

117TH CONGRESS  
1ST SESSION

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

To require the Secretary of Transportation to carry out a highway formula modernization study, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

Mr. KELLY (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To require the Secretary of Transportation to carry out a highway formula modernization study, 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 Modernization Act of 2021”.

6 **SEC. 2. HIGHWAY FORMULA MODERNIZATION STUDY.**

7 (a) IN GENERAL.—The Secretary of Transportation  
8 (referred to in this section as the “Secretary”), in con-  
9 sultation with the State departments of transportation  
10 and representatives of local governments (including metro-

1 politan planning organizations), shall conduct a highway  
2 formula modernization study to assess the method and  
3 data used to apportion Federal-aid highway funds under  
4 subsections (b) and (c) of section 104 of title 23, United  
5 States Code, and issue recommendations relating to that  
6 method and data.

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

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

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

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

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

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

24 (1) The factors described in sections 104(b),  
25 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23,

1 United States Code, as in effect on the date of en-  
2 actment of SAFETEA-LU (Public Law 109-59;  
3 119 Stat. 1144).

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

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

11 (4) Any other factors that the Secretary deter-  
12 mines are appropriate.

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

19 (1) the factors recommended to be included in  
20 the new apportionment method;

21 (2) the weighting recommended to be applied to  
22 the factors recommended under paragraph (1); and

23 (3) any other recommendations to ensure that  
24 the new apportionment method best achieves an eq-  
25 uitable distribution of funds described under sub-

- 1 section (b)(1) and the goals described in subsection
- 2 (b)(2).