

108TH CONGRESS  
1ST SESSION

**S. 1168**

To amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2003

Mr. BINGAMAN 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 increase the use of recyclable material in the construction of Federal-aid highways.

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 “Recycled Roads Act  
5 of 2003”.

## 6 SEC. 2. FINDINGS.

7      **Congress finds that—**

1 (2) in the early 1990s, as much as 350,000,000  
2 tons of raw and recyclable material were used annu-  
3 ally for highway construction, rehabilitation, and  
4 maintenance;

18 (6) greater incorporation of recyclable material  
19 in highway construction would—

20 (A) provide a significant new national mar-  
21 ket for the use of recyclable material;

22 (B) create new markets and incentives for  
23 recycling in small communities;

(C) conserve raw material; and

1 (D) reduce the quantities of waste depos-  
2 ited in landfills in the United States (which  
3 would produce an additional savings for the  
4 Federal Government and State governments);  
5 and

6 (7) the increased use of recyclable material in  
7 highway construction could

10 (B) encourage expanded use of biomass  
11 products.

12 SEC. 3. USE OF RECYCLABLE MATERIAL IN FEDERAL-AID  
13 HIGHWAY CONSTRUCTION.

14 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
15 23, United States Code, is amended by inserting after sec-  
16 tion 138 the following:

19        "(a) DEFINITION OF RECYCLABLE MATERIAL.—In  
20 this section:

21       “(1) IN GENERAL.—The term ‘recyclable mate-  
22       rial’ means any material described in paragraph (2)  
23       that is determined by the Secretary, in consultation  
24       with the Administrator of the Environmental Protec-  
25       tion Agency—

1               “(A) to be recyclable and usable in con-  
2               struction of a Federal-aid highway; and

3               “(B) to have undergone a recycling process  
4               to prepare the material for further use.

5               “(2) MATERIALS.—The materials referred to in  
6               paragraph (1) are—

7               “(A) glass;

8               “(B) forest biomass;

9               “(C) a used tire or tire product;

10               “(D) reclaimed asphalt;

11               “(E) plastic; and

12               “(F) any other suitable material that does  
13               not contain a total concentration of any toxic  
14               constituent that poses a risk to human health  
15               or the environment—

16               “(i) during preconstruction activity,  
17               including storage, transportation, or prepa-  
18               ration of the material for use in road con-  
19               struction;

20               “(ii) during the useful life of the road;

21               or

22               “(iii) after the useful life of the road,  
23               including subsequent recycling, reuse, or  
24               disposal of components of or debris from  
25               the road.

1       “(b) PROGRAM.—

2           “(1) ESTABLISHMENT.—The Secretary shall es-  
3       tablish a recycled roads incentive grant program to  
4       encourage the expanded use by States and Indian  
5       tribes of a diverse range of recyclable material in the  
6       construction of Federal-aid highways.

7           “(2) GRANTS.—In carrying out this section, the  
8       Secretary shall provide to each State or qualified (as  
9       determined by the Secretary) Indian tribe—

10           “(A) a grant, in an amount not to exceed  
11       \$125,000 for a fiscal year, to be used by the  
12       State or Indian tribe in employing a coordinator  
13       to promote the use of a diverse range of recy-  
14       clable material in Federal-aid highway construc-  
15       tion; and

16           “(B) a grant, on a competitive basis, in an  
17       amount not to exceed \$1,400,000 for a fiscal  
18       year, to be used by the State or Indian tribe in  
19       carrying out projects and activities to promote  
20       the expanded use of a diverse range of recycla-  
21       ble material in Federal-aid highway construc-  
22       tion and maintenance, such as projects and ac-  
23       tivities to—

24           “(i) eliminate economic barriers;

25           “(ii) develop markets;

1                         “(iii) provide outreach, training, or  
2                         technical assistance; or  
3                         “(iv) collect program and performance  
4                         data.

5                         “(3) ADMINISTRATION.—

6                         “(A) REDISTRIBUTION OF FUNDS.—If  
7                         funds made available for use in providing  
8                         grants under subparagraph (A) or (B) of para-  
9                         graph (2) for a fiscal year remain after the Sec-  
10                         retary has provided grants under the subpara-  
11                         graph for the fiscal year, the Secretary—

12                         “(i) may use the remaining funds to  
13                         provide additional grants under that para-  
14                         graph for the fiscal year; but

15                         “(ii) notwithstanding any other provi-  
16                         sion of this title, shall not use the funds to  
17                         provide grants or assistance under any  
18                         other program under this title.

