under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of such urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds in the Treasury of its proportional share of the cost of such project in an amount equal to the Federal share which would be paid for such a project under the Urban Mass Transportation Act of 1964 [section 1601 et seq. of Title 49, Transportation], except that the total Federal cost of all such projects under this paragraph with respect to such route or portion thereof approval of which is withdrawn under this paragraph, shall not exceed the Federal share of the cost which would have been paid for such route or portion thereof, as such cost is included in the 1972 Interstate System cost estimate set forth in table 5 of House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate. Funds apportioned to such State for the Interstate System, which apportionment is based upon an Interstate System cost estimate that includes a route or portion thereof approval of which is withdrawn under this paragraph, shall be reduced by an amount equal to the Federal share of such project as such share becomes a contractual obligation of the United States. No general funds shall be obligated under authority of this paragraph after June 30, 1981. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code [section 1501 et seq. of Title 5, Government Organization and Employees], any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended [section 1601 et seq. of Title 49, Transportation]. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, [section 1602 (e)(4) of Title 49], shall apply in carrying out this paragraph.''

BASIS OF FEDERAL-AID SYSTEMS REALIGNMENT

Pub. L. 93–87, title I, § 148(d), Aug. 13, 1973, 87 Stat. 274, provided that: ''Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.''

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

(A) $453,000,000 for fiscal year 2016;
(B) $459,795,000 for fiscal year 2017;
(C) $466,691,925 for fiscal year 2018;
(D) $473,692,304 for fiscal year 2019; and
(E) $480,797,689 for fiscal year 2020.

(2) PURPOSES.—The amounts authorized to be appropriated by this subsection shall be used—

(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2;

(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

(3) AVAILABILITY.—The amounts made available under paragraph (1) shall remain available until expended.

(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134 as follows:

(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 63.7 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—For the surface transportation block grant program, 29.3 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 7 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, an amount determined by multiplying the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5) by the proportion that—

(A) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2009; bears to

(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP–21.

(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

(A) IN GENERAL.—For the national highway freight program under section 167, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

(i) $1,150,000,000 for fiscal year 2016;
(ii) $1,100,000,000 for fiscal year 2017;
(iii) $1,200,000,000 for fiscal year 2018;
(iv) $1,350,000,000 for fiscal year 2019; and
(v) $1,500,000,000 for fiscal year 2020.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—

(i) the total base apportionment determined for the State under subsection (c); bears to

(ii) the total base apportionments for all States under subsection (c).

(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that—

(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).

(6) METROPOLITAN PLANNING.—To carry out section 134, an amount determined by multiplying the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5) by the proportion that—

(A) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP–21.

(c) CALCULATION OF AMOUNTS.—

(1) STATE SHARE.—For each of fiscal years 2016 through 2020, the amount for each State shall be determined as follows:

(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

(i) each of—

(I) the base apportionment;

(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and

(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by

(ii) the share for each State, which shall be equal to the proportion that—

(I) the amount of apportionments that the State received for fiscal year 2015; bears to

(II) the amount of those apportionments received by all States for that fiscal year.

(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2016 through 2020, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134 in accordance with paragraph (1).

(d) METROPOLITAN PLANNING.—

(1) USE OF AMOUNTS.—

(A) USE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amounts apportioned to a State under paragraphs (5)(D) and (6) of subsection (b) shall be made available by the State to the metropolitan planning organizations responsible for carrying out section 134 in the State.

(ii) STATES RECEIVING MINIMUM APPORTIONMENT.—A State that received the minimum apportionment for use in carrying out section 134 for fiscal year 2009 may, subject to the approval of the Secretary, use the funds apportioned under paragraphs (5)(D) and (6) of subsection (b) to fund transportation planning outside of urbanized areas.

(B) UNUSED FUNDS.—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135.

(2) DISTRIBUTION OF AMOUNTS WITHIN STATES.—

(A) IN GENERAL.—The distribution within any State of the planning funds made available to organizations under paragraph (1) shall be in accordance with a formula that—

(i) is developed by each State and approved by the Secretary; and

(ii) takes into consideration, at a minimum, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out section 134 and other applicable requirements of Federal law.

(B) REIMBURSEMENT.—Not later than 15 business days after the date of receipt by a State of a request for reimbursement of expenditures made by a metropolitan planning organization for carrying out section 134, the State shall reimburse, from amounts distributed under this paragraph to the metropolitan planning organization by the State, the metropolitan planning organization for those expenditures.

(3) DETERMINATION OF POPULATION FIGURES.—For the purpose of determining population figures under this subsection, the Secretary shall use the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.

(e) CERTIFICATION OF APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall—

(A) on October 1 of each fiscal year, certify to each of the State transportation departments the amount that has been apportioned to the State under this section for the fiscal year; and

(B) to permit the States to develop adequate plans for the use of amounts apportioned under this section, advise each State of the amount that will be apportioned to the State under this section for a fiscal year not later than 90 days before the beginning of the fiscal year for which the sums to be apportioned are authorized.

(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under this section for a fiscal year beginning after September 30, 1998, by not later than the date that is the twenty-first day of that fiscal year, the Secretary shall submit, by not later than that date, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a written statement of the reason for not making the apportionment in a timely manner.

(3) APPORTIONMENT CALCULATIONS.—

(A) IN GENERAL.—The calculation of official apportionments of funds to the States under this title is a primary responsibility of the Department and shall be carried out only by employees (and not contractors) of the Department.

(B) PROHIBITION ON USE OF FUNDS TO HIRE CONTRACTORS.—None of the funds made available under this title shall be used to hire contractors to calculate the apportionments of funds to States.

(f) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for transit projects or transportation planning under this title may be transferred to and administered by the Secretary in accordance with chapter 53 of title 49.

(B) NON-FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the amounts transferred under subparagraph (A).

(2) TRANSFER OF TRANSIT FUNDS FOR HIGHWAY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.

(B) NON-FEDERAL SHARE.—The provisions of chapter 53 of title 49 relating to the non-Federal share shall apply to amounts transferred under subparagraph (A).

(3) TRANSFER OF FUNDS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may, at the request of a State, transfer amounts apportioned or allocated under this title to the State to another State, or to the Federal Highway Administration, for the purpose of funding 1 or more projects that are eligible for assistance with amounts so apportioned or allocated.

(B) APPORTIONMENT.—The transfer shall have no effect on any apportionment of amounts to a State under this section.

(C) FUNDS SUBALLOCATED TO URBANIZED AREAS.—Amounts that are apportioned or allocated to a State under subsection (b)(3) (as in effect on the day before the date of enactment of the MAP–21) or subsection (b)(2) and attributed to an urbanized area of a State with a population of more than 200,000 individuals under section 133(d) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be transferred in the same manner and amount as the amounts for the projects that are transferred under this section.

(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

(1) COMPILATION OF DATA.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public Internet website of the

Department of Transportation and can be searched and downloaded by users of the website.

(3) CONTENTS OF REPORTS.—

(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—

(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;

(ii) the amount of funds remaining available for obligation by each State;

(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;

(iv) the amount and program category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;

(v) the rates of obligation on and off the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—

(I) program;

(II) funding category or subcategory;

(III) type of improvement;

(IV) State; and

(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and

(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.

(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that provides, for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction greater than $25,000,000, and to the maximum extent practicable, other projects funded under this title, project data describing—

(i) the specific location of the project;

(ii) the total cost of the project;

(iii) the amount of Federal funding obligated for the project;

(iv) the program or programs from which Federal funds have been obligated for the project;

(v) the type of improvement being made, such as categorizing the project as—

(I) a road reconstruction project;

(II) a new road construction project;

(III) a new bridge construction project;

(IV) a bridge rehabilitation project; or

(V) a bridge replacement project;

(vi) the ownership of the highway or bridge;

(vii) whether the project is located in an area of the State with a population of—

(I) less than 5,000 individuals;

(II) 5,000 or more individuals but less than 50,000 individuals;

(III) 50,000 or more individuals but less than 200,000 individuals; or

(IV) 200,000 or more individuals; and

(viii) available information on the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns.

(h) SUPPLEMENTAL FUNDS.—

(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—

(i) $53,596,122 for fiscal year 2019; and

(ii) $66,717,816 for fiscal year 2020.

(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.

(2) SUPPLEMENTAL FUNDS FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to—

(i) $835,000,000 for each of fiscal years 2016 and 2017 pursuant to section 133(h), plus—

(I) $55,426,310 for fiscal year 2016; and

(II) $89,289,904 for fiscal year 2017; and

(ii) $850,000,000 for each of fiscal years 2018 through 2020 pursuant to section 133(h), plus—

(I) $118,013,536 for fiscal year 2018;

(II) $130,688,367 for fiscal year 2019; and

(III) $170,053,448 for fiscal year 2020.

(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

(i) BASE APPORTIONMENT DEFINED.—In this section, the term ''base apportionment'' means—

(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134; minus

(2) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.

(Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 889; Pub. L. 86–70, §21(e)(2), June 25, 1959, 73 Stat. 146; Pub. L. 86–657, §8(g), July 14, 1960, 74 Stat. 525; Pub. L. 87–866, §10(a), Oct. 23, 1962, 76 Stat. 1148; Pub. L. 88–157, §§2, 3, Oct. 24, 1963, 77 Stat. 276; Pub. L. 88–423, §4(a), Aug. 13, 1964, 78 Stat. 397; Pub. L. 89–574, §4(b), Sept. 13, 1966, 80 Stat. 767; Pub. L. 90–495, §4(b), Aug. 23, 1968, 82 Stat. 816; Pub. L. 91–605, title I, §§104(b), 106(c), Dec. 31, 1970, 84 Stat. 1714, 1717; Pub. L. 93–87, title I, §§106(b), 111(a), 112, title II, §227, Aug. 13, 1973, 87 Stat. 254, 256, 257, 292; Pub. L. 94–280, title I, §§106(b), 107(b), 112(a)–(g), 113(a), title II, §206, May 5, 1976, 90 Stat. 429, 430, 433–435, 453; Pub. L. 95–599, title I, §§108–110, 116(b), Nov. 6, 1978, 92 Stat. 2695, 2696, 2699; Pub. L. 97–134, §§4(c), 5, Dec. 29, 1981, 95 Stat. 1700; Pub. L. 100–17, title I, §§102(b)(1), (2), 114(e)(1), Apr. 2, 1987, 101 Stat. 135, 153; Pub. L. 100–202, §101(*l*) [title III, §347(a)], Dec. 22, 1987, 101 Stat. 1329–358, 1329–388; Pub. L. 101–516, title III, §333 (part), Nov. 5, 1990, 104 Stat. 2184; Pub. L. 102–143, title III, §333(c), Oct. 28, 1991, 105 Stat. 947; Pub. L. 102–240, title I, §§1001(c)–(e), 1003(e), 1006(e), (f), 1007(b), 1008(b), 1009(d), 1010, 1024(b), (c)(2), 1028(g), Dec. 18, 1991, 105 Stat. 1915, 1916, 1926, 1930, 1932, 1934, 1962, 1968; Pub. L. 104–59, title III, §§302, 319(a)(2), 337(f), title IV, §410, Nov. 28, 1995, 109 Stat. 578, 589, 603, 633; Pub. L. 105–130, §§4(a)(3), 5(b), Dec. 1, 1997, 111 Stat. 2556; Pub. L. 105–178, title I, §§1103(a)–(k), (*o*), 1212(a)(2)(A), June 9, 1998, 112 Stat. 118–125, 193; Pub. L. 105–206, title IX, §9002(c)(3), July 22, 1998, 112 Stat. 835; Pub. L. 106–159, title I, §101(b), Dec. 9, 1999, 113 Stat. 1751; Pub. L. 108–178, §4(d), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 109–59, title I, §§1103, 1107–1109(a), 1118(b)(2), 1401(a)(3)(A), (b), Aug. 10, 2005, 119 Stat. 1161, 1166–1168, 1181, 1225; Pub. L. 110–244, title I, §101(i), (m)(3)(A), June 6, 2008, 122 Stat. 1574, 1576; Pub. L. 112–141, div. A, title I, §§1105(a), 1519(c)(3), July 6, 2012, 126 Stat. 427, 575; Pub. L. 114–94, div. A, title I, §§1104(a)–(e)(1), 1402(a), 1446(d)(5)(A), Dec. 4, 2015, 129 Stat. 1329–1332, 1405, 1438.)

