§ 31314. Withholding amounts for State noncompliance

(a) First Fiscal Year.— The Secretary of Transportation shall withhold up to 5 percent of the amount required to be apportioned to a State under section 104 (b)(1), (3), and (4) of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311 (a) of this title.

(b) Second Fiscal Year.— The Secretary shall withhold up to 10 percent of the amount required to be apportioned to a State under section 104 (b)(1), (3), and (4) of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311 (a) of this title.

(c) Availability for Apportionment.— Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.


Historical and Revision Notes

<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31314(b)</td>
<td>49 App.:2710(b).</td>
<td></td>
</tr>
<tr>
<td>31314(c)</td>
<td>49 App.:2710(c)(1).</td>
<td></td>
</tr>
<tr>
<td>31314(d)</td>
<td>49 App.:2710(c)(2), (3).</td>
<td></td>
</tr>
<tr>
<td>31314(e)</td>
<td>49 App.:2710(c)(4).</td>
<td></td>
</tr>
</tbody>
</table>

In this section, the word “amounts” is substituted for “funds” and “sums” for consistency in the revised title.

In subsection (e), the words “by the Secretary” are omitted as surplus.

Amendments

2005—Subsecs. (a), (b). Pub. L. 109–59 inserted “up to” after “withhold”.

1998—Subsecs. (a), (b). Pub. L. 105–178, § 4011(h)(1), as added by Pub. L. 105–206, substituted “section 104 (b)(1), (3), and (4) of title 23” for “section 104 (b)(1), (3), and (5) of title 23”.

Pub. L. 105–178, § 4011(g)(1), substituted “section 104 (b)(1), (3), and (5) of title 23” for “section 104 (b)(1), (2), (5), and (6) of title 23”.

Subsec. (c). Pub. L. 105–178, § 4011(g)(2), struck out par. (2) designation and struck out par. (1) which read as follows: “Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:
“(A) If the amounts would have been apportioned under section 104 (b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

“(B) If the amounts would have been apportioned under section 104 (b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.”

Subsec. (d). Pub. L. 105–178, § 4011(h)(2), as added by Pub. L. 105–206, struck out heading and text of subsec. (d). Text read as follows: “If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311 (a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104 (b)(5) of title 23, the amounts lapse and are available for projects under section 118 (b) of title 23.”

Pub. L. 105–178, § 4011(g)(3), (4), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311 (a) of this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

“(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104 (b)(5) of title 23, lapse and are available for projects under section 118 (b) of title 23.”


Effective Date of 1998 Amendment