

Restoration of Rescinded Funds Pursuant to the Surface Transportation Extension Act of 2010, Public Law 111-147

Frequently Asked Questions:

Q1: What amount of funds will be restored to each State, urbanized area, and program?

The State-by-State and program-by-program amounts restored will be equal to the actual amounts rescinded from each State and each program under section 10212 of the SAFETEA-LU. The amounts restored to the urbanized areas will be equal to the actual amounts rescinded from each urbanized area under section 10212 of the SAFETEA-LU.

Q2: How are the restored funds to be obligated?

The restored funds will be given new program codes, which will be obligated using formula obligation limitation. The new program codes will be provided in a separate memorandum.

Q3: What are the periods of availability of the restored funds?

The restored funds will have the same periods of availability as the original funds rescinded. For example, restored Interstate Maintenance funds will have a four year period of availability and restored Safe Routes to School funds will be available until expended.

All restored funds will be FY 2010 funds. Therefore, the first year in the period of availability will be FY 2010. For instance, if Q010 funds (Interstate Maintenance funds from TEA-21) were rescinded and are now restored (in the new program code for restored Interstate Maintenance funds), the availability of the restored Interstate Maintenance funds will be four years (FY 2010 plus 3 years).

Q4: Can the restored funds be transferred?

Restored funds can be transferred between States and to other Federal agencies, such as the Federal Transit Administration, in the same manner as the funds that were originally rescinded.

Restored funds cannot be transferred between apportionment categories. Restored funds are a budgetary resource separate and distinct from the FY 2010 apportionments. Therefore, restored funds are not covered by the Uniform Transferability provision in

section 126 of title 23, United States Code, which only applies to apportionments for a fiscal year.

Q5: What will happen to the restored funds if they are not obligated by the end of fiscal year 2010?

The restored funds will have the same characteristics and periods of availability as the funds originally rescinded and can be obligated in future fiscal years as long as the restored funds have not lapsed.

Q6: Does the restoration of funds affect the obligation limitation calculation?

The restored funds do not affect the obligation limitation calculation for FY 2010.

Q7: Is there additional obligation limitation being provided with the restored funds?

No additional obligation limitation is being provided. Only contract authority was rescinded and, therefore, only contract authority is being restored.

Q8: Will the rescinded funds that were subject to special limitation be restored as subject to special limitation? Will rescinded funds that were exempt from limitation be restored as exempt from limitation?

No. Rescinded funds that were subject to special limitation will not be restored as subject to special limitation and will instead be subject to regular formula obligation limitation. Rescinded funds that were exempt from limitation will also be restored as subject to regular formula obligation limitation.

Public Law 111-147 requires that all restored funds be obligated with an obligation limitation provided in an act after the implementation of the rescission; the FY 2010 DOT Appropriations Act does not allow for any additional special limitation or exempt contract authority than what is provided for the FY 2010 apportionments.

When the new program codes are established, codes will be created for Equity Bonus, Minimum Guarantee, and Appalachian Development Highway System that will be obligated using formula obligation limitation.

Q9: Can the restored Highway Bridge Program funds be used with the \$1 billion special bridge limitation?

No, the restored Bridge funds cannot be used with the special Bridge limitation. Public Law 111-147 requires that all restored funds be obligated with an obligation limitation provided in an act after the implementation of the rescission; the \$1 billion in special Bridge limitation was provided in the Consolidated Appropriations Act, 2008 (Public Law 110-161).