

116TH CONGRESS
1ST SESSION

H. R. 2804

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

MAY 16, 2019

Mr. FOSTER (for himself and Mr. KUSTOFF of Tennessee) 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 2019”.

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

7 Section 104(c)(1)(B) of title 23, United States Code,
8 is amended—

1 (1) by striking “The initial amounts” and in-
2 serting the following:

3 “(i) GENERAL RULE.—Except as pro-
4 vided in clause (ii), the initial amounts”;
5 and

6 (2) by adding at the end the following:

7 “(ii) SPECIAL RULE FOR FISCAL
8 YEARS 2020 THROUGH 2022.—

9 “(I) IN GENERAL.—Notwith-
10 standing clause (i), for each of fiscal
11 years 2020, 2021, and 2022, the ini-
12 tial amounts resulting from the cal-
13 culation under subparagraph (A) shall
14 be adjusted to ensure that each State
15 receives an aggregate apportionment
16 equal to at least 95 percent, but not
17 more than 105 percent, of the sum
18 of—

19 “(aa) the estimated tax pay-
20 ments attributable to highway
21 users in the State paid into the
22 Highway Trust Fund (other than
23 the Mass Transit Account) in the
24 most recent fiscal year for which
25 data are available; plus

1 “(bb) an amount which
2 bears the same ratio to the Gen-
3 eral Fund transfer amount for
4 the applicable fiscal year as—

5 “(AA) the aggregate of
6 amounts collected in such
7 State under the Federal in-
8 ternal revenue laws (other
9 than the taxes and penalties
10 described in section 9503(b)
11 of the Internal Revenue
12 Code of 1986) in the most
13 recent fiscal year for which
14 data are available; bears to

15 “(BB) the aggregate of
16 amounts collected in all
17 States under such Federal
18 internal revenue laws in
19 such fiscal year.

20 “(II) TOTAL APPORTIONMENT.—
21 After the adjustment described in sub-
22 clause (I), the amount for each State
23 determined under this subsection for
24 each of fiscal years 2020, 2021, and
25 2022 shall be adjusted by a single

1 multiplicative factor to ensure that
2 the total amount apportioned will not
3 be affected by this clause.

4 “(III) GENERAL FUND TRANS-
5 FER AMOUNT DEFINED.—In this
6 clause, the term ‘General Fund trans-
7 fer amount’ means, for a fiscal year,
8 the product obtained by multiplying
9 the amount identified in section
10 9503(f)(8)(A) of the Internal Revenue
11 Code of 1986 by the proportion
12 that—

13 “(aa) the amount authorized
14 for appropriation under section
15 1101(a)(1) of the FAST Act for
16 that fiscal year; bears to

17 “(bb) the aggregate amount
18 authorized for appropriation
19 under section 1101(a)(1) of the
20 FAST Act for fiscal years 2020,
21 2021, and 2022.”.

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