

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

---

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**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”.

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

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

1 “(c) CALCULATION OF AMOUNTS.—

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

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

20 “(i) the amount of apportionments  
21 that the State received for fiscal year  
22 2012; bears to

23 “(ii) the amount of those apportion-  
24 ments received by all States for that fiscal  
25 year.

1 “(B) ADJUSTMENTS TO AMOUNTS.—

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

9 “(I) 95 percent of the applicable  
10 percentage; multiplied by

11 “(II) the total amount of funds  
12 available for apportionment.

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

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

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

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