REFERENCES IN TEXT

Section 105(a)(2) and subsection (b)(3), as in effect on the day before the date of enactment of the MAP–21, referred to in subsecs. (b)(4)(B), (5)(D)(ii), (6)(B) and (f)(3)(C), mean section 105(a)(2) of this title and subsec. (b)(3) of this section, respectively, as in effect on the day before the date of enactment of Pub. L. 112–141, which repealed section 105 and amended this section generally. The date of enactment of the MAP–21 is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

The date of enactment of the FAST Act, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 114–94, which was approved Dec. 4, 2015.

CODIFICATION

Another section 1003(e) of Pub. L. 102–240, as added by Pub. L. 105–130, §2(d), is not classified to the Code.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–94, §1104(a), amended par. (1) generally. Prior to amendment, text read as follows: ''There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

''(A) $454,180,326 for fiscal year 2013; and

''(B) $440,000,000 for fiscal year 2014.''

Subsec. (b). Pub. L. 114–94, §1104(b)(1), amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: ''The Secretary shall distribute the amount apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation program, the highway safety improvement program, and the congestion mitigation and air quality improvement program, and to carry out section 134 as follows:''.

Subsec. (b)(1). Pub. L. 114–94, §1104(b)(2), substituted ''paragraphs (4), (5), and (6)'' for ''paragraphs (4) and (5)''.

Subsec. (b)(2). Pub. L. 114–94, §1104(b)(2), (3), substituted ''SURFACE TRANSPORTATION BLOCK GRANT PROGRAM'' for ''SURFACE TRANSPORTATION PROGRAM'' in heading, ''paragraphs (4), (5), and (6)'' for ''paragraphs (4) and (5)'', and ''surface transportation block grant program'' for ''surface transportation program''.

Subsec. (b)(3). Pub. L. 114–94, §1104(b)(2), substituted ''paragraphs (4), (5), and (6)'' for ''paragraphs (4) and (5)''.

Subsec. (b)(4). Pub. L. 114–94, §1104(b)(4), substituted ''the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5)'' for ''the amount determined for the State under subsection (c)'' in introductory provisions.

Subsec. (b)(5). Pub. L. 114–94, §1104(b)(6), added par. (5). Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 114–94, §1104(b)(5), (7), redesignated former par. (5) as (6), and substituted ''the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5)'' for ''the amount determined for the State under subsection (c)'' in introductory provisions.

Subsec. (c). Pub. L. 114–94, §1104(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to calculation of State amounts.

Subsec. (d)(1)(A). Pub. L. 114–94, §1104(e)(1), substituted ''paragraphs (5)(D) and (6) of subsection (b)'' for ''subsection (b)(5)'' in two places.

Subsec. (e). Pub. L. 114–94, §1446(d)(5)(A), repealed amendment by Pub. L. 112–141, §1519(c)(3). See 2012 Amendment note below.

Subsec. (g). Pub. L. 114–94, §1402(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to reports to Congress for each fiscal year.

Subsecs. (h), (i). Pub. L. 114–94, §1104(d), added subsecs. (h) and (i).

2012—Pub. L. 112–141, §1105(a), amended section generally. Prior to amendment, section related to apportionment and consisted of subsecs. (a) to (*l*).

Subsec. (e). Pub. L. 112–141, §1519(c)(3), which directed amendment of subsec. (e) by striking out '', 105,'' and could not be executed, was repealed by Pub. L. 114–94, §1446(d)(5)(A).

2008—Subsec. (b)(5)(A)(iii). Pub. L. 110–244, §101(i), substituted ''Federal-aid highways'' for ''the Federal-aid system'' in subcls. (I) and (II).

Subsec. (f)(1). Pub. L. 110–244, §101(m)(3)(A), struck out ''replacement and rehabilitation'' after ''highway bridge''.

2005—Subsec. (a). Pub. L. 109–59, §1103(a)(1), reenacted heading without change and amended text of subsec. (a) generally, substituting provisions authorizing appropriations for administrative expenses of the Federal Highway Administration and provisions relating to uses and availability of funds for provisions relating to deduction for administrative activities from sums made available under certain programs and provisions relating to consideration of unobligated balances, availability of sums, and limitation on transferability.

Subsec. (b). Pub. L. 109–59, §§1103(a)(2)(A), 1401(b)(1), in introductory provisions, substituted ''the set-asides authorized by subsections (d) and (f) and section 130(e)'' for ''the deduction authorized by subsection (a) and the set-aside authorized by subsection (f)'' and inserted ''the highway safety improvement program,'' after ''Improvement program,''.

Subsec. (b)(1)(A). Pub. L. 109–59, §§1103(b), (c), 1118(b)(2), in introductory provisions, substituted ''$40,000,000 for each of fiscal years 2005 and 2006 and $50,000,000 for each of fiscal years 2007 through 2009 for the territorial highway program under section 215, $30,000,000 for each of fiscal years 2005 through 2009'' for ''$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, $18,800,000 for each of fiscal years 1998 through 2002''.

Subsec. (b)(2)(B)(i). Pub. L. 109–59, §1103(d)(1)(A), added cl. (i) and struck out former cl. (i) which read as follows: ''0.8 if—

''(I) at the time of the apportionment, the area is a maintenance area; or

''(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);''.

Subsec. (b)(2)(B)(viii). Pub. L. 109–59, §1103(d)(1)(B)–(D), added cl. (viii).

Subsec. (b)(2)(C). Pub. L. 109–59, §1103(d)(2), added subpar. (C) and struck out former subpar. (C), which required that the weighted nonattainment or maintenance area population of the area for a carbon monoxide nonattainment area be further multiplied by a factor of 1.2 and that the weighted nonattainment or maintenance area population of the area for a carbon monoxide maintenance area be further multiplied by a factor of 1.1.

Subsec. (b)(5). Pub. L. 109–59, §1401(b)(2), added par. (5).

Subsec. (d)(1). Pub. L. 109–59, §1103(f)(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: ''Before making an apportionment under subsection (b)(3) of this section for a fiscal year, the Secretary shall set aside $500,000 for such fiscal year for carrying out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.''

Subsec. (d)(2). Pub. L. 109–59, §1103(f)(1), reenacted heading without change.

Subsec. (d)(2)(A). Pub. L. 109–59, §1103(f)(1), added subpar. (A) and struck out heading and text of former subpar. (A). Text read as follows: ''Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,250,000 of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.''

Subsec. (d)(2)(E). Pub. L. 109–59, §1103(f)(2), substituted ''Of such set-aside, not less than $250,000 for fiscal year 2005, $1,000,000 for fiscal year 2006, $1,750,000 for fiscal year 2007, $2,250,000 for fiscal year 2008, and $3,000,000 for fiscal year 2009'' for ''Not less than $250,000 of such set-aside'' and struck out ''per fiscal year'' after ''shall be available''.

Subsec. (e)(1). Pub. L. 109–59, §1103(a)(2)(B), struck out '', and also the sums which he has deducted for administration pursuant to subsection (a) of this section'' after ''such fiscal year''.

Subsec. (f)(1). Pub. L. 109–59, §1107(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: ''On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed 1 percent of the remaining funds authorized to be appropriated for expenditure upon programs authorized under this title, for the purpose of carrying out the requirements of section 134 of this title.''

Subsec. (f)(2). Pub. L. 109–59, §1107(2), substituted ''percent'' for ''per centum''.

Subsec. (f)(3). Pub. L. 109–59, §1107(3), designated first sentence as subpar. (A), inserted heading, and substituted subpar. (B) for second sentence which read as follows: ''These funds shall be matched in accordance with section 120(b) unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.''

Subsec. (f)(4). Pub. L. 109–59, §1107(4), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Subsec. (g). Pub. L. 109–59, §1401(a)(3)(A), substituted ''sections 130 and 144'' for ''sections 130, 144, and 152 of this title''.

Subsec. (h)(1). Pub. L. 109–59, §1109(a)(1), substituted ''Before apportioning sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct for administrative, research, technical assistance, and training expenses for such program $840,000 for each of fiscal years 2005 through 2009.'' for ''Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 1½ percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee.''

Subsec. (h)(2). Pub. L. 109–59, §1109(a)(2), substituted ''The Secretary shall apportion the sums'' for ''After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums'' in introductory provisions.

Subsec. (i). Pub. L. 109–59, §1103(a)(2)(C), substituted ''made available'' for ''deducted''.

Subsec. (j). Pub. L. 109–59, §1103(e), substituted ''submit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet,'' for ''submit to Congress a report'' in introductory provisions.

Subsec. (k). Pub. L. 109–59, §1108, reenacted heading without change and amended text of subsec. (k) generally. Prior to amendment, text read as follows:

''(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects of a type described in section 133(b)(2) shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

''(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of such chapter relating to the non-Federal share shall apply to the transferred funds.

''(3) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) and (2) shall be transferred in the same manner and amount as the funds for the projects are transferred.''

2003—Subsec. (a)(1). Pub. L. 108–178 substituted ''section 14501 of title 40'' for ''section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)'' in introductory provisions.

1999—Subsec. (a)(1). Pub. L. 106–159, §101(b)(1)–(3), substituted ''exceed—'' for ''exceed 1½ percent of all sums so made available, as the Secretary determines necessary—'' in introductory provisions, added introductory provisions of subpar. (A), redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), substituted ''; and'' for the period at end of cl. (ii), and added subpar. (B).

Subsec. (a)(4). Pub. L. 106–159, §101(b)(4), which directed amendment of subsec. (a)(1) by adding par. (4) at the end, was executed by adding par. (4) at the end of subsec. (a), to reflect the probable intent of Congress.

1998—Subsec. (a). Pub. L. 105–178, §1103(a), added subsec. (a) and struck out former subsec. (a) which read as follows: ''Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination,

the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.''

