the maximum extent practicable, maintains
3 baseline conditions for the performance
4 measures identified in subsection (h)(2);

5 “(iv) may include a scenario that im-
6 proves the baseline conditions for as many
7 of the performance measures under sub-
8 section (h)(2) as possible;

9 “(v) may include a revenue-con-
10 strained scenario based on total revenues
11 reasonably expected to be available over
12 the 20-year planning period and assumed
13 population and employment; and

14 “(vi) may include estimated costs and
15 potential revenues available to support
16 each scenario.

17 “(C) METRICS.—In addition to the per-
18 formance measures identified in subsection
19 (h)(2), scenarios developed under this para-
20 graph may be evaluated using locally-developed
21 metrics for the following categories:

22 “(i) Congestion and mobility, includ-
23 ing transportation use by mode.

24 “(ii) Freight movement.

25 “(iii) Safety.

1 “(iv) Efficiency and costs to tax-
2 payers.

3 On page 301, strike line 24 and insert the following:
4 January 1, 1997.

5 “(r) SCHEDULE FOR IMPLEMENTATION.—The Sec-
6 retary shall issue guidance on a schedule for implementa-
7 tion of the changes made by this section, taking into con-
8 sideration the established planning update cycle for metro-
9 politan planning organizations. The Secretary shall not re-
10 quire a metropolitan planning organization to deviate from
11 its established planning update cycle to implement
12 changes made by this section. Metropolitan planning orga-
13 nizations shall reflect changes made to their transpor-
14 tation plan or transportation improvement program up-
15 dates by 2 years after the date of issuance of guidance
16 by the Secretary.”.

17 On page 304, strike lines 1 through 18 and insert
18 the following:

19 “(b) COORDINATION AND CONSULTATION.—

20 “(1) IN GENERAL.—Each State shall—

21 “(A) coordinate planning carried out under
22 this section with—

1 “(i) the transportation planning ac-
2 tivities carried out under section 134 for
3 metropolitan areas of the State; and

4 “(ii) statewide trade and economic de-
5 velopment planning activities and related
6 multistate planning efforts;

7 “(B) coordinate planning carried out under
8 this section with the transportation planning
9 activities carried out by each nonmetropolitan
10 planning organization in the State, as applica-
11 ble;

12 “(C) consult on planning carried out under
13 this section with the transportation planning
14 activities carried out by each rural planning or-
15 ganization in the State, as applicable; and

16 “(D) develop the transportation portion of
17 the State implementation plan as required by
18 the Clean Air Act (42 U.S.C. 7401 et seq.).

19 On page 309, line 16, strike “149(k),”.

20 On page 310, line 10, insert “and” after the semi-
21 colon.

22 On page 310, strike lines 11 and 12.

1 On page 310, line 13, strike “(iv)” and insert “(iii)”.

2 On page 337, strike line 2 and insert the following:

3 “seq.) as of January 1, 1997.

4 “(1) SCHEDULE FOR IMPLEMENTATION.—The Sec-
5 retary shall issue guidance on a schedule for implementa-
6 tion of the changes made by this section, taking into con-
7 sideration the established planning update cycle for
8 States. The Secretary shall not require a State to deviate
9 from its established planning update cycle to implement
10 changes made by this section. States shall reflect changes
11 made to their transportation plan or transportation im-
12 provement program updates by 2 years after the date of
13 issuance of guidance by the Secretary.”.

14 On page 417, line 7, insert “, as determined in ac-
15 cordance with Environmental Protection Agency testing
16 methods 3052, 6010B, or 6010C” after “lead”.

17 On page 429, lines 22 and 23, strike “subclause (II)”
18 and insert “subparagraph (B)”.

19 On page 430, line 14, strike “subclause (I)” and in-
20 sert “subparagraph (A)”.

1 On page 431, lines 22 and 23, strike “subclause (II)”
2 and insert “subparagraph (B)”.

3 On page 440, lines 13 and 14, strike “\$10,000,000
4 for each fiscal year” and insert “\$15,000,000 for each of
5 fiscal years 2012 and 2013”.

6 On page 441, between lines 19 and 20, insert the fol-
7 lowing:

8 (7) To provide grants to prohibit racial
9 profiling in accordance with section 1906 of the
10 SAFETEA-LU (23 U.S.C. 402 note; 119 Stat.
11 1468).

12 On page 442, line 10, strike “and”.

13 On page 442, lines 23 and 24, strike “[the second
14 place it appears]” and insert “the second place it ap-
15 pears”.

