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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.**

To provide an extension of Federal-aid highway, highway safety, and transit programs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide an extension of Federal-aid highway, highway safety, and transit programs, and for other purposes.

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 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COVERED LAW.—The term “covered law”  
9 means any of the following:

1 (A) Titles I, II, III, IV, V, VI, VII, VIII,  
2 XI, and XXIV of the FAST Act (Public Law  
3 114–94; 129 Stat. 1312).

4 (B) Division A, division B, subtitle A of  
5 title I and title II of division C, and division E  
6 of MAP–21 (Public Law 112–141; 126 Stat.  
7 405).

8 (C) Titles I, II, and III of the SAFETEA–  
9 LU Technical Corrections Act of 2008 (Public  
10 Law 110–244; 122 Stat. 1572).

11 (D) Titles I, II, III, IV, V, and VI of  
12 SAFETEA–LU (Public Law 109–59; 119 Stat.  
13 1144).

14 (E) Titles I, II, III, IV, and V of the  
15 Transportation Equity Act for the 21st Century  
16 (Public Law 105–178; 112 Stat. 107).

17 (F) Titles II, III, and IV of the National  
18 Highway System Designation Act of 1995  
19 (Public Law 104–59; 109 Stat. 568).

20 (G) Titles I, II, III, IV, V, and VI of the  
21 Intermodal Surface Transportation Efficiency  
22 Act of 1991 (Public Law 102–240; 105 Stat.  
23 1914).

24 (H) Title 23, United States Code.

1 (I) Sections 116, 117, 330, 5128, 5505,  
2 and 24905 and chapters 53, 139, 303, 311,  
3 313, 701, and 702 of title 49, United States  
4 Code.

5 (J) Division B of the Continuing Appro-  
6 priations Act, 2021 and Other Extensions Act  
7 (Public Law 116–159; 134 Stat. 725).

8 (2) EXTENSION END DATE.—The term “exten-  
9 sion end date” means October 31, 2021.

10 (3) EXTENSION FRACTION.—The term “exten-  
11 sion fraction” means the quotient, expressed as a  
12 fraction, obtained by dividing—

13 (A) the number of days in the extension  
14 period; by

15 (B) 365.

16 (4) EXTENSION PERIOD.—The term “extension  
17 period” means the period that begins on October 1,  
18 2021, and ends on the extension end date.

19 (5) HIGHWAY ACCOUNT.—The term “Highway  
20 Account” means the portion of the Highway Trust  
21 Fund that is not the Mass Transit Account.

22 (6) MASS TRANSIT ACCOUNT.—The term “Mass  
23 Transit Account” means the portion of the Highway  
24 Trust Fund established under section 9503(e)(1) of  
25 the Internal Revenue Code of 1986.

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of Transportation.

3           (8) STATE.—The term “State” means the 50  
4           States and the District of Columbia.

5                           **TITLE I—SURFACE**  
6           **TRANSPORTATION PROGRAMS**

7   **SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPOR-**  
8                           **TATION PROGRAMS.**

9           (a) IN GENERAL.—Except as otherwise provided in  
10          this Act, the requirements, authorities, conditions, eligi-  
11          bilities, limitations, and other provisions authorized under  
12          the covered laws, which would otherwise expire on or cease  
13          to apply after September 30, 2021, are incorporated by  
14          reference and shall continue in effect through the exten-  
15          sion end date.

16          (b) AUTHORIZATION OF APPROPRIATIONS.—

17                  (1) HIGHWAY TRUST FUND.—

18                          (A) HIGHWAY ACCOUNT.—There is author-  
19                          ized to be appropriated from the Highway Ac-  
20                          count for fiscal year 2022, for each program  
21                          with respect to which amounts are authorized  
22                          to be appropriated from such account for fiscal  
23                          year 2021, an amount equal to the extension  
24                          fraction of the amount authorized for appro-  
25                          priation with respect to the program from such

1 account under the covered laws for fiscal year  
2 2021.

