

117TH 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

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Mr. CRUZ (for himself, Mr. CORNYN, and Mr. BURR) 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. SHORT TITLE.**

4 This Act may be cited as the “Highway Formula  
5 Fairness Act”.

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

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

6 “(c) CALCULATION OF AMOUNTS.—

7 “(1) STATE SHARE.—For fiscal year 2022 and  
8 each fiscal year thereafter, the amount for each  
9 State of combined apportionments for the national  
10 highway performance program under section 119,  
11 the surface transportation block grant program  
12 under section 133, the highway safety improvement  
13 program under section 148, the congestion mitiga-  
14 tion and air quality improvement program under  
15 section 149, the national highway freight program  
16 under section 167, and to carry out section 134 shall  
17 be determined as follows:

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

23 “(i) the amount of apportionments  
24 that the State received for fiscal year  
25 2012; bears to



1 fiscal year for which data are avail-  
2 able; divided by

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

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