

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2  
OFFERED BY MRS. MILLER OF WEST VIRGINIA**

Strike section 1604 of the bill and insert the following:

**1 SEC. 1604. BALANCE EXCHANGES FOR INFRASTRUCTURE  
2 PROGRAM.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United  
4 States Code, as amended by this Act, is further amended  
5 by adding at the end the following:

**6 “§ 174. 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 TIFLA program that occurs  
12 when—

13 “(A) a potential applicant has been invited  
14 into the creditworthiness phase for a project  
15 under the TIFLA 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).

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

5           “(3) PROGRAM.—The term ‘program’ means  
6           the Balance Exchanges for Infrastructure Program  
7           established under subsection (b).

8           “(4) TIFIA CARRYOVER BALANCE.—

9           “(A) IN GENERAL.—The term ‘TIFIA car-  
10           ryover balance’ means the amounts made avail-  
11           able for the TIFIA program for previous fiscal  
12           years that are unobligated and have not been  
13           administratively allocated.

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

16           “(i) the applicable amount of contract  
17           authority for the amounts described in  
18           subparagraph (A); and

19           “(ii) the equivalent amount of obliga-  
20           tion limitation for the fiscal year in which  
21           the Secretary makes a transfer under sub-  
22           section (f)(2).

23           “(5) TIFIA PROGRAM.—The term ‘TIFIA pro-  
24           gram’ has the meaning given the term in section  
25           601(a).

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

6           “(c) OFFER TO FUND PROJECTS OR EXCHANGE  
7 FUNDS.—

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

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

13                                   “(i) solicit requests from Appalachian  
14 States to return amounts under subsection  
15 (d)(1)(A); and

16                                   “(ii) solicit applications from Appa-  
17 lachian States for grants under subsection  
18 (e); and

19                   “(B) require that, not later than 60 days  
20 after the date of the solicitations under sub-  
21 paragraph (A), each Appalachian State that  
22 elects to participate in the program shall submit  
23 to the Secretary either—

24                                   “(i) a request that describes the  
25 amount that the Appalachian State re-

1                   quests to return under subsection  
2                   (d)(1)(A); or

3                   “(ii) an application for a grant under  
4                   subsection (e).

5           “(d) EXCHANGE AGREEMENTS.—

6                   “(1) IN GENERAL.—The Secretary shall enter  
7                   into an agreement with each Appalachian State that  
8                   submits a request under subsection (c)(1)(A)(i)  
9                   under which—

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

23                   “(B) the Secretary shall transfer to the  
24                   Appalachian State, from amounts transferred to  
25                   the program under subsection (f)(2) for that

1 fiscal year, an amount (including the applicable  
2 amount of contract authority and an equal  
3 amount of annual obligation limitation) equal to  
4 the amount that the Appalachian State re-  
5 turned under subparagraph (A) that shall be  
6 used to carry out projects described in para-  
7 graph (3).

8 “(2) STATE LIMITATION.—The amount of con-  
9 tract authority returned by an Appalachian State  
10 under paragraph (1)(A) may not exceed the amount  
11 of the special no-year obligation limitation available  
12 to the Appalachian State prior to the return of the  
13 special no-year obligation limitation under that para-  
14 graph.

15 “(3) ELIGIBLE PROJECTS.—

16 “(A) IN GENERAL.—A project eligible to  
17 be carried out using funds transferred to an  
18 Appalachian State under paragraph (1)(B) is a  
19 project described in subsections (b) and (c) of  
20 section 133.

21 “(B) FEDERAL SHARE.—The Federal  
22 share of the cost of a project carried out using  
23 funds transferred to an Appalachian State  
24 under paragraph (1)(B) shall be up to 100 per-  
25 cent, at the discretion of the Appalachian State.

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

6           “(4) TOTAL LIMITATION.—For each fiscal year,  
7           the total amount exchanged under paragraph (1)  
8           shall not exceed the amount available to be trans-  
9           ferred to the program under subsection (f).

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

16                   “(A) the amount requested to be returned  
17                   for the fiscal year by the Appalachian State;  
18                   bears to

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

21           “(e) APPALACHIAN DEVELOPMENT HIGHWAY SYS-  
22           TEM CORRIDOR GRANTS.—

23                   “(1) IN GENERAL.—Using amounts returned to  
24                   the Secretary under subsection (d)(1)(A), the Sec-  
25                   retary shall provide grants of contract authority, to

1 remain available until expended, and subject to spe-  
2 cial no-year obligation limitation, on a competitive  
3 basis to Appalachian States for eligible projects de-  
4 scribed in paragraph (2).

5 “(2) ELIGIBLE PROJECT.—A project eligible to  
6 be carried out with a grant under this subsection is  
7 a project that is—

8 “(A) eligible under section 14501 of title  
9 40 as of the date of enactment of this section;  
10 and

11 “(B) reasonably expected to begin con-  
12 struction by not later than 2 years after the  
13 date of obligation of funds provided under this  
14 subsection for the project.

15 “(3) APPLICATION.—To be eligible to receive a  
16 grant under this subsection, an Appalachian State  
17 shall submit to the Secretary an application at such  
18 time, in such manner, and containing such informa-  
19 tion as the Secretary may require.

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

24 “(5) LIMITATION.—An Appalachian State that  
25 enters into an agreement to exchange funds under

1 subsection (d) for any fiscal year shall not be eligible  
2 to receive a grant under this subsection.

3 “(f) TRANSFER FROM TIFIA PROGRAM.—

4 “(1) IN GENERAL.—On October 1 of each fiscal  
5 year, the Secretary shall reserve, for the purpose of  
6 funding transfers under paragraph (2) until the  
7 transfers are completed, the amount of TIFIA carry-  
8 over balance that exceeds the amount available to  
9 carry out the TIFIA program for that fiscal year.

10 “(2) TRANSFERS.—For each fiscal year, not  
11 later than 60 days after the date on which the Sec-  
12 retary receives the responses to the solicitations  
13 under subsection (c)(1), the Secretary shall transfer  
14 from the TIFIA program to the program an amount  
15 of contract authority and equal amount of obligation  
16 limitation that is equal to the lesser of—

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

20 “(B) the total amount requested by all Ap-  
21 palachian States for grants under subsection  
22 (c)(1)(B)(ii); and

23 “(C) the amount reserved under paragraph  
24 (1).”.



1           (b) CLERICAL AMENDMENT.—The analysis for chap-  
2 ter 1 of title 23, United States Code, is further amended  
3 by adding at the end the following:

“174. Balance exchanges for infrastructure program.”.