16 On page 445, between lines 4 and 5, insert the fol-
17 lowing:

18 (d) CERTAIN ALLOCATIONS.—Notwithstanding any
19 other provision of law, any unobligated balances of
20 amounts required to be allocated to a State by the fol-

1 lowing sections shall instead be made available to such
2 State for any purpose eligible under section 133(c) of title
3 23, United States Code:

4 (1) Section 1307(d)(1) of the SAFETEA-LU
5 (23 U.S.C. 322 note; 119 Stat. 1217; 122 Stat.
6 1577).

7 (2) The project described in item 1866 in the
8 table contained in section 1702 of the SAFETEA-
9 LU (119 Stat. 1329).

10 On page 446, after line 24, add the following:

11 **SEC. 1519. REQUIREMENTS FOR ELIGIBLE BRIDGE**
12 **PROJECTS.**

13 (a) **DEFINITIONS.**—In this section:

14 (1) **ELIGIBLE BRIDGE PROJECT.**—The term
15 “eligible bridge project” means a project for con-
16 struction, alteration, or repair work on a bridge or
17 overpass funded directly by, or provided other assist-
18 ance through, the Federal Government.

19 (2) **QUALIFIED TRAINING PROGRAM.**—The term
20 “qualified training program” means a training pro-
21 gram that—

22 (A)(i) is certified by the Secretary of
23 Labor; and

1 (ii) with respect to an eligible bridge
2 project located in an area in which the Sec-
3 retary of Labor determines that a training pro-
4 gram does not exist, is registered with—

5 (I) the Department of Labor; or

6 (II) a State agency recognized by the
7 Department of Labor for purposes of a
8 Federal training program; or

9 (B) is a corrosion control, mitigation and
10 prevention personnel training program that is
11 offered by an organization whose standards are
12 recognized and adopted in other Federal or
13 State Departments of Transportation.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (b) ELIGIBILITY REQUIREMENTS.—

17 (1) IN GENERAL.—Each contractor and subcon-
18 tractor that carries out any aspect of an eligible
19 bridge project described in paragraph (2) shall—

20 (A) before entering into the applicable con-
21 tract, be certified by the Secretary or a State,
22 in accordance with paragraph (4), as meeting
23 the eligibility requirements described in para-
24 graph (3); and

1 (B) remain certified as described in sub-
2 paragraph (A) while carrying out the applicable
3 aspect of the eligible bridge project.

4 (2) DESCRIPTION OF ASPECTS OF ELIGIBLE
5 BRIDGE PROJECTS.—An aspect of an eligible bridge
6 project referred to in paragraph (1) is—

7 (A) surface preparation or coating applica-
8 tion on bridge steel of an eligible bridge project;

9 (B) removal of a lead-based or other haz-
10 ardous coating from bridge steel of an existing
11 eligible bridge project;

12 (C) shop painting of structural steel fab-
13 ricated for installation on bridge steel of an eli-
14 gible bridge project; and

15 (D) the design, application, installation,
16 and maintenance of a cathodic protection sys-
17 tem.

18 (3) REQUIREMENTS.—The eligibility require-
19 ments referred to in paragraph (1) are that a con-
20 tractor or subcontractor shall—

21 (A) as determined by the Secretary—

22 (i) use corrosion mitigation and pre-
23 vention methods to preserve relevant
24 bridges and overpasses, taking into ac-
25 count—

- 1 (I) material selection;
- 2 (II) coating considerations;
- 3 (III) cathodic protection consid-
- 4 erations;
- 5 (IV) design considerations for
- 6 corrosion; and
- 7 (V) trained applicators;
- 8 (ii) use best practices—
- 9 (I) to prevent environmental deg-
- 10 radation; and
- 11 (II) to ensure careful handling of
- 12 all hazardous materials; and
- 13 (iii) demonstrate a history of employ-
- 14 ing industry-respected inspectors to ensure
- 15 funds are used in the interest of affected
- 16 taxpayers; and
- 17 (B) demonstrate a history of compliance
- 18 with applicable requirements of the Occupa-
- 19 tional Safety and Health Administration, as de-
- 20 termined by the Secretary of Labor.
- 21 (4) STATE CONSULTATION.—In determining
- 22 whether to certify a contractor or subcontractor
- 23 under paragraph (1)(A), a State shall consult with
- 24 engineers and other experts trained in accordance

1 with subsection (a)(2) specializing in corrosion con-
2 trol, mitigation, and prevention methods.

3 (c) OPTIONAL TRAINING PROGRAM.—As a condition
4 of entering into a contract for an eligible bridge project,
5 each contractor and subcontractor that performs construc-
6 tion, alteration, or repair work on a bridge or overpass
7 for the eligible bridge project may provide, or make avail-
8 able, training, through a qualified training program, for
9 each applicable craft or trade classification of employees
10 that the contractor or subcontractor intends to employ to
11 carry out aspects of eligible bridge projects as described
12 in subsection (b)(2).

