

117TH CONGRESS
1ST SESSION

H. R. 4314

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

JULY 1, 2021

Mr. FOSTER (for himself and Mr. TAYLOR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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”.

6 **SEC. 2. CALCULATION OF AMOUNTS.**

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

10 “(B) ADJUSTMENT TO AMOUNTS.—

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

8 “(I) the estimated tax payments
9 attributable to highway users in the
10 State paid into the Highway Trust
11 Fund (other than the Mass Transit
12 Account) in the most recent fiscal
13 year for which data are available; plus

14 “(II) an amount which bears the
15 same ratio to the General Fund trans-
16 fer amount as—

17 “(aa) the aggregate of
18 amounts collected in such State
19 under the Federal internal rev-
20 enue laws (other than the taxes
21 and penalties described in section
22 9503(b) of the Internal Revenue
23 Code of 1986) in the most recent
24 fiscal year for which data are
25 available; bears to

1 “(bb) the aggregate of
2 amounts collected in all States
3 under such Federal internal rev-
4 enue laws in such fiscal year.

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

12 “(iii) GENERAL FUND TRANSFER
13 AMOUNT DEFINED.—In this subparagraph,
14 the term ‘General Fund transfer amount’
15 means the amount equal to the aggregate
16 amount of funds, as estimated by the Sec-
17 retary of Transportation, to be apportioned
18 from the Highway Trust Fund in the fiscal
19 year in which the apportionment will be
20 made that are attributable to deposits in
21 the Fund derived from a source other than
22 the taxes and penalties described in section
23 9503(b) of the Internal Revenue Code of
24 1986.”.

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