

118TH CONGRESS
1ST SESSION

S. 345

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 9, 2023

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Highway Formula
5 Fairness Act”.

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

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

6 “(c) **CALCULATION OF AMOUNTS.**—

7 “(1) **STATE SHARE.**—For fiscal year 2024 and
8 each fiscal year thereafter, the amount for each
9 State of combined apportionments for the national
10 highway performance program under section 119,
11 the surface transportation block grant program
12 under section 133, the highway safety improvement
13 program under section 148, the congestion mitiga-
14 tion and air quality improvement program under
15 section 149, the national highway freight program
16 under section 167, the carbon reduction program
17 under section 175, to carry out subsection (c) of the
18 PROTECT program under section 176, and to carry
19 out section 134 shall be determined as follows:

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

1 “(i) the amount of apportionments
2 that the State received for fiscal year
3 2012; bears to

4 “(ii) the amount of those apportion-
5 ments received by all States for that fiscal
6 year.

7 “(B) ADJUSTMENTS TO AMOUNTS.—

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

15 “(I) 95 percent of the applicable
16 percentage; multiplied by

17 “(II) the total amount of funds
18 available for apportionment.

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

24 “(I) the estimated tax payments
25 attributable to highway users in the

1 State that were paid into the Highway
2 Trust Fund (other than the Mass
3 Transit Account) for the most recent
4 fiscal year for which data are avail-
5 able; divided by

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

11 “(2) STATE APPORTIONMENT.—On October 1
12 of each fiscal year described in paragraph (1), the
13 Secretary shall apportion the sum authorized to be
14 appropriated for expenditure on the national high-
15 way performance program under section 119, the
16 surface transportation block grant program under
17 section 133, the highway safety improvement pro-
18 gram under section 148, the congestion mitigation
19 and air quality improvement program under section
20 149, the national highway freight program under
21 section 167, the carbon reduction program under
22 section 175, to carry out subsection (c) of the PRO-
23 TECT program under section 176, and to carry out
24 section 134 in accordance with paragraph (1).”

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