Subsec. (a)(1). Pub. L. 105–178, §1103(*o*)(1), as added by Pub. L. 105–206, §9002(c)(3), struck out ''under section 103'' after ''National Highway System program'' in introductory provisions.

Subsec. (b). Pub. L. 105–178, §1103(b), inserted heading and amended text of subsec. (b) generally. Prior to amendment, text related to Secretary's apportionment among various States of sums authorized to be appropriated for surface transportation program, congestion mitigation and air quality improvement program, National Highway System, and Interstate System each fiscal year.

Subsec. (b)(1)(A). Pub. L. 105–178, §1103(*o*)(2)(A), as added by Pub. L. 105–206, §9002(c)(3), substituted ''1998 through 2002'' for ''1999 through 2003''.

Subsec. (b)(4)(B)(i). Pub. L. 105–178, §1103(*o*)(2)(B), as added by Pub. L. 105–206, §9002(c)(3), substituted ''on Interstate System routes open to traffic in each State'' for ''on lanes on Interstate System routes designated under—

''(I) section 103;

''(II) section 139(a) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

''(III) section 139(c) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century);

in each State''.

Subsec. (d)(1). Pub. L. 105–178, §1103(c)(1), substituted ''Before making an apportionment under subsection (b)(3) of this section for a fiscal year, the Secretary shall set aside $500,000 for such'' for ''The Secretary shall expend, from administrative funds deducted under subsection (a), $300,000 for each''.

Subsec. (d)(2). Pub. L. 105–178, §1103(c)(2), added par. (2) and struck out former par. (2) which read as follows:

''(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—(A) Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds authorized to be appropriated for the surface transportation program for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with the criteria set forth in this paragraph.

''(B) A corridor selected by the Secretary under subparagraph (A) must include rail lines where railroad speeds of 90 miles per hour are occurring or can reasonably be expected to occur in the future.''

Subsec. (d)(3). Pub. L. 105–178, §1103(c)(2), struck out par. (3) which read as follows: ''In making the determination required by paragraph (2)(A), the Secretary shall consider projected rail ridership volumes in such corridors, the percentage of the corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line, projected benefits to nonriders such as congestion relief on other modes of transportation serving the corridors (including congestion in heavily traveled air passenger corridors), the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities, and the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in such corridors.''

Subsec. (e). Pub. L. 105–178, §1103(d), inserted heading, designated existing provisions as par. (1), inserted heading, struck out ''(other than under subsection (b)(5) of this section)'' after ''apportioned hereunder'' and ''and research'' before ''pursuant to subsection (a) of this section'' in first sentence, struck out second sentence which read ''On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.'', realigned margins, and added par. (2).

Subsec. (e)(1). Pub. L. 105–178, §1212(a)(2)(A)(ii), substituted ''State transportation departments'' for ''State highway departments''.

Subsec. (e)(2). Pub. L. 105–178, §1103(*o*)(3), as added by Pub. L. 105–206, §9002(c)(3), substituted ''104, 105, or 144'' for ''104, 144, or 157''.

Subsec. (f). Pub. L. 105–178, §1103(k)(1), inserted heading.

Subsec. (f)(1). Pub. L. 105–178, §1103(k)(2), which directed the amendment of par. (1) by striking out ''', except that' and all that follows through 'programs'", was executed by striking out ", except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the recreational trails program'' after ''section 134 of this title'' to reflect the probable intent of Congress and the amendment by Pub. L. 105–178, §1103(e)(1). See below.

Pub. L. 105–178, §1103(k)(1), (6), inserted heading and realigned margins.

Pub. L. 105–178, §1103(e)(1), substituted ''recreational trails program'' for ''Interstate construction and Interstate substitute programs''.

Subsec. (f)(2). Pub. L. 105–178, §1103(k)(3), (6), inserted heading and realigned margins.

Subsec. (f)(3). Pub. L. 105–178, §1103(e)(2), (k)(4), (6), inserted heading, substituted ''section 120(b)'' for ''section 120(j) of this title'', and realigned margins.

Subsec. (f)(4). Pub. L. 105–178, §1103(k)(5), (6), inserted heading and realigned margins.

Subsec. (f)(5). Pub. L. 105–178, §1103(k)(6), realigned margins.

Subsec. (g). Pub. L. 105–178, §1212(a)(2)(A)(i), substituted ''State transportation department'' for ''State highway department'' wherever appearing.

Subsec. (h). Pub. L. 105–178, §1103(f), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: ''In addition to funds made available from the National Recreational Trails Trust Fund, the Secretary shall obligate, from administrative funds (contract authority) deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997 and $7,500,000 for the period of October 1, 1997, through March 31, 1998.''

Subsec. (i). Pub. L. 105–178, §1103(g), added subsec. (i) and struck out former subsec. (i) which read as follows:

''(i) WOODROW WILSON MEMORIAL BRIDGE.—

''(1) EXPENDITURE.—From any available administrative funds deducted under subsection (a), the Secretary shall obligate such sums as are necessary for each of fiscal years 1996 and 1997, and for the period of October 1, 1997, through March 31, 1998, for the rehabilitation of the Woodrow Wilson Memorial Bridge and for environmental studies and documentation, planning, preliminary engineering and design, and final engineering for a new crossing of the Potomac River as part of the Project, as defined by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

''(2) FEDERAL SHARE.—The Federal share of the cost of any project funded with amounts expended under paragraph (1) shall be 100 percent.''

Subsec. (j). Pub. L. 105–178, §1103(h), added subsec. (j) and struck out former subsec. (j) which read as follows: ''The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid

highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for that fiscal year.''

Subsec. (k). Pub. L. 105–178, § 1103(i), added subsec. (k).

Subsec. (*l*). Pub. L. 105–178, § 1103(j), added subsec. (*l*).

1997—Subsec. (h). Pub. L. 105–130, § 5(b), added Pub. L. 102–240, § 1003(e). See 1991 Amendment note below.

Subsec. (i)(1). Pub. L. 105–130, § 4(a)(3), inserted '', and for the period of October 1, 1997, through March 31, 1998,'' after ''fiscal years 1996 and 1997''.

1995—Subsec. (b)(2). Pub. L. 104–59, § 319(a)(2), in second sentence of introductory provisions substituted ''was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994'' for ''is a nonattainment area (as defined in the Clean Air Act) for ozone'' and in first sentence of closing provisions substituted ''If the area was also'' for ''If the area is also'', and inserted ''during any part of fiscal year 1994'' after ''area for carbon monoxide''.

Subsec. (g). Pub. L. 104–59, § 302, substituted ''exceed 50 percent'' for ''exceed 40 percent'' in third sentence.

Subsecs. (h) to (j). Pub. L. 104–59, §§ 337(f), 410, added subsecs. (h) and (i) and redesignated former subsec. (h) as (j).

1991—Subsec. (a). Pub. L. 102–240, § 1007(b)(2)(A), substituted ''on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System'' for ''upon the Federal-aid systems'' and was executed by making the substitution for the first reference to ''upon the Federal-aid systems''.

Subsec. (a)(2), (3). Pub. L. 102–143, § 333(c), repealed Pub. L. 101–516, § 333. See 1990 Amendment note below.

Subsec. (b). Pub. L. 102–240, § 1007(b)(2), in introductory provisions, substituted ''paragraph (5)(A)'' for ''paragraphs (4) and (5)'', ''and section 307'' for ''and sections 118(c) and 307(d)'', and ''on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System'' for ''upon the Federal-aid systems''.

Pub. L. 102–143, § 333(c), repealed Pub. L. 101–516, § 333. See 1990 Amendment note below.

Subsec. (b)(1). Pub. L. 102–240, § 1006(e), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

''Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.''

Subsec. (b)(2). Pub. L. 102–240, § 1008(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''For the Federal-aid secondary system:

''One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.''

Subsec. (b)(3). Pub. L. 102–240, § 1007(b)(1), which directed that par. (3) ''is amended to read as follows'', was executed by adding par. (3) to reflect the probable intent of Congress, because prior par. (3) had been repealed. See 1976 Amendment note below.

Subsec. (b)(5)(A). Pub. L. 102–240, § 1001(c)–(e), substituted ''1960 through 1996'' for ''1960 through 1990'' wherever appearing, and ''As soon as practicable after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 for fiscal year 1992, and on October 1 of each of fiscal years 1993, 1994, and 1995, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds, and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds'' for ''On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionment required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds'', and inserted before last sentence: ''Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, subject to the deductions under this section, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, and 1996 shall be as follows: $450,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $800,000,000 for fiscal year 1995, and $500,000,000 for fiscal year 1996.''

Subsec. (b)(5)(B). Pub. L. 102–240, § 1009(d), inserted ''and routes on the Interstate System designated under section 139(a) of this title before March 9, 1984,'' in two places.

Subsec. (c). Pub. L. 102–240, § 1006(f), added subsec. (c) and struck out former subsec. (c) which read as follows:

''(1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

''(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public

interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.''

Pub. L. 102–143, §333(c), repealed Pub. L. 101–516, §333. See 1990 Amendment note below.

Subsec. (d). Pub. L. 102–240, §1010, amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

''(1) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

''(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

''(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

''(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.''

Subsec. (f)(1). Pub. L. 102–240, §1024(b)(1)–(3), substituted ''1 percent'' for ''one-half per centum'', ''programs authorized under this title'' for ''the Federal-aid systems'', and ''except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the Interstate construction and Interstate substitute programs'' for ''except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System''.

Subsec. (f)(3). Pub. L. 102–240, §1024(b)(4), (c)(2), substituted ''120(j)'' for ''120'' and struck out ''designated by the State as being'' after ''organizations''.

Subsec. (f)(4). Pub. L. 102–240, §1024(b)(5), inserted provisions relating to attainment of air quality standards and provisions relating to other factors necessary to provide appropriate distribution of funds to carry out section 134 and other requirements of Federal law.

Subsec. (f)(5). Pub. L. 102–240, §1024(b)(6), added par. (5).

Subsec. (g). Pub. L. 102–240, §1028(g), inserted before last sentence ''A State may transfer not to exceed 40 percent of the State's apportionment under section 144 in any fiscal year to the apportionment of such State under subsection (b)(1) or subsection (b)(3) of this section. Any transfer to subsection (b)(3) shall not be subject to section 133(d).''

Subsec. (h). Pub. L. 102–240, §1003(e), as added by Pub. L. 105–130, §5(b), inserted before period at end ''and $7,500,000 for the period of October 1, 1997, through March 31, 1998''.

1990—Subsec. (a)(2), (3). Pub. L. 101–516, §333 [part], which added pars. (2) and (3) to read as follows:

''(2) The Secretary shall withhold 10 per centum (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

''(3) A State meets the requirements of this paragraph if—

''(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

''(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

''(I) any violation of the Controlled Substances Act, or

''(II) any drug offense, and

''(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

''(B) The Governor of the State—

''(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certification stating that he is opposed to the enactment or enforcement in his State of a law described in subparagraph (A) relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

''(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).''

was repealed by Pub. L. 102–143, §333(c). See Construction of 1990 Amendment note below and section 159(a)(2), (3) of this title.

