AMENDMENT TO RULES COMMITTEE PRINT 116–54

OFFERED BY MS. MOORE OF WISCONSIN

Page 1691, after line 20, insert the following:

SEC. 40102. OFFICE OF EQUITY, INCLUSION, AND ENVIRONMENTAL JUSTICE.

(a) IN GENERAL.—There is established within the Office of the Secretary of the Department of Transportation an Office of Equity, Inclusion, and Environmental Justice.

(b) DUTY.—The duties of the Office shall be:

(1) To lead the Department of Transportation’s efforts to ensure a fast, safe, efficient, accessible, and convenient transportation system for all communities nationwide, including promoting the meaningfully, sustained, and successful involvement of low-income, Tribal, minority and other vulnerable communities in project planning, development, and implementation.

(2) To advise the Secretary of Transportation and provide guidance to the various Department of Transportation components on how to ensure the fair treatment and meaningful involvement of all
people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of Department’s programs and activities.

(c) REQUIREMENTS.—In carrying out the duties described in subsection (b), the Office shall—

(1) work across the Department of Transportation to ensure that environmental justice considerations are incorporated into all of the Department’s programs, policies, and activities;

(2) assess and improve the Department’s processes for ensuring the full and fair participation by all potentially affected communities in the transportation decision-making process;

(3) ensure that the process for determining whether a Department of Transportation program, policy, or activity or a Department of Transportation funded program, policy, or activity is likely to have disproportionately high and adverse human health or environmental effects on minority or low-income population is consistent across the Department, including take steps to annually assess such process in each modal Administration;

(4) not less than annually, make recommendations to the Secretary and the modal Administra-
tions on ways the Secretary and the modal Adminis-
trations can better integrate equity and environ-
mental justice considerations into existing regul-
ations, policies, grant making, guidance, and oper-
ations;

(5) create a process for communities disparately
and adversely impacted by Department of Transpor-
tation funded activities and projects to raise equity
and environmental concerns, including a process to
seek redress for any harm created;

(6) assess the Department’s compliance with
Executive Order 12898, titled “Federal Actions to
Address Environmental Justice in Minority Popu-
lations and Low-Income Populations” and the direc-
tion that “Federal agencies must identify and ad-
dress, as appropriate, disproportionately high and
adverse human health or environmental effects of
their programs, policies, and activities on minority
populations and low-income populations.”;

(7) regularly review and make recommendations
about the tools and documents regarding environ-
mental justice developed by the modal Administra-
tions, which may include guidance, best practices,
handbooks, administrative statements, circulars, or
other products, as appropriate;
(8) track and monitor any changes to the public involvement process, including in compliance with the National Environmental Policy Act, that will impact equity, inclusion, and environmental justice, including the ability of low-income and minority communities to meaningfully be involved in federally funded Department of Transportation projects;

(9) regularly collect public input and data and conduct research as necessary about the equity and environmental justice impact of DOT programs and activities;

(10) lead efforts to regularly update the Department’s environmental justice strategy, not less than once every 4 years, with input from the public and after consultation with the modal Administrations and State and local transportation officials; and

(11) chair the Department of Transportation Environmental Justice Working Group, comprised of representatives from each administration within the Department of Transportation and ensure regular meetings of this group to integrate environmental justice considerations into projects, policies, and programs across the each mode within the Department.

(d) DEFINITIONS.—In this section:
(1) MODAL ADMINISTRATIONS.—The term “modal Administration” includes—

(A) the Federal Highway Administration;
(B) the Federal Transit Administration;
(C) the Federal Aviation Administration;
(D) the Maritime Administration;
(Е) the Pipeline and Hazardous Materials Safety Administration; and
(F) the Federal Railroad Administration.

(2) FAIR TREATMENT.—The term “fair treatment” means that no population, due to policy or economic disempowerment, is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, $10,000,000 for each of fiscal years 2021 through 2025.