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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 23, United States Code, to provide for a discretionary increase in certain highway funding to take into account population growth of a State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title 23, United States Code, to provide for a discretionary increase in certain highway funding to take into account population growth of a State, 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. DISCRETIONARY INCREASE IN CERTAIN HIGHWAY**
2 **FUNDING FOR POPULATION GROWTH.**

3 (a) IN GENERAL.—Section 104(c)(1) of title 23,
4 United States Code, is amended—

5 (1) in subparagraph (B)—

6 (A) by striking clause (i); and

7 (B) by redesignating clauses (ii) and (iii)

8 as clauses (i) and (ii), respectively; and

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

10 “(C) DISCRETIONARY INCREASE IN
11 AMOUNTS FOR POPULATION GROWTH.—In addi-
12 tion to the amounts described in subparagraphs
13 (A) and (B), the Secretary may provide an ad-
14 ditional amount to each State that has in-
15 creased in population since the previous decen-
16 nial census conducted under section 141(a) of
17 title 13, United States Code, in a proportion
18 based on the relative increase in each such pop-
19 ulation, as determined appropriate by the Sec-
20 retary .”.

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall apply beginning with the first fiscal year
23 beginning after the date of enactment of this Act.

24 **SEC. 3. HIGHWAY FORMULA MODERNIZATION STUDY.**

25 (a) IN GENERAL.—The Secretary of Transportation,
26 in consultation with the State departments of transpor-

1 tation and representatives of local governments (including
2 metropolitan planning organizations), shall conduct a
3 highway formula modernization study to assess the meth-
4 od and data used to apportion Federal-aid highway funds
5 under subsections (b) and (c) of section 104 of title 23,
6 United States Code, and issue recommendations relating
7 to such method and data.

8 (b) ASSESSMENT.—The highway formula moderniza-
9 tion study required under subsection (a) shall include an
10 assessment of, based on the latest available data, whether
11 the apportionment method described in such subsection re-
12 sults in—

13 (1) an equitable distribution of funds based on
14 the estimated tax payments attributable to—

15 (A) highway users in the State that are
16 paid into the Highway Trust Fund; and

17 (B) individuals in the State that are paid
18 to the Treasury, based on contributions to the
19 Highway Trust Fund from the general fund of
20 the Treasury; and

21 (2) the achievement of the goals described in
22 section 101(b)(3) of title 23, United States Code.

23 (c) CONSIDERATIONS.—In the assessment under sub-
24 section (b), the Secretary shall consider the following:

1 (1) The factors described in sections 104(b),
2 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23,
3 United States Code, as in effect on the date of en-
4 actment of SAFETEA-LU (Public Law 109–59;
5 119 Stat. 1144).

6 (2) The availability and accuracy of data nec-
7 essary to calculate formula apportionments under
8 the factors described in paragraph (1).

9 (3) The measures established under section 150
10 of title 23, United States Code, and whether those
11 measures are appropriate for consideration as for-
12 mula apportionment factors.

13 (4) Any other factors that the Secretary deter-
14 mines are appropriate.

15 (d) RECOMMENDATIONS.—The Secretary, in con-
16 sultation with the State departments of transportation
17 and representatives of local governments (including metro-
18 politan planning organizations), shall develop rec-
19 ommendations on a new apportionment method, includ-
20 ing—

21 (1) the factors recommended to be included in
22 the new apportionment method;

23 (2) the weighting recommended to be applied to
24 the factors recommended under paragraph (1); and

1 (3) any other recommendations to ensure that
2 the new apportionment method best achieves an eq-
3 uitable distribution of funds described under sub-
4 section (b)(1) and the goals described in subsection
5 (b)(2).

6 (e) REPORT TO CONGRESS.—Not later than 90 days
7 after the date of enactment of this Act, the Secretary shall
8 submit to Congress a report containing the study con-
9 ducted under subsection (a) and the recommendations de-
10 veloped under subsection (d).