

AMENDMENT TO RULES COMMITTEE PRINT 116-

54

OFFERED BY MS. MOORE OF WISCONSIN

Page 1691, after line 20, insert the following:

1 **SEC. 40102. OFFICE OF EQUITY, INCLUSION, AND ENVIRON-**
2 **MENTAL JUSTICE.**

3 (a) IN GENERAL.—There is established within the
4 Office of the Secretary of the Department of Transpor-
5 tation an Office of Equity, Inclusion, and Environmental
6 Justice.

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

8 (1) To lead the Department of Transportation's
9 efforts to ensure a fast, safe, efficient, accessible,
10 and convenient transportation system for all commu-
11 nities nationwide, including promoting the meaning-
12 fully, sustained, and successful involvement of low-
13 income, Tribal, minority and other vulnerable com-
14 munities in project planning, development, and im-
15 plementation.

16 (2) To advise the Secretary of Transportation
17 and provide guidance to the various Department of
18 Transportation components on how to ensure the
19 fair treatment and meaningful involvement of all

1 people regardless of race, color, national origin, or
2 income, with respect to the development, implemen-
3 tation, and enforcement of Department's programs
4 and activities.

5 (c) REQUIREMENTS.—In carrying out the duties de-
6 scribed in subsection (b), the Office shall—

7 (1) work across the Department of Transpor-
8 tation to ensure that environmental justice consider-
9 ations are incorporated into all of the Department's
10 programs, policies, and activities;

11 (2) assess and improve the Department's proc-
12 esses for ensuring the full and fair participation by
13 all potentially affected communities in the transpor-
14 tation decision-making process;

15 (3) ensure that the process for determining
16 whether a Department of Transportation program,
17 policy, or activity or a Department of Transpor-
18 tation funded program, policy, or activity is likely to
19 have disproportionately high and adverse human
20 health or environmental effects on minority or low-
21 income population is consistent across the Depart-
22 ment, including take steps to annually assess such
23 process in each modal Administration;

24 (4) not less than annually, make recommenda-
25 tions to the Secretary and the modal Administra-

1 tions on ways the Secretary and the modal Adminis-
2 trations can better integrate equity and environ-
3 mental justice considerations into existing regula-
4 tions, policies, grant making, guidance, and oper-
5 ations;

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

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

20 (7) regularly review and make recommendations
21 about the tools and documents regarding environ-
22 mental justice developed by the modal Administra-
23 tions, which may include guidance, best practices,
24 handbooks, administrative statements, circulars, or
25 other products, as appropriate;

1 (8) track and monitor any changes to the public
2 involvement process, including in compliance with
3 the National Environmental Policy Act, that will im-
4 pact equity, inclusion, and environmental justice, in-
5 cluding the ability of low-income and minority com-
6 munities to meaningfully be involved in federally
7 funded Department of Transportation projects;

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

12 (10) lead efforts to regularly update the De-
13 partment's environmental justice strategy, not less
14 than once every 4 years, with input from the public
15 and after consultation with the modal Administra-
16 tions and State and local transportation officials;
17 and

18 (11) chair the Department of Transportation
19 Environmental Justice Working Group, comprised of
20 representatives from each administration within the
21 Department of Transportation and ensure regular
22 meetings of this group to integrate environmental
23 justice considerations into projects, policies, and pro-
24 grams across the each mode within the Department.

25 (d) DEFINITIONS.—In this section:

1 (1) MODAL ADMINISTRATIONS.—The term
2 “modal Administration” includes—

3 (A) the Federal Highway Administration;

4 (B) the Federal Transit Administration;

5 (C) the Federal Aviation Administration;

6 (D) the Maritime Administration;

7 (E) the Pipeline and Hazardous Materials
8 Safety Administration; and

9 (F) the Federal Railroad Administration.

10 (2) FAIR TREATMENT.—The term “fair treat-
11 ment” means that no population , due to policy or
12 economic disempowerment, is forced to bear a dis-
13 proportionate burden of the negative human health
14 and environmental impacts, including social and eco-
15 nomic effects, resulting from transportation deci-
16 sions, programs and policies made, implemented and
17 enforced at the Federal, State, local or tribal level.

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

