

117TH CONGRESS
1ST SESSION

H. R. 3734

To amend title 23, United States Code, to increase the Federal share payable for certain projects in environmental justice communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Ms. TITUS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to increase the Federal share payable for certain projects in environmental justice communities, 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. CONGESTION MITIGATION AND AIR QUALITY**

4 **IMPROVEMENT PROGRAM.**

5 Section 149(b) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (8)(B) by striking “; or” and
8 inserting a semicolon;

1 (2) in paragraph (9) by striking the period and
2 inserting “; or”; and

3 (3) by adding at the end the following:

4 “(10) other projects that the Secretary deter-
5 mines to be more cost-effective in improving air
6 quality than projects described in paragraphs (1)
7 through (9).”.

8 **SEC. 2. FEDERAL SHARE.**

9 Section 120(b) of title 23, United States Code, is
10 amended by adding at the end the following:

11 “(3) ENVIRONMENTAL JUSTICE COMMU-
12 NITIES.—

13 “(A) IN GENERAL.—The Secretary may in-
14 crease the Federal share payable on account of
15 a project or program eligible under section 149
16 by 10 percent, up to 100 percent of the total
17 project cost of any such project, if the Sec-
18 retary determines that the project benefits an
19 environmental justice community through re-
20 ducing adverse environmental exposures that
21 may disproportionately impact such commu-
22 nities.

23 “(B) ENVIRONMENTAL JUSTICE COMMU-
24 NITY DEFINED.—In this paragraph, the term
25 ‘environmental justice community’ means a

1 community that is low-income or predominately
2 populated by racial or ethnic minorities.”.

3 **SEC. 3. FORMULA MODERNIZATION STUDY.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation, in consultation with the Administrator of the Envi-
7 ronmental Protection Agency, shall submit to the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Environment
10 and Public Works of the Senate a congestion mitigation
11 and air quality formula modernization report.

12 (b) ASSESSMENT.—The report under subsection (a)
13 shall include an assessment by the Secretary as to whether
14 the current apportionment method under section
15 104(b)(4) of title 23, United States Code, results in a dis-
16 tribution of funds that best achieves the air quality goals
17 of section 149 of title 23, United States Code, taking into
18 account the considerations described in subsection (c).

19 (c) CONSIDERATIONS.—To support the assessment
20 under paragraph (3), the Administrator shall provide an
21 analysis of—

22 (1) the factors that contribute to the current
23 apportionment, including population, types of pollut-
24 ants, and severity of pollutants;

1 (2) the weighting of the factors listed in para-
2 graph (1); and

3 (3) the recency of the data used in making the
4 apportionment under section 104(b)(4) of title 23,
5 United States Code.

6 (d) RECOMMENDATIONS.—If, under the assessment
7 under subsection (b), the Secretary finds that modifying
8 the current apportionment method under section
9 104(b)(4) of title 23, United States Code, would best
10 achieve the air quality goals of this section, the Secretary
11 shall, in consultation with the Administrator, include in
12 the report under subsection (a) recommendations on a new
13 apportionment method including—

14 (1) the factors recommended to be included in
15 such apportionment method;

16 (2) the weighting recommended to be applied to
17 the factors under subsection (c)(1); and

18 (3) any other recommendations to ensure that
19 the apportionment method best achieves the air
20 quality goals of section 149 of title 23, United
21 States Code.

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