

116TH CONGRESS
1ST SESSION

S. 2271

To amend title 23, United States Code, to establish a program to improve infrastructure development in Appalachia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

Mrs. CAPITO (for herself and Mr. McCONNELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to establish a program to improve infrastructure development in Appalachia, 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 “Advancing Infrastruc-
5 ture Development in Appalachia Act” or the “AID in Ap-
6 palachia Act”.

1 **SEC. 2. BALANCE EXCHANGES FOR INFRASTRUCTURE PRO-**
 2 **GRAM.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 171. Balance exchanges for infrastructure program**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATIVELY ALLOCATED.—The
 9 term ‘administratively allocated’ means the alloca-
 10 tion by the Secretary of budget authority for a
 11 project under the TIFIA program that occurs
 12 when—

13 “(A) a potential applicant has been invited
 14 into the creditworthiness phase for a project
 15 under the TIFIA program; or

16 “(B) the project is subject to a master
 17 credit agreement (as defined in section 601(a)),
 18 in accordance with section 602(b)(2).

19 “(2) APPALACHIAN STATE.—The term ‘Appa-
 20 lachian State’ means a State that contains 1 or
 21 more counties in the Appalachian region (as defined
 22 in section 14102(a) of title 40).

23 “(3) PROGRAM.—The term ‘program’ means
 24 the Balance Exchanges for Infrastructure Program
 25 established under subsection (b).

26 “(4) TIFIA CARRYOVER BALANCE.—

1 “(A) IN GENERAL.—The term ‘TIFIA car-
 2 ryover balance’ means the amounts made avail-
 3 able for the TIFIA program for previous fiscal
 4 years that are unobligated and have not been
 5 administratively allocated.

6 “(B) INCLUSION.—The term ‘TIFIA car-
 7 ryover balance’ includes—

8 “(i) the applicable amount of contract
 9 authority for the amounts described in
 10 subparagraph (A); and

11 “(ii) the equivalent amount of obliga-
 12 tion limitation for the fiscal year in which
 13 the Secretary makes a transfer under sub-
 14 section (f)(2).

15 “(5) TIFIA PROGRAM.—The term ‘TIFIA pro-
 16 gram’ has the meaning given the term in section
 17 601(a).

18 “(b) ESTABLISHMENT.—The Secretary shall estab-
 19 lish a program, to be known as the ‘Balance Exchanges
 20 for Infrastructure Program’, in accordance with this sec-
 21 tion to provide flexibility for the Secretary and States to
 22 improve highway infrastructure.

23 “(c) OFFER TO FUND PROJECTS OR EXCHANGE
 24 FUNDS.—

1 “(1) SOLICITATION.—For each fiscal year for
2 which an amount is reserved under subsection (f)(1),
3 the Secretary shall—

4 “(A) not later than December 1 of that fis-
5 cal year—

6 “(i) solicit requests from Appalachian
7 States to return amounts under subsection
8 (d)(1)(A); and

9 “(ii) solicit applications from Appa-
10 lachian States for grants under subsection
11 (e); and

12 “(B) require that, not later than 60 days
13 after the date of the solicitations under sub-
14 paragraph (A), each Appalachian State that
15 elects to participate in the program shall submit
16 to the Secretary either—

17 “(i) a request that describes the
18 amount that the Appalachian State re-
19 quests to return under subsection
20 (d)(1)(A); or

21 “(ii) an application for a grant under
22 subsection (e).

23 “(d) EXCHANGE AGREEMENTS.—

24 “(1) IN GENERAL.—The Secretary shall enter
25 into an agreement with each Appalachian State that

1 submits a request under subsection (c)(1)(A)(i)
2 under which—

3 “(A) the Appalachian State shall return to
4 the Secretary all, or at the discretion of the Ap-
5 palachian State, a portion of, the unobligated
6 amounts from the Highway Trust Fund (in-
7 cluding the applicable amount of contract au-
8 thority and an equal amount of special no-year
9 obligation limitation associated with that con-
10 tract authority) apportioned to the Appalachian
11 State for the Appalachian development highway
12 system under section 14501 of title 40 (but not
13 including any amounts made available by an ap-
14 propriations Act without an initial authoriza-
15 tion); and

16 “(B) the Secretary shall transfer to the
17 Appalachian State, from amounts transferred to
18 the program under subsection (f)(2) for that
19 fiscal year, an amount (including the applicable
20 amount of contract authority and an equal
21 amount of annual obligation limitation) equal to
22 the amount that the Appalachian State re-
23 turned under subparagraph (A) that shall be
24 used to carry out projects described in para-
25 graph (3).