Subsec. (b). Pub. L. 101–516, §333 [part], which amended subsec. (b) generally to read as follows:

''(1)(A) Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

''(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

''(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

''(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

''(B) No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

''(2) If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

''(3) Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

''(A) Funds originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

''(B) Funds originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

''(4) If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).''

was repealed by Pub. L. 102–143, § 333(c). See Construction of 1990 Amendment note below and section 159(b) of this title.

Subsec. (c). Pub. L. 101–516, § 333 [part], which amended subsec. (c) generally to read as follows: ''For purposes of this section—

''(1) The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

''(2) The term 'drug offense' means any criminal offense which proscribes—

''(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

''(B) the operation of a motor vehicle under the influence of such a substance.

''(3) The term 'convicted' includes adjudicated under juvenile proceedings.''

was repealed by Pub. L. 102–143, § 333(c). See Construction of 1990 Amendment note below and section 159(c) of this title.

1987—Subsec. (b). Pub. L. 100–17, § 114(e)(1), inserted ''and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title'' after ''subsection (a) of this section'' in introductory provisions.

Subsec. (b)(5)(A). Pub. L. 100–17, § 102(b)(1), inserted after ''September 30, 1990.'' the following: ''The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991 and 1992. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993.''

Pub. L. 100–17, § 102(b)(2), inserted at end ''On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionment required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.''

Subsec. (g). Pub. L. 100–202 substituted ''sections 130, 144, and 152 of this title'' for ''sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973,'' and struck out ''All or any part of the funds apportioned in any fiscal year to a State in accordance with section 203(d) of the Highway Safety Act of 1973 from funds authorized in section 203(c) of such Act, may be transferred from that apportionment to the apportionment made under section 219 of this title if such transfer is requested by the State highway department and is approved by the Secretary after he has received satisfactory assurances from such department that the purposes of such section 203 have been met.''

1981—Subsec. (b)(5)(A). Pub. L. 97–134, § 4(c), inserted provision that the Secretary shall include only those costs eligible for funds authorized by section 108(b) of the Federal Highway Act of 1956 in making the revised estimate of completing Interstate System for the purpose of transmitting it to the Congress within ten days subsequent to Jan. 2, 1983 or thereafter.

Subsec. (b)(5)(B). Pub. L. 97–134, § 5, inserted reference to reconstruction in opening par., substituted ''55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title'' for ''Seventy-five per centum in the ratio that lane miles in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 25 per centum in the ratio that vehicle miles traveled on lanes in use for more than five years on the Interstate System'' and inserted provision that no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

1978—Subsec. (b)(5)(A). Pub. L. 95–599, § 108, inserted provision relating to deadline for inclusion of estimate.

Subsec. (b)(5)(B). Pub. L. 95–599, § 116(b), substituted provisions limiting apportionment of funds ratio to seventy-five percent of lane miles ratio and twenty-five of miles traveled ratio for provision establishing a straight ratio for such apportionment.

Subsec. (d). Pub. L. 95–599, § 109, substituted ''50'' for ''40'' and ''20'' wherever appearing.

Subsec. (h). Pub. L. 95–599, § 110, added subsec. (h).

1976—Subsec. (b). Pub. L. 94–280, § 112(a), substituted ''On October 1 of each fiscal year'' for ''On or before January 1 next preceding the commencement of each fiscal year,''.

Subsec. (b)(1). Pub. L. 94–280, § 112(b), inserted in introductory text ''(including extensions in urban areas and priority primary routes)'', made existing provisions applicable for a two-third apportionment of monies, striking out ''in all the States at the close of the next preceding calendar year'' before ''as shown by a certificate of the Postmaster General'' and inserted provision for a one-third apportionment in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

Subsec. (b)(3). Pub. L. 94–280, § 112(c), repealed provisions respecting apportionment of monies for extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas in the ratio which the population in municipalities and other urban places of five thousand or more in each State bears to the total population in municipalities and other urban places of five thousand or more in all of the States as shown by the latest available Federal census.

Subsec. (b)(5)(A). Pub. L. 94–280, §§ 106(b), 107(b), 112(g), designated existing provisions as subpar. (A) and in-

serted introductory phrase ''Except as provided in subparagraph B—''; substituted wherever appearing in introductory phrase and second and third sentences ''1990'' for ''1979''; substituted provision for apportionment for fiscal year ending September 30, 1977, for prior provision for fiscal year ending June 30, 1977, substituted provision for apportionment for fiscal year ending September 30, 1978, in accordance with section 103 of Federal-Aid Highway Act of 1976, for prior provision for apportionment for fiscal year ending June 30, 1978, substituted provision for apportionment for fiscal year ending September 30, 1979, for prior provision for fiscal year ending June 30, 1979, provided for apportionment for fiscal year ending September 30, 1980, and inserted provisions for revised estimates of completion costs and transmittal thereof to Congress within ten days subsequent to January 2, 1979, 1981, 1983, 1985, and 1987 for apportionments for fiscal years ending September 30, 1981 and 1982, 1983 and 1984, 1985 and 1986, 1987 and 1988, and 1989 and 1990; and substituted in third sentence ''October 1 of the year preceding the fiscal year for which authorized'' for ''a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized''.

Subsec. (b)(5)(B). Pub. L. 94–280, §106(b), added subpar. (B).

Subsec. (c). Pub. L. 94–280, §113(a), designated existing provisions as par. (1), substituted ''Subject to subsection (d), the amount'' for ''Not more than 40 per centum of the amount'' and ''transferred from the apportionment under one paragraph to the apportionment under the other paragraph'' for ''transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs'' and struck out former last sentence reading ''The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 40 per centum.'', and incorporated former subsec. (d) provisions in a new par. (2), substituting ''Subject to subsection (d), the amount'' for ''Not more than 40 per centum of the amount'' and paragraph ''(1)'' for ''(3)'' and striking out former last sentence reading ''The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 40 per centum.''

Subsec. (d). Pub. L. 94–280, §113(a), inserted provisions respecting conditions for transfer of apportionments under subsec. (c) of this section and struck out prior subsec. (d) provisions respecting transfer of certain apportionments, now incorporated in subsec. (c)(2) of this section.

Subsec. (e). Pub. L. 94–280, §112(d), in first sentence, substituted ''On October 1'' for ''On or before January 1 preceding the commencement'' and inserted ''(other than under subsection (b)(5) of this section)'' after ''hereunder'' and inserted certification provision respecting sums apportioned under subsec. (b)(5) of this section to each State highway department and amount of deductions for administration and research; and inserted provisions advising the States not less than ninety days before the beginning of the fiscal year of amounts to be apportioned to the States and in the case of the Interstate System ninety days prior to the apportionment of funds.

Subsec. (f)(1). Pub. L. 94–280, §112(e), substituted ''On October 1'' for ''On or before January 1 next preceding the commencement'' and inserted exception provision.

Subsec. (f)(3). Pub. L. 94–280, §112(f), authorized State use of apportioned funds to finance transportation planning outside of urbanized areas.

Subsec. (g). Pub. L. 94–280, §206, increased percentage limitation to ''40 per centum'' from ''30 per centum''; authorized approval by Secretary of transfer of apportionments when requested by the State highway department and approved by the Secretary as being in the public interest; and provided for transfer of apportionments under section 203(c) and (d) of the Highway Safety Act of 1973, to apportionments under section 219 of this title, and clarified the authority for apportionment of Highway Trust Fund funds.

1973—Subsec. (b)(1). Pub. L. 93–87, §111(a)(1), (2), substituted ''intercity mail routes where service is performed by motor vehicles'' for ''star routes'' in two places, ''one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States'' for ''one-third in the ratio which the population of each State bears to the total population of all the States'', and ''No State (other than the District of Columbia) shall receive'' for ''No State shall receive''.

Subsec. (b)(2). Pub. L. 93–87, §111(a)(1), (3), substituted ''intercity mail routes where service is performed by motor vehicles'' for ''star routes'' in two places, ''one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all of the States'' for ''one-third in the ratio which the rural population of each State bears to the total rural population of all the States'', and ''No State (other than the District of Columbia) shall receive'' for ''No State shall receive''.

Subsec. (b)(5). Pub. L. 93–87, §106(b), extended from 1976 to 1979, the date for completion of the Interstate System; and authorized the Secretary to use the Federal share of the approved estimate in making apportionments for fiscal years ending June 30, 1976, 1977, 1978, and 1979, reenacted requirement that Secretary make a revised estimate of cost of completing the then designated Interstate System, substituting Jan. 2, 1975, for Jan. 2, 1974, as the commencing date for the ten day period for transmittal of the revised cost estimate, and reenacted provisions of last sentence without change, respectively.

Subsec. (b)(6). Pub. L. 93–87, §111(a)(4), substituted ''urban areas'' for ''urbanized areas'' in two places and mandated that no State shall receive less than one-half of 1 per centum of each year's apportionment.

Subsec. (c). Pub. L. 93–87, §111(a)(5), (7), substituted ''40'' for ''20'' per centum in two places and struck out reference to par. (3) of subsec. (b) of this section and provision of last sentence that nothing contained in subsec. (c) shall alter or impair the authority contained in subsec. (d) of this section.

Subsec. (d). Pub. L. 93–87, §111(a)(6), substituted provisions respecting transfer of apportionment of funds under pars. (3) and (6) of subsec. (b) of this section from one paragraph to the other when requested by the State highway department and approved as in the public interest by the Governor of the State and the Secretary for former provisions which authorized expenditure of subsec. (b)(2) funds apportioned for Federal-aid secondary system to a State for projects on another Federal-aid system when the State highway department and the Secretary were in joint agreement as to such other expenditure.

Subsec. (f). Pub. L. 93–87, §112, incorporated provisions of former subsec. (f) that ''Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system'' in provisions designated as par. (1) and stating that ''On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.'' and added pars. (2)–(4).

Subsec. (g). Pub. L. 93–87, §227, added subsec. (g).

1970—Subsec. (b)(5). Pub. L. 91–605, §104(b), extended from 1974 to 1976 the date for completion of the Interstate System, substituted ''on April 20, 1970'' for ''within ten days subsequent to January 2, 1970'' as the date for submission by the Secretary to Congress of a revised completion cost estimate of the Interstate System, struck out reference of finality as applied to this estimate, deleted June 30, 1974 from the enumerated list of fiscal years for which the Secretary shall use the

Federal share of the approved 1970 estimate in making apportionments, inserted provision directing the Secretary to submit to Congress a revised Interstate System completion cost estimate within 10 days from Jan. 2, 1972 with apportionments to be made by the Secretary for use in the fiscal years 1974 and 1975 from the Federal share of the approved estimate, and inserted provision directing the Secretary to submit to Congress another cost estimate within 10 days from Jan. 2, 1974 to be used for making apportionments for the fiscal year 1976.

Subsec. (b)(6). Pub. L. 91–605, § 106(c)(2), added par. (6).

Subsec. (f). Pub. L. 91–605, § 106(c)(1), added subsec. (f).

