

117TH CONGRESS
1ST SESSION

H. R. 3201

To provide funds to State transportation departments for surface
transportation projects.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. LAMB (for himself, Mr. GIBBS, and Mr. CARBAJAL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide funds to State transportation departments for
surface transportation projects.

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 “Providing Assistance
5 for Vital Enhancements Act” or the “PAVE Act”.

1 **SEC. 2. ASSISTANCE TO STATE TRANSPORTATION DEPART-**
2 **MENTS.**

3 (a) FORMULA GRANT PROGRAM.—Funds made avail-
4 able under this section shall be—

5 (1) available for obligation in the same manner
6 as if such funds were apportioned under chapter 1
7 of title 23, United States Code;

8 (2) apportioned not later than 30 days after the
9 date of enactment of this Act; and

10 (3) distributed to States in the same ratio as
11 the obligation limitation for fiscal year 2020 was
12 distributed among the States in accordance with the
13 formula specified in subparagraphs (A) and (B) of
14 section 120(a)(5) of division H of Public Law 116-
15 94.

16 (b) ELIGIBLE USES OF FUNDS.—

17 (1) IN GENERAL.—A State may use the funds
18 provided under subsection (f) for—

19 (A) activities eligible under section 133 (b)
20 of title 23, United States Code; and

21 (B) administrative and operating expenses,
22 including the salaries of employees (including
23 employees who have been placed on administra-
24 tive leave) or contractors, information tech-
25 nology, and availability payments.

1 (2) SPECIAL RULE.—The expenses under para-
2 graph (1)(B) are not required to be included in a
3 transportation improvement plan or statewide trans-
4 portation improvement plan under sections 134 and
5 135, of title 23 United States Code.

6 (c) FEDERAL SHARE.—

7 (1) IN GENERAL.—Notwithstanding section 120
8 of title 23, United States Code, the Federal share
9 for funds apportioned for fiscal year 2021 under this
10 Act, at the option of the recipient, shall be up to
11 100 percent.

12 (2) NON-FEDERAL SHARE.—Funds provided
13 under this section shall be available for any non-
14 Federal share of project costs required under title
15 23, United States Code, and for the non-Federal
16 share of grants awarded by the Department of
17 Transportation for Better Utilizing Investments
18 Leveraging Development (BUILD) grants.

19 (d) PREVAILING RATE OF WAGE.—Notwithstanding
20 any other provision of law, the Secretary of Transpor-
21 tation shall require projects funded under this section to
22 comply with of section 113(a) of title 23, United States
23 Code, with respect to all construction work, in the same
24 manner that a recipient of assistance under chapter 1 of
25 such title is required to comply with such subsection for

1 construction work performed on Federal-aid highway
2 projects.

3 (e) DEFINITIONS.—For purposes of this Act—

4 (1) the term “Secretary” means the Secretary
5 of Transportation; and

6 (2) the term “State” has the same meaning
7 given such term in section 101(a)(26) of title 23,
8 United States Code.

9 (f) FUNDING.—

10 (1) IN GENERAL.—Out of any funds in the
11 General Fund of the Treasury not otherwise appro-
12 priated, there are appropriated to provide emergency
13 assistance to States under this section,
14 \$18,000,000,000 for fiscal year 2021, to remain
15 available through fiscal year 2024.

16 (2) EMERGENCY DESIGNATION.—

17 (A) IN GENERAL.—The amounts provided
18 by this section are designated as an emergency
19 requirement pursuant to section 4(g) of the
20 Statutory Pay-As-You-Go Act of 2010 (2
21 U.S.C. 933(g)).

22 (B) EMERGENCY REQUIREMENT.—The
23 amount made available by this subsection is
24 designated by the Congress as being for an
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985 and
3 shall be available only if the President subse-
4 quently so designates all such amounts and
5 transmits such designations to the Congress.

6 (C) DESIGNATION IN SENATE.—In the
7 Senate, this section is designated as an emer-
8 gency requirement pursuant to section 4112(a)
9 of H. Con. Res. 71 (115th Congress), the con-
10 current resolution on the budget for fiscal year
11 2018.

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