

115TH CONGRESS
1ST SESSION

S. 271

To strengthen highway funding in the near term, to offer States additional financing tools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Mrs. FISCHER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To strengthen highway funding in the near term, to offer States additional financing tools, 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 “Build USA Infrastruc-
5 ture Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATION.—The term “Administra-
9 tion” means the Federal Highway Administration.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Administra-
3 tion.

4 (3) CORE INFRASTRUCTURE PROJECT.—The
5 term “core infrastructure project” means a Federal-
6 aid highway or highway (as those terms are defined
7 in section 101(a) of title 23, United States Code)
8 project of a State that is eligible for funding under
9 chapter 1 of title 23, United States Code.

10 (4) STATE.—The term “State” has the mean-
11 ing given the term in section 101(a) of title 23,
12 United States Code.

13 **SEC. 3. ADDRESSING NEAR TERM TRANSPORTATION**
14 **NEEDS.**

15 Section 105 of title 23, United States Code, is
16 amended—

17 (1) by redesignating subsection (g) as sub-
18 section (h); and

19 (2) by inserting after subsection (f) the fol-
20 lowing:

21 “(g) U.S. CUSTOMS AND BORDER PROTECTION REV-
22 ENUES.—During the 5-year period beginning on October
23 1, 2020, the first \$21,400,000,000 of revenues collected
24 by U.S. Customs and Border Protection during each fiscal
25 year shall be deposited into the Highway Trust Fund.”.

1 **SEC. 4. HIGHWAY PROJECT FLEXIBILITY FOR STATES.**

2 (a) IN GENERAL.—A State may enter into a State
3 remittance agreement with the Federal Highway Adminis-
4 tration, for a period of 3 years or longer, under which—

5 (1) the State agrees to remit to the Administra-
6 tion not less than 60 percent of the total amount of
7 funds received by the State from the Federal Gov-
8 ernment during each year of the agreement for Fed-
9 eral-aid highway activities under sections 119(d) and
10 133(b) of title 23, United States Code;

11 (2) the Administration agrees to provide the
12 State with funds in an amount equal to 90 percent
13 of the amount the State remitted to the Administra-
14 tion under paragraph (1); and

15 (3) the State agrees to use the funds received
16 from the Administration under paragraph (2) to
17 carry out core infrastructure projects in accordance
18 with subsection (b).

19 (b) STATE DETERMINATION OF COMPLIANCE.—Not-
20 withstanding any other provision of law, in carrying out
21 a core infrastructure project in accordance with this sub-
22 section, a State—

23 (1) is authorized to determine whether the
24 State is in compliance with all Federal requirements
25 of—

1 (A) environmental approvals relating to the
2 project;

3 (B) environmental permits relating to the
4 project;

5 (C) section 313 of title 23, United States
6 Code;

7 (D) the development and construction of
8 the project, including preliminary design, right-
9 of-way acquisition, construction engineering,
10 and final acceptance of the project;

11 (E) preapproval for preventative mainte-
12 nance projects and procedures;

13 (F) project agreements and modifications
14 to project agreements; and

15 (G) consultant procurement services relat-
16 ing to the project;

17 (2) shall assume responsibility of and oversight
18 duties over compliance with the requirements de-
19 scribed in paragraph (1); and

20 (3) to the maximum extent practicable, shall at-
21 tempt to carry out the project in compliance with all
22 Federal requirements.

23 (c) JUDICIAL REVIEW.—The determination of a
24 State under subsection (b)(1) shall not be subject to judi-
25 cial review.

1 (d) USE OF STATE-REMITTED FUNDS.—The Admin-
2 istrator shall deposit an amount equal to 10 percent of
3 the funds remitted to the Administration by States under
4 subsection (a)(1) to the Highway Trust Fund.

5 (e) RULEMAKING.—The Administrator shall issue
6 such regulations as may be necessary to carry out this
7 section.

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