

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

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

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## 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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