1968—Subsec. (b)(5). Pub. L. 90–495 extended from 1972 to 1974 the date for completion of the Interstate System, added the fiscal year ending June 30, 1971, to the enumeration of fiscal years for which the Secretary may use the Federal share of approval estimates in making apportionments, substituted January 2, 1970, for January 2, 1969, as the date for commencement of the 10–day period during which the Secretary shall transmit to Congress his final revised estimate of the cost of completing the Interstate system, and added the fiscal years ending June 30, 1973, and June 30, 1974, to the enumerated list of fiscal years for which the Secretary shall use the Federal share of the approved estimate in making apportionments.

1966—Subsec. (b)(5). Pub. L. 89–574 substituted ''1972'' for ''1971'' wherever appearing except in provision requiring the Secretary, with the approval of Congress, to use the Federal share of the approved estimates in making apportionments for the fiscal year ending June 30, 1971, and, in such provision, retained the authority of the Secretary to use the Federal share of the approved estimates in making apportionments for the fiscal year ending June 30, 1971, but extended the authority of the Secretary to use the Federal share of the approved estimates in making apportionments for the fiscal year ending June 30, 1972, as well.

1964—Subsec. (b)(5). Pub. L. 88–423 substituted ''January 2, 1961'' for ''January 2, 1962''.

1963—Subsec. (b)(3). Pub. L. 88–157, § 2, struck out provision which considered Connecticut and Vermont towns as municipalities for the purposes of par. (3) regardless of their incorporated status.

Subsec. (b)(5). Pub L. 88–157, § 3, substituted ''1971'' for ''1969'' in introductory text and 3d sentence; inserted ''For the fiscal years 1960 through 1966,'' and substituted ''such State'' for ''each State'' in 1st sentence; inserted 2d sentence respecting apportionment for fiscal years 1967 through 1971; substituted in 9th sentence ''January 2, 1965'' for ''January 2, 1966, and annually thereafter through and including January 2, 1968''; substituted in 10th sentence ''Upon the approval of such estimate by the Congress'' for ''Upon approval of any such estimate by the Congress by concurrent resolution'' and ''fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969'' for ''fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives'' and inserted ''the Federal share of'' before ''such approved estimate''; and inserted 11th through 14th sentences, respecting revised cost estimate for completion of the Interstate System and its submission to Congress within 10 days after Jan. 2, 1968, apportionment for fiscal year ending June 30, 1970, final revised cost estimate for completion of the Interstate System and its submission to Congress within 10 days after Jan. 2, 1969, and apportionment for fiscal year ending June 30, 1971, respectively.

1962—Subsec. (b)(1). Pub. L. 87–866 substituted ''preceding calendar year'' for ''preceding fiscal year''.

1960—Subsec. (b)(5). Pub L. 86–657 struck out provisions which required, in making the estimates of cost for completing the Interstate System, exclusion of the cost of completing any mileage designated from the one thousand additional miles authorized by section 108(1) of the Federal-Aid Highway Act of 1956.

1959—Subsec. (b). Pub. L. 86–70 struck out '', except that only one-third of the area of Alaska shall be included'' after ''total area of all States'' in pars. (1) and (2).

EFFECTIVE DATE OF 2015 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114–94, div. A, title I, § 1446(d), Dec. 4, 2015, 129 Stat. 1438, provided that the amendment made by section 1446(d)(5)(A) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–244, title I, § 101(i), June 6, 2008, 122 Stat. 1574, provided that the amendment made by section 101(i) is effective Oct. 1, 2007.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–159 effective Jan. 1, 2000, see section 107(a) of Pub. L. 106–159, set out as a note under section 104 of Title 49, Transportation.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102–240, title I, § 1100, Dec. 18, 1991, 105 Stat. 2026, provided that:

''(a) GENERAL RULE.—This title [see Tables for classification], including the amendments made by this title, shall take effect on the date of the enactment of this Act [Dec. 18, 1991].

''(b) APPLICABILITY.—The amendments made by this title shall apply to funds authorized to be appropriated or made available after September 30, 1991, and, except as otherwise provided in subsection (c), shall not apply to funds appropriated or made available on or before September 30, 1991.

''(c) UNOBLIGATED BALANCES.—

''(1) IN GENERAL.—Unobligated balances of funds apportioned to a State under [former] sections 104(b)(1), 104(b)(2), 104(b)(5)(B), and 104(b)(6) of title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991.

''(2) TRANSFERABILITY.—

''(A) PRIMARY SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State under [former] section 104(b)(1) or 104(b)(3) of title 23, United States Code, or both.

''(B) SECONDARY AND URBAN SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid secondary system or the Federal-aid urban system before Oc-

tober 1, 1991, to the apportionment to such State under [former] section 104(b)(3) of such title.

''(C) APPLICABILITY OF CERTAIN LAWS, REGULATIONS, POLICIES, AND PROCEDURES.—Funds transferred under this paragraph shall be subject to the laws, regulations, policies, and procedures relating to the apportionment to which they are transferred.''

EFFECTIVE DATE OF 1976 AMENDMENT; APPLICABLE PROVISIONS DEPENDENT ON FISCAL FUND AUTHORIZATIONS

Pub. L. 94–280, title I, §113(b), May 5, 1976, 90 Stat. 435, provided that: ''The amendment made by subsection (a) of this section [amending this section] shall take effect on July 1, 1976, and shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1977, and for subsequent fiscal years. With respect to the fiscal year 1976 and earlier fiscal years, the provisions of subsections (c) and (d) of [former] section 104 of title 23, United States Code, as in effect on June 30, 1976, shall remain applicable to funds authorized for such years.''

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87–866, §10(b), Oct. 23, 1962, 76 Stat. 1148, provided that: ''The amendment made by subsection (a) of this section [amending this section] shall be applicable only with respect to apportionments made after the date of enactment of this Act [Oct. 23, 1962].''

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–70 effective July 1, 1959, see section 21(e) of Pub. L. 86–70, set out as a note under section 101 of this title.

CONSTRUCTION OF 1990 AMENDMENT

Pub. L. 102–143, title III, §333(d), Oct. 28, 1991, 105 Stat. 947, provided that: ''The amendments made by section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184–2186) [Pub. L. 101–516, amending this section and enacting provisions formerly set out as a note below] shall be treated as having not been enacted into law.''

TRANSPARENCY AND ACCOUNTABILITY

Pub. L. 112–141, div. A, title I, §1503(c), July 6, 2012, 126 Stat. 564, which directed the Secretary of Transportation to compile and make available on the public website of the Department of Transportation the annual expenditure data for funds made available under this title and chapter 53 of Title 49, Transportation, and to annually submit a report to Congress containing a summary of such data, was repealed by Pub. L. 114–94, div. A, title I, §1402(b), Dec. 4, 2015, 129 Stat. 1407.

EVACUATION ROUTES

Pub. L. 112–141, div. A, title I, §1526, July 6, 2012, 126 Stat. 580, provided that: ''Each State shall give adequate consideration to the needs of evacuation routes in the State, including such routes serving or adjacent to facilities operated by the Armed Forces, when allocating funds apportioned to the State under title 23, United States Code, for the construction of Federal-aid highways.''

FEDERAL-AID HIGHWAYS APPROPRIATIONS

Pub. L. 109–289, div. B, title II, §21010, as added by Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 48, provided that: ''Notwithstanding section 101 [42 U.S.C. 12651i note, 121 Stat. 8], the level for 'Federal Highway Administration, Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)' shall be $39,086,464,683.''

[For definition of ''level'' as used in section 21010 of Pub. L. 109–289, set out above, see section 101(b) of Pub. L. 109–289, set out as a note under section 12651i of Title 42, The Public Health and Welfare.]

ADJUSTMENTS FOR SURFACE TRANSPORTATION EXTENSION ACT OF 1997

Pub. L. 105–178, title I, §1103(m), June 9, 1998, 112 Stat. 126, made certain reductions in State apportionments under Pub. L. 105–178 for fiscal year 1998 based on State apportionments under section 1003(d)(1) of Pub. L. 102–240.

ADVANCES

Pub. L. 109–59, title I, §1936, Aug. 10, 2005, 119 Stat. 1510, provided that: ''Notwithstanding any other provision of law, funds apportioned to a State under [former] section 104(b) of title 23, United States Code, may be obligated to carry out a project designated in any of sections 1301, 1302, 1306, and 1934 of this Act [see Tables for classification] and [former] sections 117 and 144(g) of title 23, United States Code, in an amount not to exceed the amount authorized for that project, only from a program under which the project would be eligible, except that any amounts obligated to carry out the project shall be restored from funds allocated for the project.''

Pub. L. 108–310, §2, Sept. 30, 2004, 118 Stat. 1144, as amended by Pub. L. 109–14, §2(a)–(b)(2), (d), May 31, 2005, 119 Stat. 324; Pub. L. 109–20, §2(a), (b)(1), (d), July 1, 2005, 119 Stat. 346; Pub. L. 109–35, §2(a), (b)(1), (d), July 20, 2005, 119 Stat. 379; Pub. L. 109–37, §2(a), (b)(1), (d), July 22, 2005, 119 Stat. 394; Pub. L. 109–40, §2(a), (b)(1), (d), July 28, 2005, 119 Stat. 410; Pub. L. 109–42, §2(b), July 30, 2005, 119 Stat. 435, provided that:

''(a) IN GENERAL.—

''(1) APPORTIONMENT RATIO.—Except as provided in paragraph (2), the Secretary of Transportation shall apportion funds made available under section 1101(*l*) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (112 Stat. 111; 118 Stat. 876 [118 Stat. 1145]), as amended by this Act, the Surface Transportation Extension Act of 2005 [Pub. L. 109–14],,[sic] the Surface Transportation Extension Act of 2005, Part II [Pub. L. 109–20][,] the Surface Transportation Extension Act of 2005, Part III [Pub. L. 109–35], the Surface Transportation Extension Act of 2005, Part IV [Pub. L. 109–37], and the Surface Transportation Extension Act of 2005, Part V [Pub. L. 109–40], to each State in the ratio that—

''(A) the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; bears to

''(B) all States' total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

''(2) EXCEPTION.—The ratios determined under this subsection shall be subject to the same adjustments as the adjustments made under [former] section 105(f) of title 23, United States Code.

''(b) PROGRAMMATIC DISTRIBUTIONS.—

''(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program [now the surface transportation block grant program], the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

''(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

''(A) the amount apportioned to the State under subsection (a); by

''(B) the ratio that—

''(i) the amount of funds apportioned for the item to the State for fiscal year 2004; bears to

''(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2004.

''(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(*l*) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178, 118 Stat. 1145] shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: [former] sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

''(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under [former] section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $2,324,000,000 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

''(5) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—[Amended section 144 of this title.]

''(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

''(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2005, under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act [Sept. 30, 2004] by the amount that is apportioned to each State under subsection (a) and section 5(c) [118 Stat. 1150] for each such program.

''(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

''(d) AUTHORIZATION OF CONTRACT AUTHORITY.—[Amended section 1101 of Pub. L. 105–178, 112 Stat. 111.]