3 (B) MASS TRANSIT ACCOUNT.—There is  
4 authorized to be appropriated from the Mass  
5 Transit Account for fiscal year 2022, for each  
6 program with respect to which amounts are au-  
7 thorized to be appropriated from such account  
8 for fiscal year 2021, an amount equal to the ex-  
9 tension fraction of the amount authorized for  
10 appropriation with respect to the program from  
11 such account under the covered laws for fiscal  
12 year 2021.

13 (2) GENERAL FUND.—There is authorized to be  
14 appropriated for fiscal year 2022, for each program  
15 under the covered laws with respect to which  
16 amounts are authorized to be appropriated for fiscal  
17 year 2021 from an account other than the Highway  
18 Account or the Mass Transit Account, an amount  
19 that is not less than the extension fraction of the  
20 amount authorized for appropriation with respect to  
21 the program under the covered laws for fiscal year  
22 2021.

23 (c) USE OF FUNDS.—

24 (1) IN GENERAL.—Except as described in para-  
25 graph (2), amounts authorized to be appropriated

1 for fiscal year 2022 with respect to a program under  
2 subsection (b) shall be distributed, administered,  
3 limited, and made available for obligation in the  
4 same manner as amounts authorized to be appro-  
5 priated with respect to the program for fiscal year  
6 2021 under the covered laws.

7 (2) APPORTIONMENT TO STATES.—

8 (A) IN GENERAL.—Notwithstanding sub-  
9 sections (c)(2) or (e)(1) of section 104 of title  
10 23, United States Code, the Secretary—

11 (i) shall not apportion on October 1,  
12 2021, amounts authorized to be appro-  
13 priated for fiscal year 2022 under sub-  
14 section (b)(1)(A) with a respect to a pro-  
15 gram described in subparagraph (B); and

16 (ii) shall not apportion such amounts  
17 before October 15, 2021.

18 (B) PROGRAMS DESCRIBED.—A program  
19 referred to in subparagraph (A)(i) is a pro-  
20 gram—

21 (i) for which amounts are authorized  
22 to be appropriated under subsection  
23 (b)(1)(A); and

24 (ii) under which amounts described in  
25 clause (i) will be apportioned to States as

1 described in section 104 of title 23, United  
2 States Code.

3 (C) NOTICE TO STATES.—Section  
4 104(e)(2) of title 23, United States Code, shall  
5 not apply for fiscal year 2022.

6 (d) OBLIGATION LIMITATION.—

7 (1) IN GENERAL.—Subject to paragraph (2), a  
8 program for which amounts are authorized to be ap-  
9 propriated under subsection (b)(1) shall be subject  
10 to a limitation on obligations for fiscal year 2022 in  
11 an amount equal to the extension fraction of the lim-  
12 itation on obligations for the program for fiscal year  
13 2021 and in the same manner as the limitation ap-  
14 plicable with respect to the program for fiscal year  
15 2021.

16 (2) FEDERAL-AID HIGHWAYS.—

17 (A) IN GENERAL.—In distributing a limi-  
18 tation on obligations for Federal-aid highways  
19 for qualifying programs, the Secretary—

20 (i) shall reserve, for qualifying pro-  
21 grams, an amount of the limitation on obli-  
22 gations for Federal-aid highways equal to  
23 the amount calculated for the extension pe-  
24 riod for qualifying programs in effect on  
25 the date of enactment of this Act; and

1 (ii) if H.R. 3684 (117th Congress) is  
2 enacted, may distribute the amount deter-  
3 mined under clause (i) among qualifying  
4 programs (including any qualifying pro-  
5 grams established pursuant to such H.R.  
6 3684) in a manner determined to be ap-  
7 propriate by the Secretary.

8 (B) CALCULATION.—Notwithstanding the  
9 enactment of H.R. 3684 (117th Congress), the  
10 Secretary shall calculate the amount under sub-  
11 paragraph (A)(i) in the manner described in  
12 section 120(a)(4) of division L of the Consoli-  
13 dated Appropriations Act, 2021 (Public Law  
14 116–260).

15 (C) DEFINITION OF QUALIFYING PRO-  
16 GRAM.—In this paragraph, the term “qualifying  
17 program” means a program for Federal-aid  
18 highways that is—

19 (i) allocated by the Secretary under—  
20 (I) title 23, United States Code;  
21 (II) subsection (c)(1); or  
22 (III) H.R. 3684 (117th Con-  
23 gress), if enacted; or



1 (ii) apportioned by the Secretary  
2 under section 202 or 204 of title 23,  
3 United States Code.