1 “(2) STATE LIMITATION.—The amount of con-
 2 tract authority returned by an Appalachian State
 3 under paragraph (1)(A) may not exceed the amount
 4 of the special no-year obligation limitation available
 5 to the Appalachian State prior to the return of the
 6 special no-year obligation limitation under that para-
 7 graph.

8 “(3) ELIGIBLE PROJECTS.—

9 “(A) IN GENERAL.—A project eligible to
 10 be carried out using funds transferred to an
 11 Appalachian State under paragraph (1)(B) is a
 12 project described in subsections (b) and (c) of
 13 section 133.

14 “(B) FEDERAL SHARE.—The Federal
 15 share of the cost of a project carried out using
 16 funds transferred to an Appalachian State
 17 under paragraph (1)(B) shall be up to 100 per-
 18 cent, at the discretion of the Appalachian State.

19 “(C) APPLICATION OF SECTION 133.—Ex-
 20 cept as otherwise provided in this paragraph,
 21 section 133 shall not apply to a project carried
 22 out using funds transferred to an Appalachian
 23 State under paragraph (1)(B).

24 “(4) TOTAL LIMITATION.—For each fiscal year,
 25 the total amount exchanged under paragraph (1)

1 shall not exceed the amount available to be trans-
 2 ferred to the program under subsection (f).

3 “(5) AMOUNTS EXCHANGED.—For each fiscal
 4 year, if the total amount requested by all Appa-
 5 lachian States to return under paragraph (1)(A) is
 6 greater than the amount described in paragraph (4),
 7 the Secretary shall exchange amounts under para-
 8 graph (1) based on the proportion that—

9 “(A) the amount requested to be returned
 10 for the fiscal year by the Appalachian State;
 11 bears to

12 “(B) the amount requested to be returned
 13 for the fiscal year by all Appalachian States.

14 “(e) APPALACHIAN DEVELOPMENT HIGHWAY SYS-
 15 TEM CORRIDOR GRANTS.—

16 “(1) IN GENERAL.—Using amounts returned to
 17 the Secretary under subsection (d)(1)(A), the Sec-
 18 retary shall provide grants of contract authority, to
 19 remain available until expended, and subject to spe-
 20 cial no-year obligation limitation, on a competitive
 21 basis to Appalachian States for eligible projects de-
 22 scribed in paragraph (2).

23 “(2) ELIGIBLE PROJECT.—A project eligible to
 24 be carried out with a grant under this subsection is
 25 a project that is—

1 “(A) eligible under section 14501 of title
2 40 as of the date of enactment of this section;
3 and

4 “(B) reasonably expected to begin con-
5 struction by not later than 2 years after the
6 date of obligation of funds provided under this
7 subsection for the project.

8 “(3) APPLICATION.—To be eligible to receive a
9 grant under this subsection, an Appalachian State
10 shall submit to the Secretary an application at such
11 time, in such manner, and containing such informa-
12 tion as the Secretary may require.

13 “(4) FEDERAL SHARE.—The Federal share of
14 the cost of a project carried out using a grant pro-
15 vided under this subsection shall be up to 100 per-
16 cent, at the discretion of the Appalachian State.

17 “(5) LIMITATION.—An Appalachian State that
18 enters into an agreement to exchange funds under
19 subsection (d) for any fiscal year shall not be eligible
20 to receive a grant under this subsection.

21 “(f) TRANSFER FROM TIFIA PROGRAM.—

22 “(1) IN GENERAL.—On October 1 of each fiscal
23 year, the Secretary shall reserve, for the purpose of
24 funding transfers under paragraph (2) until the
25 transfers are completed, the amount of TIFIA carry-

1 over balance that exceeds the amount available to
 2 carry out the TIFIA program for that fiscal year.

3 “(2) TRANSFERS.—For each fiscal year, not
 4 later than 60 days after the date on which the Sec-
 5 retary receives the responses to the solicitations
 6 under subsection (c)(1), the Secretary shall transfer
 7 from the TIFIA program to the program an amount
 8 of contract authority and equal amount of obligation
 9 limitation that is equal to the lesser of—

10 “(A) the total amount requested by all Ap-
 11 palachian States for the fiscal year under sub-
 12 section (c)(1)(B)(i);

13 “(B) the total amount requested by all Ap-
 14 palachian States for grants under subsection
 15 (c)(1)(B)(ii); and

16 “(C) the amount reserved under paragraph
 17 (1).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 1 of title 23, United States Code, is amended by insert-
 20 ing after the item relating to section 170 the following:

“171. Balance exchanges for infrastructure program.”.

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