''(e) LIMITATION ON OBLIGATIONS.—

''(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2004, through July 30, 2005, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'federal-aid highways' in title I of division H of the Consolidated Appropriations Act, 2005 [Pub. L. 108–447] (23 U.S.C. 104 note; 118 Stat. 3204), in accordance with section 110 of such title (23 U.S.C. 104 note; 118 Stat. 3209); except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), and 110(a)(5) of such title shall equal the greater of—

''(A) the funding authorized for such program, project, or activity in this Act [see Short Title of 2004 Amendment note set out under section 101 of this title], the Surface Transportation Extension Act of 2005 [Pub. L. 109–14],,[sic] the Surface Transportation Extension Act of 2005, Part II [Pub. L. 109–20][,] the Surface Transportation Extension Act of 2005, Part III [Pub. L. 109–35], the Surface Transportation Extension Act of 2005, Part IV [Pub. L. 109–37], and the Surface Transportation Extension Act of 2005, Part V [Pub. L. 109–40] (including any amendments made by this Act and such Act[s]); or

''(B) 83 percent of the funding provided for or limitation set on such program, project, or activity in title I of division H of the Consolidated Appropriations Act, 2005 [Pub. L. 108–447, see Tables for classification].

''(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2004, through July 30, 2005, shall not exceed $28,801,000,000; except that this limitation shall not apply to $530,370,000 in obligations for minimum guarantee for such period.

''(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After August 14, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

''(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading 'federal-aid highways' in title I of division H of the Consolidated Appropriations Act, 2005 [Pub. L. 108–447] (23 U.S.C. 104 note; 118 Stat. 3204).''

Pub. L. 108–88, § 2, Sept. 30, 2003, 117 Stat. 1110, as amended by Pub. L. 108–202, § 2(a), (b)(1), (2), (d), Feb. 29, 2004, 118 Stat. 478; Pub. L. 108–224, § 2(a), (b)(1), (d), Apr. 30, 2004, 118 Stat. 627; Pub. L. 108–263, § 2(a), (b)(1), (d), June 30, 2004, 118 Stat. 698; Pub. L. 108–280, §§ 2(a), (b)(1), (d), 3, July 30, 2004, 118 Stat. 876, 877; Pub. L. 108–310, § 12(a), (c), (e)(1), Sept. 30, 2004, 118 Stat. 1161, 1162, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (112 Stat. 116), as amended by this Act [117 Stat. 1111], the Surface Transportation Extension Act of 2004 [Pub. L. 108–202], the Surface Transportation Extension Act of 2004, Part II [Pub. L. 108–224], the Surface Transportation Extension Act of 2004, Part III [Pub. L. 108–263], the Surface Transportation Extension Act of 2004, Part IV [Pub. L. 108–280], and the Surface Transportation Extension Act of 2004, Part V [Pub. L. 108–310], to each State in the ratio that—

''(1) the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; bears to

''(2) all States' total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

''(b) PROGRAMMATIC DISTRIBUTIONS.—

''(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program [now the surface transportation block grant program], the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

''(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

''(A) the amount apportioned to the State under subsection (a); by

''(B) the ratio that—

''(i) the amount of funds apportioned for the item to the State for fiscal year 2003; bears to

''(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2003.

''(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(c) of the Transportation Equity Act for the 21st Century shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not

apply to such funds: [former] sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

''(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under [former] section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $2,800,000,000 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

''(5) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—[Amended section 144 of this title.]

''[(c) Repealed. Pub. L. 108–310, §12(e)(1), Sept. 30, 2004, 118 Stat. 1162.]

''(d) AUTHORIZATION OF CONTRACT AUTHORITY.—[Amended section 1101 of Pub. L. 105–178, 112 Stat. 111.]

''(e) LIMITATION ON OBLIGATIONS.—

''(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—For the fiscal year 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'Federal-aid highways' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199; 118 Stat. 291 [290]; 118 Stat. 1013), in accordance with section 110 of such Act [23 U.S.C. 104 note].

''(2) CALCULATION OF RATIO.—For purposes of the calculation of the ratio under section 110(a)(3) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199; 118 Stat. 291; 23 U.S.C. 104 note)—

''(A) the obligation limitation for Federal-aid Highways referred to in section 110(a)(3)(A) of such Act shall be deemed to be the obligation limitation for Federal-aid highways and highway safety construction programs for fiscal year 2004 identified under the heading 'FEDERAL-AID HIGHWAYS' in such Act (118 Stat. 290); and

''(B) the total of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of section 110(b) of such Act and sums authorized to be appropriated for [former] section 105 of title 23, United States Code, equal to the amount referred to in subsection 110(b)(8) of such Act) for such fiscal year, referred to in section 110(a)(3)(B) of such Act, shall be deemed to be $34,606,000,000, less the aggregate of the amounts not distributed under section 110(a)(1) of such Act.''

Pub. L. 105–130, §2, Dec. 1, 1997, 111 Stat. 2552, provided that:

''(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the 'Secretary') shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 [see 111 Stat. 2553] to each State in the ratio that—

''(1) the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

''(2) all States' total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

''(b) PROGRAMMATIC DISTRIBUTIONS.—

''(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program [now the surface transportation block grant program], the congestion mitigation and air quality improvement program, minimum allocation under [former] section 157 of title 23, United States Code, Interstate reimbursement under [former] section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940) [Pub. L. 102–240, formerly set out as a note under section 157 of this title], hold harmless under section 1015(a) of that Act (105 Stat. 1943) [set out below], 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944) [set out below], section 1015(c) of that Act (105 Stat. 1944) [set out below], an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027) [see Tables for classification], and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

''(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

''(A) the amount apportioned to the State under subsection (a); by

''(B) the ratio that—

''(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

''(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

''(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

''(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under [former] section 104(a) of title 23, United States Code, the set-asides under [former] section 104(b)(1) of that title for the territories and under section [former] 104(f)(1) of that title for metropolitan planning, and the expenditure required under section [former] 104(d)(1) of that title shall not apply to those funds.

''(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

''(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act [Dec. 1, 1997] by the amount that is apportioned to each State under subsection (a) and section 5(f) [Pub. L. 105–130, 111 Stat. 2558] for each such program.

''(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

''(d) AUTHORIZATION OF CONTRACT AUTHORITY.—[Amended Pub. L. 102–240, title I, §1003, Dec. 18, 1991, 105 Stat. 1918.]

''(e) LIMITATION ON OBLIGATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act [Dec. 1, 1997], the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66 [see Tables for classification]) that is—

''(A) equal to the greater of—

''(i) the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

''(ii) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

''(B) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

''(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed $9,786,275,000.

''(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

''(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

''(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66) [set out below].

''(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

''(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading '(LIMITATION ON OBLIGATIONS)' under the heading 'FEDERAL-AID HIGHWAYS' in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66 [111 Stat. 1431]).''

EFFECT OF LIMITATION ON APPORTIONMENT

Pub. L. 104–59, title III, § 319(c), Nov. 28, 1995, 109 Stat. 589, provided that: ''Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, the amendments made by subsection (a) [amending this section and section 149 of this title] shall not affect any apportionment adjustments under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943) [Pub. L. 102–240, formerly set out below].''

COMPLETION OF INTERSTATE SYSTEM

Pub. L. 102–240, title I, § 1001(a), Dec. 18, 1991, 105 Stat. 1915, provided that: ''Congress declares that the authorizations of appropriations and apportionments for construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] made by this section (including the amendments made by this section [amending this section and section 101 of this title]) are the final authorizations of appropriations and apportionments for completion of construction of such System.''

APPORTIONMENT ADJUSTMENTS

Pub. L. 102–240, title I, § 1015, Dec. 18, 1991, 105 Stat. 1943, provided for adjustments to surface transportation program funds apportioned to each State for fiscal years 1992 to 1997, with certain conditions and additional allocations, and authorized appropriations.

ALLOCATION FORMULA STUDY

Pub. L. 102–240, title I, § 1098, Dec. 18, 1991, 105 Stat. 2025, as amended by Pub. L. 104–59, title III, § 325(g), Nov. 28, 1995, 109 Stat. 592, directed General Accounting Office in conjunction with Bureau of Transportation Statistics to conduct thorough study and recommend to Congress within 2 years after Dec. 18, 1991, a fair and equitable apportionment formula for allocation of Federal-aid highway funds that best directs highway funds to places of greatest need for highway maintenance and enhancement based on extent of these highway systems, their present use, and increases in their use, with results of study to be presented to Congress on or before Jan. 1, 1994, and to be considered by Congress in the 1996 reauthorization of surface transportation program.

STUDY ON IMPACT OF CLIMATIC CONDITIONS

Pub. L. 102–240, title I, §§ 1101–1102, Dec. 18, 1991, 105 Stat. 2027, directed Secretary of Transportation to conduct a study of effects of climatic conditions on costs of highway construction and maintenance and to transmit to Congress, not later than Sept. 30, 1993, a report on the results of the study, prior to repeal by Pub. L. 105–362, title XV, § 1501(d), Nov. 10, 1998, 112 Stat. 3294.

WITHHOLDING OF FIVE PER CENTUM OF FUNDS FOR STATES FAILING TO MEET REQUIREMENTS

Pub. L. 101–516, title III, § 333, Nov. 5, 1990, 104 Stat. 2184, which provided in part that for each fiscal year directed Secretary of Transportation to withhold five per centum of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of former section 104(b) of this title on the first day of each fiscal year which begins after the second full calendar year following Nov. 5, 1990, if State does not meet the requirements of paragraph (3) on such date, was repealed by Pub. L. 102–143, title III, § 333(c), Oct. 28, 1991, 105 Stat. 947.

REDUCTION IN AMOUNT STATES FAILING TO AUTHORIZE TAX-BASED SOURCES OF REVENUE MAY OBLIGATE

Pub. L. 101–516, title III, § 341, Nov. 5, 1990, 104 Stat. 2189, as amended by Pub. L. 102–240, title III, § 3003(b), Dec. 18, 1991, 105 Stat. 2088, provided that States not authorizing tax-based sources of revenue to pay the non-Federal share for certain mass transportation projects by Oct. 1, 1991, would have a 25 percent reduction in amounts available for obligation for Federal-aid highways and highway safety construction programs for the period from Jan. 1, 1992, through Dec. 31, 1992.

Pub. L. 102–27, title IV, § 404(b), Apr. 10, 1991, 105 Stat. 155, provided that: ''The Secretary of Transportation shall restore any reductions in obligation authority made under section 329 [of Pub. L. 101–516, formerly set out below] prior to its repeal.''

Similar provisions were contained in Pub. L. 101–516, title III, § 329, Nov. 5, 1990, 104 Stat. 2183, which was repealed by Pub. L. 102–27, title IV, § 404(a), Apr. 10, 1991, 105 Stat. 155.

IMPLEMENTATION OF CERTAIN PRESIDENTIAL ORDERS REQUIRING PERCENTAGE REDUCTION FOR FEDERAL-AID HIGHWAY, MASS TRANSIT, AND HIGHWAY SAFETY PROGRAMS

Pub. L. 100–17, title I, § 136, Apr. 2, 1987, 101 Stat. 174, provided that: ''In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act [see Short Title of 1987 Amendment note set out under section 101 of this title], the Secretary shall apply the percentage reduction equally to each such specific program or project.''