4 **SEC. 102. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
5 **WAY PROJECTS.**

6 During the extension period, until H.R. 3684 (117th  
7 Congress) is enacted, the matter preceding clause (i) in  
8 section 117(d)(2)(A) of title 23, United States Code, shall  
9 be applied—

10 (1) by substituting “\$700,000,000” for  
11 “\$600,000,000”; and

12 (2) by substituting “2022” for “2021”.

13 **SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOP-**  
14 **MENT.**

15 During the extension period, until H.R. 3684 (117th  
16 Congress) is enacted, section 403(h)(2) of title 23, United  
17 States Code, shall be applied—

18 (1) by substituting “2022” for “2021”; and

19 (2) by substituting “\$31,872,000” for  
20 “\$26,560,000”.

21 **SEC. 104. RAIL-RELATED PROVISIONS.**

22 During the extension period, until H.R. 3684 (117th  
23 Congress) is enacted, section 502(b)(3) of the Railroad  
24 Revitalization and Regulatory Reform Act of 1976 (45

1 U.S.C. 822(b)(3)) shall be applied by substituting the ex-  
2 tension end date for “September 30, 2021”.

3 **SEC. 105. PROHIBITION ON USE OF FUNDS.**

4 None of the funds authorized in this Act or any other  
5 Act may be used to adjust apportionments for the Mass  
6 Transit Account or withhold funds from apportionments  
7 for the Mass Transit Account pursuant to section  
8 9503(e)(4) of the Internal Revenue Code of 1986 in fiscal  
9 year 2022.

10 **SEC. 106. APPALACHIAN REGIONAL COMMISSION.**

11 During the extension period, until H.R. 3684 (117th  
12 Congress) is enacted—

13 (1) section 14703 of title 40, United States  
14 Code, shall be applied—

15 (A) in subsection (a)(5), by substituting  
16 “2022” for “2021”; and

17 (B) in subsection (c), by substituting  
18 “2022” for “2021”; and

19 (2) section 14704 of title 40, United States  
20 Code, shall be applied by substituting “2022” for  
21 “2021”.

22 **SEC. 107. SPORT FISHING.**

23 During the extension period, until H.R. 3684 (117th  
24 Congress) is enacted, section 4 of the Dingell-Johnson

1 Sport Fish Restoration Act (16 U.S.C. 777c) shall be ap-  
2 plied by substituting—

3 (1) “fiscal year 2022” for “fiscal year 2021” in  
4 subsections (a) and (b)(1)(A); and

5 (2) “fiscal years 2016 through 2022” for “fis-  
6 cal years 2016 through 2021” in subsection  
7 (b)(2)(A).

8 **SEC. 108. FEDERAL EMPLOYEE COMPENSATION FOL-**  
9 **LOWING HIGHWAY TRUST FUND EXPIRATION.**

10 (a) IN GENERAL.—Each employee of the United  
11 States Government furloughed as a result of a covered  
12 lapse in Highway Trust Fund expenditure authority shall  
13 be paid for the period of the covered lapse, and each ex-  
14 cepted employee who is required to perform work during  
15 a covered lapse shall be paid for such work, at the employ-  
16 ee’s standard rate of pay, at the earliest date possible after  
17 the covered lapse ends, regardless of scheduled pay dates,  
18 and subject to availability of funds.

19 (b) COVERED LAPSE.—In this section, the term “cov-  
20 ered lapse in Highway Trust Fund expenditure authority”  
21 means any lapse in authority to make expenditures from  
22 the Highway Trust Fund that begins on October 1, 2021  
23 and ends on or before the date of enactment of this Act.

