

117TH CONGRESS
1ST SESSION

S. 706

To modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

Mr. CRUZ (for himself, Mr. CORNYN, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To modify a provision relating to adjustments of certain State apportionments for Federal highway programs, 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 “Highway Formula
5 Fairness Act”.

1 **SEC. 2. ADJUSTMENTS TO CERTAIN STATE APPORTION-**
 2 **MENT AMOUNTS.**

3 Section 104 of title 23, United States Code, is
 4 amended by striking subsection (c) and inserting the fol-
 5 lowing:

6 “(c) CALCULATION OF AMOUNTS.—

7 “(1) STATE SHARE.—For fiscal year 2022 and
 8 each fiscal year thereafter, the amount for each
 9 State of combined apportionments for the national
 10 highway performance program under section 119,
 11 the surface transportation block grant program
 12 under section 133, the highway safety improvement
 13 program under section 148, the congestion mitiga-
 14 tion and air quality improvement program under
 15 section 149, the national highway freight program
 16 under section 167, and to carry out section 134 shall
 17 be determined as follows:

18 “(A) INITIAL AMOUNT.—The initial
 19 amount for each State shall be determined by
 20 multiplying the total amount available for ap-
 21 portionment by the share for each State, which
 22 shall be equal to the proportion that—

23 “(i) the amount of apportionments
 24 that the State received for fiscal year
 25 2012; bears to

1 “(ii) the amount of those apportion-
 2 ments received by all States for that fiscal
 3 year.

4 “(B) ADJUSTMENTS TO AMOUNTS.—

5 “(i) IN GENERAL.—The initial
 6 amounts resulting from the calculation
 7 under subparagraph (A) shall be adjusted
 8 to ensure that, for each State, the amount
 9 of combined apportionments for the pro-
 10 grams shall not be less than an amount
 11 equal to—

12 “(I) 95 percent of the applicable
 13 percentage; multiplied by

14 “(II) the total amount of funds
 15 available for apportionment.

16 “(ii) APPLICABLE PERCENTAGE.—For
 17 purposes of this subparagraph, the applica-
 18 ble percentage shall be an amount, ex-
 19 pressed as a percentage, equal to the
 20 quotient of—

21 “(I) the estimated tax payments
 22 attributable to highway users in the
 23 State that were paid into the Highway
 24 Trust Fund (other than the Mass
 25 Transit Account) for the most recent

1 fiscal year for which data are avail-
2 able; divided by

3 “(II) the estimated total tax pay-
4 ments attributable to users in all
5 States that were paid into the High-
6 way Trust Fund (other than the Mass
7 Transit Account) for that fiscal year.

8 “(2) STATE APPORTIONMENT.—On October 1
9 of each fiscal year described in paragraph (1), the
10 Secretary shall apportion the sum authorized to be
11 appropriated for expenditure on the national high-
12 way performance program under section 119, the
13 surface transportation block grant program under
14 section 133, the highway safety improvement pro-
15 gram under section 148, the congestion mitigation
16 and air quality improvement program under section
17 149, the national highway freight program under
18 section 167, and to carry out section 134 in accord-
19 ance with paragraph (1).”.

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