FEDERAL-AID PRIMARY FORMULA FOR AMOUNTS AUTHORIZED FOR FISCAL YEARS 1983 THROUGH 1991

Pub. L. 97–424, title I, §108(a)–(e), Jan. 6, 1983, 96 Stat. 2103, as amended by Pub. L. 100–17, title I, §§107, 133(a)(1), Apr. 2, 1987, 101 Stat. 146, 170, set forth an alternate apportionment formula for amounts authorized for fiscal years 1983 to 1991 for the Federal-aid primary system.

MATCHING FUND WAIVER FOR PERIOD JANUARY 6, 1983, THROUGH SEPTEMBER 30, 1984

Pub. L. 97–424, title I, §145, Jan. 6, 1983, 96 Stat. 2130, provided that the Federal share of certain qualifying projects approved by the Secretary of Transportation under sections 106(a) and 117 of this title between Jan. 6, 1983, and Sept. 30, 1984, would be up to and including 100 percent of the construction cost as requested by the State highway department.

FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS; MAXIMUM LIMITS ON TOTAL OBLIGATIONS; EXCEPTIONS; STATE ALLOCATIONS

Pub. L. 114–94, div. A, title I, §1102, Dec. 4, 2015, 129 Stat. 1326, provided that:

''(a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

''(1) $42,361,000,000 for fiscal year 2016;

''(2) $43,266,100,000 for fiscal year 2017;

''(3) $44,234,212,000 for fiscal year 2018;

''(4) $45,268,596,000 for fiscal year 2019; and

''(5) $46,365,092,000 for fiscal year 2020.

''(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

''(1) section 125 of title 23, United States Code;

''(2) section 147 of the Surface Transportation Assistance Act of 1978 [Pub. L. 95–599] ([formerly] 23 U.S.C. 144 note; 92 Stat. 2714);

''(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

''(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

''(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

''(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

''(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

''(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

''(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) [Pub. L. 105–178, see Tables for classification] or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

''(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

''(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

''(12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to $639,000,000 for each of those fiscal years); and

''(13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2020, only in an amount equal to $639,000,000 for each of those fiscal years).

''(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2016 through 2020, the Secretary [of Transportation]—

''(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

''(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

''(B) amounts authorized for the Bureau of Transportation Statistics;

''(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

''(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

''(B) for which obligation authority was provided in a previous fiscal year;

''(3) shall determine the proportion that—

''(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

''(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

''(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act [div. A of Pub. L. 114–94, see Tables for classification] and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

''(A) the proportion determined under paragraph (3); by

''(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

''(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

''(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

''(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

''(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary [of Transportation] shall, after August 1 of each of fiscal years 2016 through 2020—

''(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

''(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those pre-

viously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141) [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title]) and 104 of title 23, United States Code.

''(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

''(A) chapter 5 of title 23, United States Code; and

''(B) title VI of this Act [title VI of div. A of Pub. L. 114–94, see Tables for classification].

''(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

''(A) remain available for a period of 4 fiscal years; and

''(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

''(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

''(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2020, the Secretary [of Transportation] shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

''(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

''(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

''(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

''(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.''

Similar provisions for prior fiscal years were contained in the following acts:

Pub. L. 112–141, div. A, title I, § 1102, July 6, 2012, 126 Stat. 416, as amended by Pub. L. 113–159, title I, § 1001(c)(3), Aug. 8, 2014, 128 Stat. 1841; Pub. L. 114–21, title I, § 1001(c)(2), May 29, 2015, 129 Stat. 219; Pub. L. 114–41, title I, § 1001(c)(2), July 31, 2015, 129 Stat. 445; Pub. L. 114–73, title I, § 1001(c)(2), Oct. 29, 2015, 129 Stat. 569; Pub. L. 114–87, title I, § 1001(c)(2), Nov. 20, 2015, 129 Stat. 678.

Pub. L. 109–59, title I, § 1102, Aug. 10, 2005, 119 Stat. 1157, as amended by Pub. L. 110–244, title I, § 101(b), June 6, 2008, 122 Stat. 1573.

Pub. L. 105–178, title I, § 1102, June 9, 1998, 112 Stat. 115, as amended by Pub. L. 105–206, title IX, § 9002(b), July 22, 1998, 112 Stat. 834; Pub. L. 106–159, title I, § 103(b)(2), Dec. 9, 1999, 113 Stat. 1753.

Pub. L. 115–31, div. K, title I, May 5, 2017, 131 Stat. 735, provided in part that: ''Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation Act [Pub. L. 114–94, see Tables for classification] shall not exceed total obligations of $43,266,100,000 for fiscal year 2017''.

Similar provisions for prior fiscal years were contained in the following acts:

Pub. L. 114–113, div. L, title I, Dec. 18, 2015, 129 Stat. 2844.

Pub. L. 113–235, div. K, title I, Dec. 16, 2014, 128 Stat. 2705.

Pub. L. 113–76, div. L, title I, Jan. 17, 2014, 128 Stat. 583.

Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 650.

Pub. L. 115–31, div. K, title I, § 120, May 5, 2017, 131 Stat. 736, provided that:

''(a) For fiscal year 2017, the Secretary of Transportation shall—

''(1) not distribute from the obligation limitation for Federal-aid highways—

''(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

''(B) amounts authorized for the Bureau of Transportation Statistics;

''(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

''(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

''(B) for which obligation limitation was provided in a previous fiscal year;

''(3) determine the proportion that—

''(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

''(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

''(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act [Pub. L. 114–94, see Tables for classification] and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

''(A) the proportion determined under paragraph (3); by

''(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

''(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

''(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

''(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

''(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

''(1) section 125 of title 23, United States Code;

''(2) section 147 of the Surface Transportation Assistance Act of 1978 [Pub. L. 95–599] ([former] 23 U.S.C. 144 note; 92 Stat. 2714);

''(3) section 9 of the Federal-Aid Highway Act of 1981 [Pub. L. 97–134] (95 Stat. 1701);

''(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 [Pub. L. 97–424] (96 Stat. 2119);

''(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 [Pub. L. 100–17] (101 Stat. 198);

''(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102–240, see Tables for classification] (105 Stat. 2027);

''(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

''(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

''(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century [Pub. L. 105–178, see Tables for classification] (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

''(10) [former] section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

''(11) section 1603 of SAFETEA–LU [Pub. L. 109–59] (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

''(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2017, only in an amount equal to $639,000,000).

''(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

''(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

''(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141 [July 6, 2012]) and 104 of title 23, United States Code.

''(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

''(A) chapter 5 of title 23, United States Code; and

''(B) title VI of the Fixing America's Surface Transportation Act [title VI of Pub. L. 114–94, see Tables for classification].

''(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

''(A) remain available for a period of 4 fiscal years; and

''(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

''(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

''(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

''(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

''(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

''(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

''(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.''

Similar provisions for prior fiscal years were contained in the following acts:

Pub. L. 114–113, div. L, title I, §120, Dec. 18, 2015, 129 Stat. 2844.

Pub. L. 113–235, div. K, title I, §120, Dec. 16, 2014, 128 Stat. 2705.

Pub. L. 113–76, div. L, title I, §120, Jan. 17, 2014, 128 Stat. 583.

Pub. L. 112–55, div. C, title I, §120, Nov. 18, 2011, 125 Stat. 651.

Pub. L. 111–117, div. A, title I, Dec. 16, 2009, 123 Stat. 3044.

Pub. L. 111–117, div. A, title I, §120, Dec. 16, 2009, 123 Stat. 3045.

Pub. L. 111–8, div. I, title I, Mar. 11, 2009, 123 Stat. 923.

Pub. L. 111–8, div. I, title I, §120, Mar. 11, 2009, 123 Stat. 924.

Pub. L. 110–161, div. K, title I, Dec. 26, 2007, 121 Stat. 2383.

Pub. L. 110–161, div. K, title I, §120, Dec. 26, 2007, 121 Stat. 2385.

Pub. L. 109–115, div. A, title I, Nov. 30, 2005, 119 Stat. 2402.

Pub. L. 109–115, div. A, title I, §110, Nov. 30, 2005, 119 Stat. 2403.

Pub. L. 108–447, div. H, title I, Dec. 8, 2004, 118 Stat. 3204.

Pub. L. 108–447, div. H, title I, §110, Dec. 8, 2004, 118 Stat. 3209.

Pub. L. 108–199, div. F, title I, Jan. 23, 2004, 118 Stat. 285.

Pub. L. 108–199, div. F, title I, §110, Jan. 23, 2004, 118 Stat. 290, as amended by Pub. L. 108–202, §8(b), Feb. 29, 2004, 118 Stat. 484; Pub. L. 108–287, title X, §14003(a) Aug. 5, 2004, 118 Stat. 1013.

Pub. L. 108–7, div. I, title I, title III, §310, Feb. 20, 2003, 117 Stat. 393, 407.

Pub. L. 107–87, title I, title III, §310, Dec. 18, 2001, 115 Stat. 841, 855.

Pub. L. 106–346, §101(a) [title I, title III, §310], Oct. 23, 2000, 114 Stat. 1356, 1356A–7, 1356A–24.

Pub. L. 106–69, title I, title III, §310, Oct. 9, 1999, 113 Stat. 994, 1016.

Pub. L. 105–277, div. A, §101(g) [title I, title III, §310], Oct. 21, 1998, 112 Stat. 2681–439, 2681–446, 2681–465.

Pub. L. 105–66, title I, title III, §310, Oct. 27, 1997, 111 Stat. 1431, 1442.

Pub. L. 104–205, title I, title III, §310, Sept. 30, 1996, 110 Stat. 2958, 2969.

Pub. L. 104–50, title I, title III, §310, Nov. 15, 1995, 109 Stat. 443, 454.

Pub. L. 103–331, title I, Sept. 30, 1994, 108 Stat. 2477; Pub. L. 104–19, title I, July 27, 1995, 109 Stat. 223.

Pub. L. 103–331, title III, §310, Sept. 30, 1994, 108 Stat. 2489, as amended by Pub. L. 104–59, title III, §338(c)(3), Nov. 28, 1995, 109 Stat. 605.

Pub. L. 103–122, title I, title III, §310, Oct. 27, 1993, 107 Stat. 1206, 1220, as amended by Pub. L. 103–211, title II, Feb. 12, 1994, 108 Stat. 20.

Pub. L. 102–388, title I, title III, §310, Oct. 6, 1992, 106 Stat. 1528, 1544.

Pub. L. 102–240, title I, §1002(a)–(g), Dec. 18, 1991, 105 Stat. 1916–1918.

