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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend title 23, United States Code, to modify the apportionment formula for the congestion mitigation and air quality improvement program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. TITUS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 23, United States Code, to modify the apportionment formula for the congestion mitigation and air quality improvement program, 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. SHORT TITLE.**

4 This Act may be cited as the “Congestion Mitigation
5 and Air Quality Improvement Modernization Act”.

6 **SEC. 2. APPORTIONMENT.**

7 Section 104(b)(4) of title 23, United States Code, is
8 amended to read as follows:

1 “(4) CONGESTION MITIGATION AND AIR QUAL-
2 ITY IMPROVEMENT PROGRAM.—

3 “(A) CALCULATION.—For the congestion
4 mitigation and air quality improvement pro-
5 gram, an amount determined by multiplying the
6 amount of the base apportionment remaining
7 for the State under subsection (c) after making
8 the set aside in accordance with paragraph (5)
9 by the proportion that—

10 “(i) the total of all weighted county
11 populations with monitored pollutant con-
12 centrations above national ambient air
13 quality standards in the State; bears to

14 “(ii) the total of all weighted county
15 populations with monitored pollutant con-
16 centrations above national ambient air
17 quality standards in all States.

18 “(B) CALCULATION OF WEIGHTED POPU-
19 LATIONS WITH MONITORED POLLUTION CON-
20 CENTRATIONS ABOVE NATIONAL AMBIENT AIR
21 QUALITY STANDARDS.—Subject to subpara-
22 graphs (C), (D), and (E), for the purpose of
23 subparagraph (A), the weighted population in
24 counties with pollution concentrations above na-
25 tional ambient air quality standards shall be

1 calculated by multiplying the population of each
2 county by a factor determined from the ratio of
3 design values to national ambient air quality
4 standards.

5 “(C) DESIGN VALUES OF OZONE.—

6 “(i) IN GENERAL.—In making the cal-
7 culation under subparagraph (B), for coun-
8 ties with design values of ozone greater
9 than the national ambient air quality
10 standard, the population of a monitored
11 county is multiplied by a factor of—

12 “(I) the average of 2013-2015
13 and 2016-2018 design values, pro-
14 vided by the Environmental Protec-
15 tion Agency Administrator; bears to

16 “(II) the primary national ambi-
17 ent air quality standard for ozone es-
18 tablished by the Administrator under
19 109(b) of the Clean Air Act (42
20 U.S.C. 7409(b)).

21 “(ii) SPECIAL RULE.—If the average
22 of design values from 2013-2015 and
23 2016-2018 is not greater than the primary
24 national ambient air quality standard for
25 ozone, a weighting factor of zero is applied.

1 “(iii) MAXIMUM FACTOR.—Notwith-
2 standing clauses (i) and (ii), the maximum
3 factor to be applied for ozone shall not ex-
4 ceed 1.4.

5 “(D) DESIGN VALUES OF FINE PARTICU-
6 LATE MATTER.—

7 “(i) IN GENERAL.—For counties with
8 design values of fine particulate matter
9 greater than the national ambient air qual-
10 ity standards, the population of a mon-
11 itored county is multiplied by a the greater
12 factor of—

13 “(I) the average of the 2013-
14 2015 and 2016-2018 design values for
15 annual concentrations of fine particu-
16 late matter, provided by the Environ-
17 mental Protection Agency Adminis-
18 trator; bears to

19 “(II) the primary national ambi-
20 ent air quality standard for fine par-
21 ticulate matter for annual concentra-
22 tions established by the Administrator
23 under 109(b) of the Clean Air Act (42
24 U.S.C. 7409(b)); or

1 “(III) the average of the 2013-
2 2015 and 2016-2018 design values for
3 24-hour averaging time of fine particulate
4 matter, provided by the Environmental
5 Protection Agency Administrator;
6 bears to

7 “(IV) the primary national ambient
8 air quality standard for fine particulate
9 matter for 24-hour averaging
10 time established by the Administrator
11 under 109(b) of the Clean Air Act (42
12 U.S.C. 7409(b)).

13 “(ii) SPECIAL RULE.—If the average
14 of design values from 2013-2015 and
15 2016-2018 are not greater than the primary
16 national ambient air quality standards
17 for particulate matter, a weighting
18 factor of zero is applied.

19 “(iii) MAXIMUM FACTOR.—Notwithstanding
20 clause (i), the maximum factor to
21 be applied for fine particulate matter shall
22 not exceed 1.4.

23 “(E) DESIGN VALUES OF BOTH OZONE
24 AND PARTICULATE MATTER.—Notwithstanding
25 subparagraphs (B) through (D), for counties

1 with design values greater than the national
2 ambient air quality standards for both ozone
3 and particulate matter, a new factor, deter-
4 mined by multiplying the factors determined in
5 subparagraphs (C) and (D), is applied to coun-
6 ty populations in place of the individual factors
7 determined in subparagraphs (C) and (D).

8 “(F) MINIMUM APPORTIONMENT.—Not-
9 withstanding any other provision of this para-
10 graph, the minimum apportionment for a State
11 under this paragraph shall be one half of 1 per-
12 cent of the funds apportioned under this para-
13 graph.

14 “(G) MAXIMUM APPORTIONMENT.—Not-
15 withstanding any other provision of this para-
16 graph, the maximum apportionment for a State
17 under this paragraph shall be 25 percent of the
18 funds apportioned under this paragraph.

19 “(H) DETERMINATIONS OF POPU-
20 LATION.—In determining county population for
21 purposes of this paragraph, the Secretary shall
22 use the latest available annual estimates pre-
23 pared by the Secretary of Commerce.”.

1 **SEC. 3. CONGESTION MITIGATION AND AIR QUALITY IM-**
2 **PROVEMENT PROGRAM.**

3 Section 149 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) by striking “, carbon monoxide,”;

7 (B) by striking “186(a),”;

8 (C) by striking “7512(a),”;

9 (D) in paragraph (8)(B) by striking “; or”
10 and inserting a semicolon;

11 (E) in paragraph (9) by striking the period
12 at the end and inserting “; or”; and

13 (F) by adding at the end the following:

14 “(10) other projects, if determined by the Sec-
15 retary, to be more cost-effective than projects de-
16 scribed in paragraphs (1) through (9).”;

17 (2) in subsection (c) by striking “carbon mon-
18 oxide, or both, and for”;

19 (3) by amending subsection (d) to read as fol-
20 lows:

21 “(d) STATES FLEXIBILITY.—If a State does not
22 have, and never has had, a nonattainment area designated
23 under the Clean Air Act (42 U.S.C. 7401 et seq.), the
24 State may use funds apportioned to the State under sec-
25 tion 104(b)(4) for any project in the State that—

1 “(1) would otherwise be eligible under sub-
2 section (b) as if the project were carried out in a
3 nonattainment or maintenance area; or

4 “(2) is eligible under the surface transportation
5 block grant program under section 133.”.