

108TH CONGRESS  
1ST SESSION

# H. R. 2208

To amend title 23, United States Code, relating to the minimum guarantee program.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. DELAY (for himself, Mr. HILL, Mr. ALEXANDER, Mr. BALLENGER, Mr. BALLANCE, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BELL, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOUCHER, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CARTER, Mr. CHOCOLA, Mr. COBLE, Mr. COLLINS, Mr. COMBEST, Mr. CONYERS, Mr. CULBERSON, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DINGELL, Mr. DOGGETT, Mr. EDWARDS, Mr. EHLERS, Mr. ETHERIDGE, Mr. FEENEY, Mr. FERGUSON, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FROST, Mr. FRANKS of Arizona, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GORDON, Mr. GOSS, Mr. GREEN of Texas, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HENSARLING, Mr. HINOJOSA, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISAKSON, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KILDEE, Ms. KILPATRICK, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAMPSON, Mr. LATOURETTE, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MCCOTTER, Mr. MCINTYRE, Ms. MAJETTE, Mr. MARSHALL, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. ORTIZ, Mr. OXLEY, Mr. PAUL, Mr. PENCE, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAW, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPRATT, Mr. STENHOLM, Mr. STEARNS, Mr. STRICKLAND, Mr. STUPAK, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THORBERRY, Mr. TIBERI, Mr. TURNER of Texas, Mr. TURNER of Ohio, Mr. UPTON, Mr. VISCLOSKY, Mr. WAMP, Mr. WATT, Mr. WEXLER, Mr. WILSON of South Carolina, and Mr. WOLF) introduced the following bill;

which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 23, United States Code, relating to the minimum guarantee program.

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 Funding Eq-  
5 uity Act of 2003”.

6 **SEC. 2. MINIMUM GUARANTEE.**

7 Section 105 of title 23, United States Code, is  
8 amended—

9 (1) by striking subsection (a) and subsections  
10 (c) through (f);

11 (2) by redesignating subsection (b) as sub-  
12 section (e);

13 (3) by inserting after the section heading the  
14 following:

15 “(a) IN GENERAL.—

16 “(1) BASIC MINIMUM GUARANTEE.—

17 “(A) IN GENERAL.—For each of fiscal  
18 years 2004 through 2009, the Secretary shall  
19 allocate among the States amounts sufficient to

1 ensure that the percentage for each State of the  
2 total apportionments for the fiscal year for the  
3 National Highway System under section  
4 103(b), the high priority projects program  
5 under section 117, the Interstate maintenance  
6 program under section 119, the surface trans-  
7 portation program under section 133, metro-  
8 politan planning under section 134, the high-  
9 way bridge replacement and rehabilitation pro-  
10 gram under section 144, the congestion mitiga-  
11 tion and air quality improvement program  
12 under section 149, the recreational trails pro-  
13 gram under section 206, the Appalachian devel-  
14 opment highway system under subtitle IV of  
15 title 40, and the basic minimum guarantee  
16 under this paragraph, equals or exceeds the  
17 percentage determined for the State under sub-  
18 paragraph (B).

19 “(B) STATE PERCENTAGES.—

20 “(i) IN GENERAL.—Except as pro-  
21 vided in clause (ii), the percentage for each  
22 State referred to in subparagraph (A) is  
23 the percentage that is equal to 95 percent  
24 of the ratio that—

1           “(I) the estimated tax payments  
2           attributable to highway users in the  
3           State paid into the Highway Trust  
4           Fund (other than the Mass Transit  
5           Account) in the most recent fiscal  
6           year for which data are available;  
7           bears to

8           “(II) the estimated tax payments  
9           attributable to highway users in all  
10          States paid into the Highway Trust  
11          Fund (other than the Mass Transit  
12          Account) in the most recent fiscal  
13          year for which data are available.

14          “(ii) EXCEPTION.—In the case of a  
15          State having a population density of less  
16          than 50 individuals per square mile accord-  
17          ing to the 2000 decennial census, the per-  
18          centage referred to in subparagraph (A)  
19          shall be the greater of—

20                  “(I) the percentage determined  
21                  under clause (i); or

22                  “(II) the percentage specified in  
23                  subsection (e).

24          “(2) DISCRETIONARY MINIMUM GUARANTEE.—

25                  “(A) ALLOCATION.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in subparagraph (B), for each of fis-  
3           cal years 2004 through 2009, on or before  
4           September 30 of the fiscal year, the Sec-  
5           retary shall allocate among the States  
6           amounts sufficient to ensure that, when all  
7           allocations from the Highway Trust Fund  
8           (other than allocations from the Mass  
9           Transit Account, for emergency relief, for  
10          the programs specified in paragraph  
11          (1)(A), and for the discretionary minimum  
12          guarantee under this paragraph) for the  
13          fiscal year have been identified, the per-  
14          centage for each State of all of those allo-  
15          cations for the fiscal year equals or exceeds  
16          the percentage that is equal to 95 percent  
17          of the tax payments ratio determined  
18          under clause (ii).

19          “(ii) TAX PAYMENTS RATIO.—The tax  
20          payments ratio referred to in clause (i) for  
21          a State is equal to the ratio that—

22                 “(I) the estimated tax payments  
23                 attributable to highway users in the  
24                 State paid into the Highway Trust  
25                 Fund (other than the Mass Transit

1 Account) in the most recent fiscal  
2 year for which data are available;  
3 bears to

4 “(II) the estimated tax payments  
5 attributable to highway users in all  
6 States paid into the Highway Trust  
7 Fund (other than the Mass Transit  
8 Account) in the most recent fiscal  
9 year for which data are available.