Pub. L. 102–143, title I, title III, § 310, Oct. 28, 1991, 105 Stat. 925, 940.
Pub. L. 101–516, title I, title III, § 310, Nov. 5, 1990, 104 Stat. 2163, 2179.
Pub. L. 101–164, title I, title III, § 310, Nov. 21, 1989, 103 Stat. 1077, 1092.
Pub. L. 100–457, title I, title III, § 310, Sept. 30, 1988, 102 Stat. 2132, 2146.
Pub. L. 100–202, § 101(*l*) [title I, title III, § 310], Dec. 22, 1987, 101 Stat. 1329–358, 1329–365, 1329–378.
Pub. L. 100–17, title I, § 105(a)–(g), Apr. 2, 1987, 101 Stat. 142–144.
Pub. L. 99–500, § 101(*l*) [H.R. 5205, title I, title III, § 313(a)–(d)], Oct. 18, 1986, 100 Stat. 1783–308, and Pub. L. 99–591, § 101(*l*) [H.R. 5205, title I, title III, § 313(a)–(d)], Oct. 30, 1986, 100 Stat. 3341–308.
Pub. L. 99–272, title IV, § 4102(a)–(e), Apr. 7, 1986, 100 Stat. 112, 113.
Pub. L. 99–190, § 101(e) [title I, title III, § 313], Dec. 19, 1985, 99 Stat. 1267, 1275, 1285.
Pub. L. 98–473, title I, § 101(i) [title I, title III, § 315], Oct. 12, 1984, 98 Stat. 1944, 1951, 1962.
Pub. L. 98–78, title I, title III, § 322, Aug. 15, 1983, 97 Stat. 460, 474.
Pub. L. 98–8, title I, Mar. 24, 1983, 97 Stat. 14.
Pub. L. 97–424, title I, § 104(a)–(d), Jan. 6, 1983, 96 Stat. 2098.
Pub. L. 97–134, § 3, Dec. 29, 1981, 95 Stat. 1699, as amended by Pub. L. 97–216, title I, July 19, 1982, 96 Stat. 187.
Pub. L. 97–35, title XI, § 1106, Aug. 13, 1981, 95 Stat. 624, as amended by Pub. L. 97–424, title I, § 104(e), Jan. 6, 1983, 96 Stat. 2099.

APPORTIONMENT FACTORS FOR EXPENDITURES ON SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Provisions requiring the Secretary of Transportation to apportion for specific fiscal years sums authorized to be appropriated for such fiscal years by section 108(b) of the Federal-Aid Highway Act of 1956, set out as a note under section 101 of this title, for expenditures on the National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] using the apportionment factors contained in certain tables in particular committee prints of the Committee on Public Works and Transportation of the House of Representatives were contained in the following acts:
Pub. L. 102–240, title I, § 1001(b), Dec. 18, 1991, 105 Stat. 1915.
Pub. L. 100–17, title I, § 102(a), Apr. 2, 1987, 101 Stat. 135.
Pub. L. 99–104, § 1, Sept. 30, 1985, 99 Stat. 474.
Pub. L. 99–4, § 1, Mar. 13, 1985, 99 Stat. 6.
Pub. L. 98–229, § 1, Mar. 9, 1984, 98 Stat. 55.
Pub. L. 97–327, § 3, Oct. 15, 1982, 96 Stat. 1611.
Pub. L. 97–134, § 2, Dec. 29, 1981, 95 Stat. 1699.
Pub. L. 96–144, § 1, Dec. 13, 1979, 93 Stat. 1084.
Pub. L. 95–599, title I, § 103, Nov. 6, 1978, 92 Stat. 2689.
Pub. L. 94–280, title I, § 103, May 5, 1976, 90 Stat. 426.
Pub. L. 93–87, title I, § 103, Aug. 13, 1973, 87 Stat. 250.
Pub. L. 91–605, title I, § 103, Dec. 31, 1970, 84 Stat. 1714.
Pub. L. 90–495, § 3, Aug. 23, 1968, 82 Stat. 815.
Pub. L. 89–574, § 3, Sept. 13, 1966, 80 Stat. 766.
Pub. L. 89–139, § 2, Aug. 28, 1965, 79 Stat. 578.

MINIMUM APPORTIONMENT TO EACH STATE; EXPENDITURE OF EXCESS AMOUNTS

Provisions entitling each State, for specific fiscal years, to receive at least one-half of 1 per centum of the total apportionment for the Interstate System under former section 104(b)(5)(A) of this title, and authorizing States to expend amounts available under these provisions which are in excess of the estimated cost of completing and of necessary resurfacing, restoring, rehabilitating, and reconstruction of the State's portion of the Interstate System for the purposes for which funds apportioned under former section 104(b)(1), (2), and (6) of this title may be expended or for carrying out section 152 of this title were contained in the following acts:
Pub. L. 100–17, title I, § 102(c), Apr. 2, 1987, 101 Stat. 135, as amended by Pub. L. 102–240, title I, § 1001(h), Dec. 18, 1991, 105 Stat. 1916.
Pub. L. 97–424, title I, § 103(a), Jan. 6, 1983, 96 Stat. 2097.
Pub. L. 97–327, § 4(b), Oct. 15, 1982, 96 Stat. 1612; repealed Pub. L. 97–424, title I, § 103(b), Jan. 6, 1983, 96 Stat. 2098.
Pub. L. 95–599, title I, § 104(b)(1), Nov. 6, 1978, 92 Stat. 2691.
Pub. L. 94–280, title I, § 105(b)(1), May 5, 1976, 90 Stat. 428.
Pub. L. 93–87, title I, § 104(b), Aug. 13, 1973, 87 Stat. 252.
Pub. L. 91–605, title I, § 105(b), Dec. 31, 1970, 84 Stat. 1716.

PUBLIC BOAT LAUNCHING AREAS; ACCESS RAMPS

Pub. L. 94–280, title I, § 147, May 5, 1976, 90 Stat. 446, provided that: "Funds apportioned to States under [former] subsections (b)(1), (b)(2), and (b)(6) of section 104 of title 23, United States Code, may be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior."

USE OF FEDERAL FUNDS DURING PERIOD BEGINNING FEBRUARY 12, 1975, AND ENDING SEPTEMBER 30, 1975

Pub. L. 94–30, § 3, June 4, 1975, 89 Stat. 171, sanctioned the use of any money apportioned under former section 104(b) of this title for any Federal-aid highway system in a State for any project in that State on any Federal-aid highway system, such amount to be deducted from the apportionment made after June 4, 1975 and repaid and credited to the last apportionment made for which the money was originally apportioned.

MINIMUM APPORTIONMENT FOR PRIMARY SYSTEM; ADDITIONAL APPROPRIATIONS FOR FISCAL YEARS ENDING JUNE 30, 1974, 1975, AND 1976

Pub. L. 93–87, title I, § 111(b), Aug. 13, 1973, 87 Stat. 257, provided that no State (other than the District of Columbia) would receive an apportionment for the primary system less than the apportionment the State received for the fiscal year ending June 30, 1973, and made additional appropriations for the Federal-aid primary system.

SECTION 102(a) OF THE FEDERAL-AID HIGHWAY ACT OF 1956

Act June 29, 1956, ch. 462, title I, § 102(a), 70 Stat. 374, authorized, for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916, additional appropriations of $125,000,000 for the fiscal year ending June 30, 1957, $850,000,000 for the fiscal year ending June 30, 1958, and $875,000,000 for the fiscal year ending June 30, 1959, and provided for the percentage allocation of these funds for primary, secondary and urban systems and the manner of apportionment among the States.

APPROVAL OF ESTIMATE OF COST OF COMPLETING THE INTERSTATE SYSTEM AS BASIS FOR APPORTIONMENT OF FUNDS FOR FISCAL YEARS 1963 TO 1966

Pub. L. 87–61, title I, § 102, June 29, 1961, 75 Stat. 122, approved the estimate of cost of completing the Interstate System in each State, transmitted to the Congress on Jan. 11, 1961, as the basis for making the ap-

portionment of funds authorized for the fiscal years ending June 30, 1963, 1964, 1965, and 1966.

APPROVAL OF ESTIMATE OF COST OF COMPLETING THE INTERSTATE SYSTEM AS BASIS FOR APPORTIONMENT OF FUNDS FOR FISCAL YEARS 1960–1962

Pub. L. 85–381, §8, Apr. 16, 1958, 72 Stat. 94, as amended by Pub. L. 85–899, §1, Sept. 2, 1958, 72 Stat. 1725; Pub. L. 86–342, title I, §103, Sept. 21, 1959, 73 Stat. 611, approved the estimate of cost of completing the Interstate System in each State, transmitted to the Congress on Jan. 7, 1958, as the basis for making the apportionment of funds authorized for the fiscal years ending June 30, 1960, 1961, and 1962.

APPORTIONMENTS FOR SUBSEQUENT YEARS BASED ON REVISED ESTIMATES OF COST

Act June 29, 1956, ch. 462, title I, §108(d), 70 Stat. 379, as amended by act Sept. 2, 1958, Pub. L. 85–899, §2, 72 Stat. 1725, provided that the sums authorized for the fiscal years 1960 through 1969 be apportioned among the several States in the ratio which the estimated cost of completing the Interstate System had to the sum of the estimated cost of completing the Interstate System in all of the States, and required the Secretary of Commerce, in cooperation with State highway departments, to make detailed revised estimates of the cost of completion of the system and to supply Congress with such revised estimate.

§105. Additional deposits into Highway Trust Fund

(a) IN GENERAL.—If monies are deposited into the Highway Account or Mass Transit Account pursuant to a law enacted subsequent to the date of enactment of the FAST Act, the Secretary shall make available additional amounts of contract authority under subsections (b) and (c).

(b) AMOUNT OF ADJUSTMENT.—If monies are deposited into the Highway Account or the Mass Transit Account as described in subsection (a), on October 1 of the fiscal year following the deposit of such monies, the Secretary shall—

(1) make available for programs authorized from such account for such fiscal year a total amount equal to—

(A) the amount otherwise authorized to be appropriated for such programs for such fiscal year; plus

(B) an amount equal to such monies deposited into such account during the previous fiscal year as described in subsection (a); and

(2) distribute the additional amount under paragraph (1)(B) to each of such programs in accordance with subsection (c).

(c) DISTRIBUTION OF ADJUSTMENT AMONG PROGRAMS.—

(1) IN GENERAL.—In making an adjustment for programs authorized to be appropriated from the Highway Account or the Mass Transit Account for a fiscal year under subsection (b), the Secretary shall—

(A) determine the ratio that—

(i) the amount authorized to be appropriated for a program from the account for the fiscal year; bears to

(ii) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

(B) multiply the ratio determined under subparagraph (A) by the amount of the adjustment determined under subsection (b)(1)(B); and

(C) adjust the amount that the Secretary would otherwise have allocated for the program for such fiscal year by the amount calculated under subparagraph (B).

(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 and covered administrative expenses from an adjustment of funding under subsection (c)(1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment for a fiscal year under subsection (b) for any of fiscal years 2017 through 2020.

(f) REVISION TO OBLIGATION LIMITATIONS.—

(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by section 1102 or 3018 of the FAST Act—

(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED ADMINISTRATIVE EXPENSES.—The term ''covered administrative expenses'' means the administrative expenses of—

(A) the Federal Highway Administration, as authorized under section 104(a);

(B) the National Highway Traffic Safety Administration, as authorized under section 4001(a)(6) of the FAST Act; and

(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

(2) HIGHWAY ACCOUNT.—The term ''Highway Account'' means the portion of the Highway Trust Fund that is not the Mass Transit Account.