

115TH CONGRESS
2D SESSION

S. 2403

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2018

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ADJUSTMENTS TO CERTAIN STATE APPOR-**
4 **TIONMENT AMOUNTS.**

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

8 “(c) CALCULATION OF AMOUNTS.—

1 “(1) STATE SHARE.—For fiscal year 2019 and
 2 each fiscal year thereafter, the amount for each
 3 State of combined apportionments for the national
 4 highway performance program under section 119,
 5 the surface transportation block grant program
 6 under section 133, the highway safety improvement
 7 program under section 148, the congestion mitiga-
 8 tion and air quality improvement program under
 9 section 149, the national highway freight program
 10 under section 167, and to carry out section 134 shall
 11 be determined as follows:

12 “(A) INITIAL AMOUNT.—The initial
 13 amount for each State shall be determined by
 14 multiplying the total amount available for ap-
 15 portionment by the share for each State, which
 16 shall be equal to the proportion that—

17 “(i) the amount of apportionments
 18 that the State received for fiscal year
 19 2012; bears to

20 “(ii) the amount of those apportion-
 21 ments received by all States for that fiscal
 22 year.

23 “(B) ADJUSTMENTS TO AMOUNTS.—

24 “(i) IN GENERAL.—The initial
 25 amounts resulting from the calculation

1 under subparagraph (A) shall be adjusted
2 to ensure that, for each State, the amount
3 of combined apportionments for the pro-
4 grams shall not be less than an amount
5 equal to—

6 “(I) 95 percent of the applicable
7 percentage; multiplied by

8 “(II) the total amount of funds
9 available for apportionment.

10 “(ii) APPLICABLE PERCENTAGE.—For
11 purposes of this subparagraph, the applica-
12 ble percentage shall be an amount, ex-
13 pressed as a percentage, equal to the
14 quotient of—

15 “(I) the estimated tax payments
16 attributable to highway users in the
17 State that were paid into the Highway
18 Trust Fund (other than the Mass
19 Transit Account) for the most recent
20 fiscal year for which data are avail-
21 able; divided by

22 “(II) the estimated total tax pay-
23 ments attributable to users in all
24 States that were paid into the High-

1 way Trust Fund (other than the Mass
2 Transit Account) for that fiscal year.

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

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