1                   **TITLE II—TRUST FUNDS**

2   **SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY FOR**  
3                   **HIGHWAY TRUST FUND, SPORT FISH RES-**  
4                   **TORATION AND BOATING TRUST FUND, AND**  
5                   **LEAKING UNDERGROUND STORAGE TANK**  
6                   **TRUST FUND.**

7           (a) **HIGHWAY TRUST FUND.**—Section 9503 of the  
8 Internal Revenue Code of 1986 is amended—

9                   (1) by striking “October 1, 2021” in sub-  
10 sections (b)(6)(B), (c)(1), and (e)(3) and inserting  
11 “November 1, 2021”, and

12                   (2) by striking “Continuing Appropriations Act,  
13 2021 and Other Extensions Act” in subsections  
14 (c)(1) and (e)(3) and inserting “Surface Transpor-  
15 tation Extension Act of 2021”.

16           (b) **SPORT FISH RESTORATION AND BOATING TRUST**  
17 **FUND.**—Section 9504 of such Code is amended—

18                   (1) by striking “Continuing Appropriations Act,  
19 2021 and Other Extensions Act” each place it ap-  
20 pears in subsection (b)(2) and inserting “Surface  
21 Transportation Extension Act of 2021”, and

22                   (2) by striking “October 1, 2021” in subsection  
23 (d)(2) and inserting “November 1, 2021”.

24           (c) **LEAKING UNDERGROUND STORAGE TANK TRUST**  
25 **FUND.**—Section 9508(e)(2) of such Code is amended by

1 striking “October 1, 2021” and inserting “November 1,  
2 2021”.

3 (d) SPECIAL RULE FOR EXECUTION OF AMEND-  
4 MENTS.—On the date of enactment of H.R. 3684 (117th  
5 Congress)—

6 (1) this section and the amendments made by  
7 this section shall cease to be effective;

8 (2) the text of the laws amended by this section  
9 shall revert back so as to read as the text read on  
10 the day before the date of enactment of this section;  
11 and

12 (3) the amendments made by H.R. 3684 (117th  
13 Congress) shall be executed as if this section had not  
14 been enacted.

## 15 **TITLE III—REPLACEMENT** 16 **AUTHORIZATION**

### 17 **SEC. 301. RESCISSION OF DUPLICATIVE CONTRACT AU-** 18 **THORITY.**

19 (a) IN GENERAL.—Upon enactment of H.R. 3684  
20 (117th Congress), subject to subsections (c) and (d), for  
21 each program described in subsection (b), there is perma-  
22 nently rescinded an amount of contract authority equal  
23 to the contract authority made available for that program  
24 under section 101.

1 (b) PROGRAMS DESCRIBED.—A program referred to  
2 in subsection (a) is a program for which contract authority  
3 was made available for fiscal year 2022 under both section  
4 101 and H.R. 3684 (117th Congress).

5 (c) IMPLEMENTATION.—

6 (1) APPLICATION OF RESCISSION AMONG CER-  
7 TAIN PROGRAMS.—The amount of contract authority  
8 rescinded under subsection (a) shall be applied  
9 among States for apportioned programs in the same  
10 amounts that contract authority would be appor-  
11 tioned to such States and distributed for such ap-  
12 portioned programs under section 101.

13 (2) SUBSTANTIALLY SIMILAR AND SUCCESSOR  
14 PROGRAMS.—The Secretary may implement sub-  
15 section (a) in a manner that, as determined appro-  
16 priate by the Secretary, accommodates a cir-  
17 cumstance in which—

18 (A) section 101 makes available contract  
19 authority for fiscal year 2022 for a program;  
20 and

21 (B) H.R. 3684 (117th Congress) makes  
22 available contract authority for fiscal year 2022  
23 for a program that is, in the judgment of the  
24 Secretary, substantially similar or a successor

1 to the program referred to in subparagraph  
2 (A).

3 (d) DEADLINE.—The Secretary shall implement the  
4 rescission under subsection (a) not later than September  
5 30, 2022.

6 (e) APPORTIONMENT EXCEPTION.—Notwithstanding  
7 subsection (c)(2) or (e)(1) of section 104 of title 23,  
8 United States Code, or section 101(c)(2), the Secretary  
9 shall not be required to apportion any amounts of contract  
10 authority that are rescinded pursuant to this section.

11 **SEC. 302. PRIOR ENACTED AUTHORIZATION.**

12 If H.R. 3684 (117th Congress) is enacted before the  
13 date of enactment of this Act, this Act shall not take effect  
14 and the provisions of this Act shall not be executed.