

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.

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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

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## 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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