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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To amend title 23, United States Code, with respect to apportionments to States for certain highway programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 23, United States Code, with respect to apportionments to States for certain 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 “Fair Allocation of
5 Highway Funds Act of 2021”.

1 **SEC. 2. CALCULATION OF AMOUNTS.**

2 Section 104(c)(1) of title 23, United States Code, is
3 amended by striking subparagraph (B) and inserting the
4 following:

5 “(B) ADJUSTMENT TO AMOUNTS.—

6 “(i) IN GENERAL.—The initial
7 amounts resulting from the calculation
8 under subparagraph (A) shall be adjusted
9 to ensure that each State receives an ag-
10 gregate apportionment equal to at least 95
11 percent, but not more than 105 percent, of
12 the sum of—

13 “(I) the estimated tax payments
14 attributable to highway users in the
15 State paid into the Highway Trust
16 Fund (other than the Mass Transit
17 Account) in the most recent fiscal
18 year for which data are available; plus

19 “(II) an amount which bears the
20 same ratio to the General Fund trans-
21 fer amount as—

22 “(aa) the aggregate of
23 amounts collected in such State
24 under the Federal internal rev-
25 enue laws (other than the taxes
26 and penalties described in section

1 9503(b) of the Internal Revenue
2 Code of 1986) in the most recent
3 fiscal year for which data are
4 available; bears to

5 “(bb) the aggregate of
6 amounts collected in all States
7 under such Federal internal rev-
8 enue laws in such fiscal year.

9 “(ii) TOTAL SPENDING.—After the
10 adjustment described in clause (i), the
11 amount for each State determined under
12 this subsection shall be adjusted by a sin-
13 gle multiplicative factor to ensure that
14 total spending will not be affected by this
15 subparagraph.

16 “(iii) GENERAL FUND TRANSFER
17 AMOUNT DEFINED.—In this subparagraph,
18 the term ‘General Fund transfer amount’
19 means the amount equal to the aggregate
20 amount of funds, as estimated by the Sec-
21 retary of Transportation, to be apportioned
22 from the Highway Trust Fund in the fiscal
23 year in which the apportionment will be
24 made that are attributable to deposits in
25 the Fund derived from a source other than

1 the taxes and penalties described in section
2 9503(b) of the Internal Revenue Code of
3 1986.”.