

114TH CONGRESS  
1ST SESSION

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

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

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IN THE SENATE OF THE UNITED STATES

Mr. DONNELLY (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on

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**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. ADJUSTMENTS TO CERTAIN STATE APPOR-**  
4 **TIONMENT AMOUNTS.**

5 Section 104(c) of title 23, United States Code, is  
6 amended by adding at the end the following:

7 “(3) FOR FISCAL YEAR 2016 AND FISCAL YEARS  
8 THEREAFTER.—



1                   tion under clause (i) shall be adjusted  
2                   to ensure that, for each State, the  
3                   amount of combined apportionments  
4                   for the programs shall not be less  
5                   than an amount equal to—

6                   “ (aa) 95 percent of the ap-  
7                   plicable percentage; multiplied by

8                   “ (bb) the total amount of  
9                   funds available for apporportion-  
10                  ment.

11                  “(II) APPLICABLE PERCENT-  
12                  AGE.—For purposes of this clause, the  
13                  applicable percentage shall be an  
14                  amount, expressed as a percentage,  
15                  equal to the quotient of—

16                  “(aa) the estimated tax pay-  
17                  ments attributable to highway  
18                  users in the State that were paid  
19                  into the Highway Trust Fund  
20                  (other than the Mass Transit Ac-  
21                  count) for the most recent fiscal  
22                  year for which data are available;  
23                  divided by

24                  “(bb) the estimated total tax  
25                  payments attributable to users in

1 all States that were paid into the  
2 Highway Trust Fund (other than  
3 the Mass Transit Account) for  
4 that fiscal year.

5 “(B) STATE APPORTIONMENT.—On Octo-  
6 ber 1 of each fiscal year described in subpara-  
7 graph (A), the Secretary shall apportion the  
8 sum authorized to be appropriated for expendi-  
9 ture on the national highway performance pro-  
10 gram under section 119, the surface transpor-  
11 tation program under section 133, the highway  
12 safety improvement program under section 148,  
13 the congestion mitigation and air quality im-  
14 provement program under section 149, and to  
15 carry out section 134 in accordance with sub-  
16 paragraph (A).”.