

112TH CONGRESS  
1ST SESSION

# S. 1382

To complete construction of the 13-State Appalachian development highway system, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 18, 2011

Mr. ROCKEFELLER (for himself, Mr. SHELBY, and Mr. MANCHIN) 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 complete construction of the 13-State Appalachian development highway system, 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 “Appalachian Develop-  
5 ment Highway System Act of 2011”.

6 **SEC. 2. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated out of the Highway Trust  
9 Fund (other than the Mass Transit Account) for the Ap-  
10 palachian development highway system program under

1 section 14501 of title 40, United States Code,  
2 \$1,080,000,000 for each of fiscal years 2012 through  
3 2017.

4 (b) APPORTIONMENT.—The Secretary shall appor-  
5 tion funds made available by subsection (a) for fiscal years  
6 2012 through 2017 among the States based on the latest  
7 available cost-to-complete estimate for the Appalachian  
8 development highway system under section 14501 of title  
9 40, United States Code, prepared by the Appalachian Re-  
10 gional Commission.

11 (c) APPLICABILITY OF TITLE 23.—Subject to sub-  
12 section (d)(2), funds made available by subsection (a) shall  
13 be available for obligation in the same manner as if the  
14 funds were apportioned under chapter 1 of title 23, United  
15 States Code, except that—

16 (1) the Federal share of the cost of any project  
17 carried out using the funds shall be determined in  
18 accordance with section 14501 of title 40, United  
19 States Code; and

20 (2) the funds shall remain available until ex-  
21 pended.

22 (d) AVAILABILITY OF FUNDS.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law enacted before, on, or after the date  
25 of enactment of this Act, any obligation limitation

1 enacted for any of fiscal years 2012 through 2017  
2 shall not apply to obligations authorized for the Ap-  
3 palachian development highway system program  
4 under section 14501 of title 40, United States Code.

5 (2) REALLOCATION.—Any amounts made avail-  
6 able to a State under this section or any other provi-  
7 sion of law for the Appalachian development high-  
8 way system under section 14501 of title 40, United  
9 States Code, that remain unobligated by the State  
10 as of the date that is 5 years after the date on which  
11 the funds were made available shall be—

12 (A) returned to the Secretary; and

13 (B) reallocated among the remaining  
14 States in accordance with section 14501 of title  
15 40, United States Code.

16 (e) LOANS BETWEEN STATES.—

17 (1) IN GENERAL.—On notice to the Secretary  
18 of Transportation, a State that receives an appor-  
19 tionment under subsection (b) may lend any amount  
20 of contract authority or obligation authority avail-  
21 able to the State pursuant to the apportionment to  
22 any other State that is eligible for such an appor-  
23 tionment for use by the borrowing State for activi-  
24 ties eligible under section 14501 of title 40, United  
25 States Code.

1           (2) REPAYMENT.—Any loan under paragraph  
2           (1) shall be repaid in accordance with a loan repay-  
3           ment agreement that is entered into by the affected  
4           States and agreed to by the Secretary.

5           (f) PURPOSES.—Section 104(a) of title 23, United  
6 States Code, is amended by striking paragraph (2) and  
7 inserting the following:

8           “(2) PURPOSES.—

9                   “(A) FEDERAL-AID HIGHWAY AND OTHER  
10                   PROGRAMS.—The funds authorized by this sub-  
11                   section shall be used to administer the provi-  
12                   sions of law to be financed from appropriations  
13                   for the Federal-aid highway program and pro-  
14                   grams authorized under chapter 2.

15                   “(B) APPALACHIAN DEVELOPMENT HIGH-  
16                   WAY SYSTEM.—In any case in which an appor-  
17                   tionment is made of the amounts made avail-  
18                   able for expenditure for the Appalachian devel-  
19                   opment highway system program under section  
20                   14501 of title 40, from amounts made available  
21                   from the Highway Trust Fund for the Appa-  
22                   lachian development highway system, the Sec-  
23                   retary shall transfer to the Appalachian Re-  
24                   gional Commission such sums as the Appa-  
25                   lachian Regional Commission determines to be

1 appropriate, not to exceed \$3,000,000 for each  
2 fiscal year, for administrative and planning ac-  
3 tivities associated with the Appalachian develop-  
4 ment highway system.”.

5 (g) EQUITY BONUS PROGRAM.—Section 105 of title  
6 23, United States Code, is amended—

7 (1) in subsection (a)(2)—

8 (A) by striking subparagraph (J); and

9 (B) by redesignating subparagraphs (K)  
10 through (N) as subparagraphs (J) through (M),  
11 respectively; and

12 (2) in subsection (b)(2)—

13 (A) in subparagraph (I), by adding “and”  
14 at the end;

15 (B) by striking subparagraph (J); and

16 (C) by redesignating subparagraph (K) as  
17 subparagraph (J).

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