

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that—

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) **LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.**—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

(Added Pub. L. 105-178, title I, §1405(a), as added Pub. L. 105-206, title IX, §9005(a), July 22, 1998, 112 Stat. 843; amended Pub. L. 109-59, title I, §1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225; Pub. L. 112-141, div. A, title I, §1402, July 6, 2012, 126 Stat. 556.)

REFERENCES IN TEXT

Section 104, referred to in subsec. (c)(1), was amended generally by Pub. L. 112-141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

PRIOR PROVISIONS

A prior section 154, added Pub. L. 93-643, §114(a), Jan. 4, 1975, 88 Stat. 2286; amended Pub. L. 95-599, title II, §205, Nov. 6, 1978, 92 Stat. 2729; Pub. L. 97-35, title XI, §1108, Aug. 13, 1981, 95 Stat. 626; Pub. L. 100-17, title I, §174, Apr. 2, 1987, 101 Stat. 218; Pub. L. 102-240, title I, §1029(a), (b), (e), (g), Dec. 18, 1991, 105 Stat. 1968-1970, established the national maximum speed limit, prior to repeal by Pub. L. 104-59, title II, §205(d)(1)(B), (3), Nov. 28, 1995, 109 Stat. 577, applicable to State on 10th day following Nov. 28, 1995, except that if legislature was not in session on such date and chief executive officer declared before such date that legislature was not in session and that State preferred applicability date that was after date on which legislature would convene, applicable to State on 60th day following date on which legislature would next convene.

AMENDMENTS

2012—Subsec. (c)(2). Pub. L. 112-141, §1402(1), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).”

Subsec. (c)(3). Pub. L. 112-141, §1402(2), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 148.”

Subsec. (c)(5). Pub. L. 112-141, §1402(3), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “The amount to be transferred under paragraph (1) or (2) may be derived from one or more of the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(3).

“(C) The apportionment of the State under section 104(b)(4).”

2005—Subsec. (c)(3). Pub. L. 109-59 substituted “148” for “152”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE

Section effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as an Effective Date of 1998 Amendment note under section 101 of this title.

§ 155. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 93-643, §115(a), Jan. 4, 1975, 88 Stat. 2287; amended Pub. L. 95-599, title I, §129(e), Nov. 6, 1978, 92 Stat. 2708, related to access highways to public recreation areas on certain lakes.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 156. Proceeds from the sale or lease of real property

(a) **MINIMUM CHARGE.**—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

(b) **EXCEPTIONS.**—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

(c) **USE OF FEDERAL SHARE OF INCOME.**—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.

(Added Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167; amended Pub. L. 102-240, title I, §1027(f), Dec. 18, 1991, 105 Stat. 1967; Pub. L. 105-178, title I, §1303(a), June 9, 1998, 112 Stat. 227.)

PRIOR PROVISIONS

A prior section 156, added Pub. L. 94-280, title I, §132(a), May 5, 1976, 90 Stat. 441, authorized the Secretary to construct or reconstruct any public highway or highway bridge across any Federal public works project, specified conditions under which such work may be done, and authorized appropriations for such work of \$100,000,000 to be available in the fiscal year in which appropriated and for the two succeeding fiscal years, prior to repeal by Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167.

AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as fol-

lows: “Subject to section 142(f), States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.”

1991—Pub. L. 102-240 substituted “Subject to section 142(f), States shall” for “States shall”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

[§ 157. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 105-178, title I, § 1403(a), June 9, 1998, 112 Stat. 237; amended Pub. L. 108-88, § 6(a)(1), Sept. 30, 2003, 117 Stat. 1119; Pub. L. 108-202, § 6(a), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108-224, § 5(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, § 5(a), June 30, 2004, 118 Stat. 703; Pub. L. 108-280, § 5(a), July 30, 2004, 118 Stat. 881; Pub. L. 108-310, § 6(a)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109-14, § 5(a)(1), May 31, 2005, 119 Stat. 329; Pub. L. 109-20, § 5(a)(1), July 1, 2005, 119 Stat. 351; Pub. L. 109-35, § 5(a)(1), July 20, 2005, 119 Stat. 384; Pub. L. 109-37, § 5(a)(1), July 22, 2005, 119 Stat. 399; Pub. L. 109-40, § 5(a)(1), July 28, 2005, 119 Stat. 415; Pub. L. 109-59, title I, § 1406, Aug. 10, 2005, 119 Stat. 1231, related to safety incentive grants for use of seat belts.

A prior section 157, added Pub. L. 97-424, title I, § 150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99-272, title IV, § 4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100-17, title I, §§ 105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102-240, title I, §§ 1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103-272, § 5(f)(3), July 5, 1994, 108 Stat. 1374, related to minimum allocations to States, prior to repeal by Pub. L. 105-178, title I, § 1403(a), June 9, 1998, 112 Stat. 237.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—

(A) FISCAL YEARS BEFORE 2012.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4)¹ of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession

in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(B) FISCAL YEAR 2012 AND THEREAFTER.—For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 per cent of the amount apportioned to the non-compliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b).

(2) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session of the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

(3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98-363, § 6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99-272, title IV, § 4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-178, title I, § 1103(l)(2), June 9, 1998, 112 Stat. 125; Pub. L. 112-141, div. A, title I, § 1404(f), July 6, 2012, 126 Stat. 558.)

REFERENCES IN TEXT

Section 104 of this title, referred to in subsec. (a)(1)(A), was amended generally by Pub. L. 112-141, div. A, title I, § 1105(a), July 6, 2012, 126 Stat. 427.

The date of the enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

The Internal Revenue Code of 1986, referred to in subsec. (c), is set out in Title 26, Internal Revenue Code.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112-141 designated existing provisions as subpar. (A), inserted subpar. heading, and added subpar. (B).

1998—Subsec. (a)(1). Pub. L. 105-178, § 1103(l)(2)(A)(i)–(iii), redesignated par. (2) as (1), substituted “In general” for “After the first year” in heading and “104(b)(3), and 104(b)(4)” for “104(b)(2), 104(b)(5), and 104(b)(6)” in text, and struck out former par. (1) which read as follows:

“(1) FIRST YEAR.—The Secretary shall withhold 5 per centum of the amount required to be apportioned to

¹ See References in Text note below.