

118TH CONGRESS
1ST SESSION

S. _____

To amend title 23, United States Code, to provide sanctions for States using certain congestion pricing systems, to amend the Intermodal Surface Transportation Efficiency Act of 1991 to require consent of affected States in carrying out value pricing pilot projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 23, United States Code, to provide sanctions for States using certain congestion pricing systems, to amend the Intermodal Surface Transportation Efficiency Act of 1991 to require consent of affected States in carrying out value pricing pilot projects, 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 [“_____ Act
5 of _____”].]

1 **SEC. 2. SANCTIONS FOR STATES USING CERTAIN CONGES-**
2 **TION PRICING SYSTEMS.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by inserting after section 159 the
5 following:

6 **“§ 160. Sanctions for States using certain congestion**
7 **pricing systems**

8 “(a) IN GENERAL.—On October 1, [2023], and each
9 October 1 thereafter, the Secretary shall withhold the
10 amounts described in subsection (b) from the amount re-
11 quired to be apportioned to the State under section 104(b)
12 for that fiscal year from each State that implements a con-
13 gestion pricing system described in, or similar to, the pro-
14 gram described in the environmental assessment titled
15 ‘Final Environmental Assessment and Draft Finding of
16 No Significant Impact (FONSI) for Central Business Dis-
17 trict (CBD) Tolling Program, Manhattan, New York’,
18 dated April 2023.

19 “(b) AMOUNTS DESCRIBED.—The amounts referred
20 to in subsection (a) are—

21 “(1) for amounts required to be apportioned to
22 the State under section 104(b)(1), 50 percent; and

23 “(2) for amounts required to be apportioned to
24 the State under section 104(b)(2), 50 percent.

1 “(c) EFFECT OF WITHHOLDING.—No funds withheld
2 under this section from apportionment to a State shall be
3 available to that State.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is amended by insert-
6 ing after the item relating to section 159 the following:

“160. Sanction for States using certain congestion pricing systems.”.

7 **SEC. 3. VALUE PRICING PILOT PROGRAM.**

8 Section 1012(b) of the Intermodal Surface Transpor-
9 tation Efficiency Act of 1991 (23 U.S.C. 149 note; Public
10 Law 102–240) is amended—

11 (1) by redesignating paragraph (8) as para-
12 graph (9); and

13 (2) by inserting after paragraph (7) the fol-
14 lowing:

15 “(8) CONSENT OF AFFECTED STATES.—Before
16 implementing a value pricing pilot program under
17 this subsection, the project sponsor shall meaning-
18 fully engage with, and receive consent from, each
19 State reasonably affected by the value pricing pilot
20 program, including any State with a geographic area
21 included in a regional or local study area included in
22 an environmental review prepared in accordance
23 with the National Environmental Policy Act of 1969
24 (42 U.S.C. 4321 et seq.).”.