13 On page 472, line 23, insert “and economic develop-
14 ment” after “transportation”.

15 On page 474, line 14, insert “economic develop-
16 ment,” after “water infrastructure,”.

17 On page 478, line 19, insert “the Secretary” after
18 “and”.

19 On page 479, line 8, insert “a” before “motor”.

1 Beginning on page 493, strike line 8 and all that fol-
2 lows through page 494, line 19 and insert the following:

3 “(h) CENTERS FOR SURFACE TRANSPORTATION EX-
4 CELLENCE.—”.

5 On page 496, line 6, strike “Not less” and insert
6 “FUNDS.—Not less”.

7 On page 496, line 10, strike “Funds” and insert
8 “TREATMENT OF FUNDS.—Funds”.

9 On page 504, lines 15 and 16, strike “and for which
10 the requirements of subparagraph” and insert “. The re-
11 quirements of subsection”.

12 On page 538, line 14, strike “and public service utili-
13 ties” and insert “public service utilities,”.

14 On page 568, line 21, strike “clauses (ii) and” and
15 insert “clause”.

16 On page 571, line 24, insert “non-Federal funds or”
17 after “use”.

1 On page 573, line 20, strike “or”.

2 On page 573, between lines 20 and 21, insert the fol-
3 lowing:

4 “(C) to refinance existing loan agreements
5 for rural infrastructure projects; or

6 On page 573, line 21, strike “(C)” and insert “(D)”.

7 On page 577, line 6, strike “subparagraphs (B) and
8 (C)” and insert “subparagraph (B)”.

9 On page 590, line 14, strike “for” and insert “in”.

10 Beginning on page 593, strike line 14 and all that
11 follows through page 595, line 15 and insert the following:

12 “(a) SOLVENCY CALCULATION FOR FISCAL YEAR
13 2012.—

14 “(1) ADJUSTMENT OF OBLIGATION LIMITA-
15 TION.—Not later than 60 days after the date of en-
16 actment of the MAP-21, the Secretary, in consulta-
17 tion with the Secretary of Treasury, shall:

18 “(A) Estimate the balance of the Highway
19 Trust Fund (other than the Mass Transit Ac-
20 count) at the end of fiscal years 2012 and

1 2013. For purposes of which estimation, the
2 Secretary shall assume that the obligation limi-
3 tation on Federal-aid highways and highway
4 safety construction programs will be equal to
5 the obligation limitations enacted for those fis-
6 cal years in the MAP-21.

7 “(B) Determine if the estimated balance of
8 the Highway Trust Fund (other than the Mass
9 Transit Account) would fall below—

10 “(i) \$2,000,000,000 at the end of fis-
11 cal year 2012; or

12 “(ii) \$1,000,000,000 at the end of fis-
13 cal year 2013.

14 “(C) If either of the conditions in subpara-
15 graph (B) would occur, calculate the amount by
16 which the fiscal year 2012 obligation limitation
17 must be reduced to prevent such occurrence.
18 For purposes of this calculation, the Secretary
19 shall assume that the obligation limitation on
20 Federal-aid highways and highway safety con-
21 struction programs for the fiscal year 2013 will
22 be equal to the obligation limitation for fiscal
23 year 2012, as reduced pursuant to this sub-
24 paragraph.

1 “(D) Adjust the distribution of the fiscal
2 year 2012 obligation limitation to reflect any
3 reduction determined under subparagraph (C).

4 “(2) LAPSE AND RESCISSION.—

5 “(A) LAPSE OF OBLIGATION LIMITA-
6 TION.—Any obligation limitation that is with-
7 drawn by the Secretary pursuant to paragraph
8 (1)(D) shall lapse immediately following the ad-
9 justment of obligation limitation under such
10 paragraph.

11 “(B) RESCISSION OF CONTRACT AUTHORITY.—Upon the lapse of any obligation limita-
12 tion under subparagraph (A), the Secretary
13 shall reduce proportionately the amount author-
14 ized to be appropriated from the Highway
15 Trust Fund (other than the Mass Transit Ac-
16 count) for fiscal year 2012 to carry out each of
17 the Federal-aid highway and highway safety
18 construction programs (other than emergency
19 relief and funds under the national highway
20 performance program that are exempt from the
21 fiscal year 2012 obligation limitation) by an ag-
22 gregate amount equal to the amount of adjust-
23 ment determined pursuant to paragraph (1)(D).
24

1 The amounts withdrawn pursuant to this sub-
2 paragraph are permanently rescinded.

3 On page 596, line 6, strike "is" and insert "will be".

4 On page 598, line 5, strike "paragraph" and insert
5 "clause".

6 On page 598, line 16, strike "subparagraph" and in-
7 sert "clause".

8 On page 599, line 14, insert "subsection (a) and"
9 after "in".