10 “(B) EXCEPTION.—

11 “(i) IN GENERAL.—For any fiscal  
12 year, no additional amounts shall be allo-  
13 cated to a State under subparagraph (A) if  
14 the ratio determined under clause (ii) for  
15 the State exceeds 95 percent of the tax  
16 payments ratio determined under subpara-  
17 graph (A)(ii).

18 “(ii) RATIO.—The ratio referred to in  
19 clause (i) for a State is equal to the ratio  
20 that—

21 “(I) the sum of—

22 “(aa) the apportionments to  
23 the State for the fiscal year for  
24 the National Highway System  
25 under section 103(b), the high

1 priority projects program under  
2 section 117, the Interstate main-  
3 tenance program under section  
4 119, the surface transportation  
5 program under section 133, met-  
6 ropolitan planning under section  
7 134, the highway bridge replace-  
8 ment and rehabilitation program  
9 under section 144, the congestion  
10 mitigation and air quality im-  
11 provement program under section  
12 149, the recreational trails pro-  
13 gram under section 206, the Ap-  
14 palachian development highway  
15 system under subtitle IV of title  
16 40, and the basic minimum guar-  
17 antee under paragraph (1); and

18 “(bb) the allocations to the  
19 State for the fiscal year from the  
20 Highway Trust Fund (other than  
21 allocations from the Mass Tran-  
22 sit Account and allocations for  
23 emergency relief); bears to

24 “(II) the sum of the apporportion-  
25 ments and allocations specified in sub-

1 clause (I) to all States for the fiscal  
2 year.

3 “(C) OBLIGATION LIMITATIONS.—Obliga-  
4 tion limitations for Federal-aid highways and  
5 highway safety construction programs estab-  
6 lished by the Act enacting this subparagraph or  
7 any subsequent Act shall not apply to appor-  
8 tionments for the discretionary minimum guar-  
9 antee under this paragraph.

10 “(b) TREATMENT OF FUNDS.—

11 “(1) PROGRAMMATIC DISTRIBUTION.—The Sec-  
12 retary shall apportion the amounts made available  
13 under this section that exceed \$2,800,000,000 so  
14 that the amount apportioned to each State under  
15 this paragraph for each program referred to in sub-  
16 section (a)(1)(A) (other than the high priority  
17 projects program, metropolitan planning, the rec-  
18 reational trails program, the Appalachian develop-  
19 ment highway system, and the minimum guarantee  
20 under subsection (a)) is equal to the product ob-  
21 tained by multiplying—

22 “(A) the amount to be apportioned under  
23 this paragraph; and

24 “(B) the ratio that—



1           “(i) the amount of funds apportioned  
2           to the State for each program referred to  
3           in subsection (a)(1)(A) (other than the  
4           high priority projects program, metropoli-  
5           tan planning, the recreational trails pro-  
6           gram, the Appalachian development high-  
7           way system, and the minimum guarantee  
8           under subsection (a)) for a fiscal year;  
9           bears to

10           “(ii) the total amount of funds appor-  
11           tioned to the State for that program for  
12           the fiscal year.

13           “(2) REMAINING DISTRIBUTION.—

14           “(A) IN GENERAL.—Subject to subpara-  
15           graph (B), the Secretary shall apportion the re-  
16           mainder of funds made available under this sec-  
17           tion to the States, and administer those funds,  
18           in accordance with section 104(b)(3).

19           “(B) INAPPLICABLE REQUIREMENTS.—  
20           Paragraphs (1), (2), and (3) of section 133(d)  
21           shall not apply to amounts apportioned in ac-  
22           cordance with this paragraph.

23           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
24           are authorized to be appropriated out of the Highway  
25           Trust Fund (other than the Mass Transit Account) such

1 sums as are necessary to carry out this section for each  
2 of fiscal years 2004 through 2009.

3 “(d) GUARANTEE OF 95 PERCENT RETURN.—

4 “(1) IN GENERAL.—For each of fiscal years  
5 2004 through 2009, before making any apportion-  
6 ment under this title, the Secretary shall—

7 “(A) determine whether the sum of the  
8 percentages determined under subsection  
9 (a)(1)(B) for the fiscal year exceeds 100 per-  
10 cent; and

11 “(B) if the sum of the percentages exceeds  
12 100 percent, proportionately adjust the percent-  
13 ages specified in the table contained in sub-  
14 section (e) to ensure that the sum of the per-  
15 centages determined under subsection (a)(1)(B)  
16 for the fiscal year equals 100 percent.

17 “(2) ELIGIBILITY THRESHOLD FOR ADJUST-  
18 MENT.—The Secretary may make an adjustment  
19 under paragraph (1) for a State for a fiscal year  
20 only if the percentage for the State in the table con-  
21 tained in subsection (e) is equal to or exceeds 95  
22 percent of the ratio determined for the State under  
23 subsection (a)(1)(B)(i) for the fiscal year.

24 “(3) LIMITATION ON ADJUSTMENTS.—Adjust-  
25 ments of the percentages in the table contained in

1 subsection (e) in accordance with this subsection  
2 shall not result in a total of the percentages deter-  
3 mined under subsection (a)(1)(B) that exceeds 100  
4 percent.”; and

5 “(4) in subsection (e) (as redesignated by para-  
6 graph (2)), by striking “subsection (a)” and insert-  
7 ing “subsections (a)(1)(B)(ii)(II) and (d)”.

○