19                         “(B) TRANSPORTATION AND ENVIRON-  
20                         MENTAL COOPERATION.—In providing a grant  
21                         to a State or Indian tribe under paragraph  
22                         (2)(B), the Secretary shall encourage coopera-  
23                         tion between transportation and environmental  
24                         programs carried out by the State or Indian  
25                         tribe.

1                   “(C) EQUITABLE TREATMENT OF STATES  
2                   AND INDIAN TRIBES.—To the maximum extent  
3                   practicable, the Secretary shall treat an Indian  
4                   tribe as a State for the purpose of a grant pro-  
5                   vided under paragraph (2).

6                   “(4) STATE AND TRIBAL REPORTS.—For the  
7                   fiscal year in which the program under this section  
8                   is implemented and each fiscal year thereafter, each  
9                   State and Indian tribe that receives a grant under  
10                  paragraph (2) shall—

11                  “(A) collect a sampling of data pertaining  
12                  to the use by the State or Indian tribe, during  
13                  the fiscal year covered by the report, of recycla-  
14                  ble material in the projects for construction of  
15                  Federal-aid highways in the State or on land  
16                  under the jurisdiction of the Indian tribe that  
17                  are carried out under this section or any other  
18                  provision of this title using at least \$1,000,000  
19                  in Federal funds, including a description of—

20                  “(i) each type of recyclable material  
21                  used;

22                  “(ii) the quantity of each recyclable  
23                  material used; and

24                  “(iii) the proportion that—

1                             “(I) the quantity of each recycla-  
2                             ble material used; bears to

3                             “(II) the quantity of all recycla-  
4                             ble material and raw material used;  
5                             and

6                             “(B) submit to the Secretary a report de-  
7                             scribing those data.

8                             “(5) QUALITY CONTROL.—The Secretary shall  
9                             ensure, to the maximum extent practicable, that  
10                            data provided by a State or Indian tribe under para-  
11                            graph (4) is of a sufficient quality and range to per-  
12                            mit the Secretary to assess national accomplish-  
13                            ments involving the use of recyclable material.

14                             “(c) REPORTS.—

15                             “(1) INITIAL REPORT.—Not later than 180  
16                            days after the date of enactment of the Recycled  
17                            Roads Act of 2003, the Secretary shall submit to the  
18                            appropriate committees of Congress a report on the  
19                            program to be carried out under this section that in-  
20                            cludes—

21                             “(A) an overview of program requirements;  
22                             “(B) an analysis of any significant issues  
23                             relating to the program; and

24                             “(C) a proposed timeline for implemen-  
25                             tation of the program.

1           “(2) ANNUAL REPORTS.—Not later than 2  
2        years after the date of enactment of the Recycled  
3        Roads Act of 2003, and annually thereafter on the  
4        date of issuance of the annual program performance  
5        report under section 1116 of title 31, United States  
6        Code, the Secretary shall submit to the appropriate  
7        committees of Congress a report on the program  
8        under this section, including, for each recyclable ma-  
9        terial used in the construction of a Federal-aid high-  
10       way during the period covered by the report, the in-  
11       formation described in subsection (b)(4).

12       “(d) REGULATIONS.—The Secretary shall promul-  
13       gate such regulations as are necessary to carry out this  
14       section.

15       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
16       are authorized to be appropriated from the Highway Trust  
17       Fund (other than the Mass Transit Account)—

18           “(1) \$10,125,000 for use in providing grants  
19        under subsection (b)(2)(A) for each fiscal year; and  
20           “(2) \$113,400,000 for use in providing grants  
21        under subsection (b)(2)(B) for each fiscal year.”.

22       (b) CONFORMING AMENDMENT.—The analysis for  
23       subchapter I of chapter 1 of title 23, United States Code,

- 1 is amended by inserting after the item relating to section
- 2 138 the following:

“139. Use of recyclable material in Federal-aid highway construction.”

