

117TH CONGRESS  
1ST SESSION

# S. 1765

To amend title 23, United States Code, to provide greater flexibility for multimodal freight improvements, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to provide greater flexibility for multimodal freight improvements, 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 “Future of Freight Mo-  
5 bility Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the national movement of freight is critical  
9 to the economic growth of the United States, trans-  
10 porting \$1,240,000,000,000 in goods each year, ac-

1 counting for nearly 6 percent of annual gross domes-  
2 tic product in the United States;

3 (2) multimodal movement of freight, via road,  
4 air, rail and water, is critical to the national com-  
5 petitiveness of the United States, supporting every  
6 sector of the United States economy by employing a  
7 cohesive network to both distribute goods around the  
8 country and deliver exports of the United States to  
9 the rest of the world;

10 (3) the United States inland waterways system  
11 moves more than 500,000,000,000 tons of water-  
12 borne cargo every year, valued at over  
13 \$130,000,000,000, and sustains over 65,000 jobs;

14 (4) the McClellan-Kerr Arkansas River Naviga-  
15 tion System (referred to in this Act as the  
16 “MKARNS”) moves more than \$4,000,000,000 in  
17 critical commodities every year and supports more  
18 than 56,000 jobs, driving economic growth and effi-  
19 ciency for a 12-State region consisting of Oklahoma,  
20 Arkansas, Kansas, Texas, Colorado, Montana, Ne-  
21 braska, Minnesota, South Dakota, North Dakota,  
22 Missouri, and Idaho;

23 (5) Congress authorized the Corps of Engineers  
24 to deepen the MKARNS from 9 feet to 12 feet in

1 2003, and approximately 90 percent of the  
2 MKARNS is already 12 feet deep; and

3 (6) in 2015, the Maritime Administration—

4 (A) designated the MKARNS as Marine  
5 Highway Corridor M-40; and

6 (B) changed the status of the MKARNS  
7 from a moderate to high-use waterway after wa-  
8 terborne commerce increased.

9 **SEC. 3. FEDERAL-AID HIGHWAY PROGRAM.**

10 (a) **NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
11 **WAY PROJECTS.**—Section 117(d)(1)(A) of title 23, United  
12 States Code, is amended—

13 (1) in clause (iii)(II), by striking “or” at the  
14 end;

15 (2) in clause (iv), by striking “and” at the end  
16 and inserting “or”; and

17 (3) by adding at the end the following:

18 “(v) a project on Marine Highway  
19 Corridor M-40 in Arkansas and Oklahoma  
20 on the Arkansas, Verdigris, and White Riv-  
21 ers, if the Secretary determines that the  
22 project—

23 “(I) is functionally connected to  
24 the National Highway Freight Net-  
25 work; and

1                   “(II) is likely to reduce on-road  
2                   mobile source emissions; and”.

3           (b) CONGESTION MITIGATION AND AIR QUALITY IM-  
4 PROVEMENT PROGRAM.—Section 149(b) of title 23,  
5 United States Code, is amended—

6           (1) in paragraph (8)(B), by striking “or” at the  
7           end;

8           (2) in paragraph (9), by striking the period at  
9           the end and inserting “; or”; and

10          (3) by adding at the end the following:

11           “(10) if the project is a project on Marine  
12           Highway Corridor M-40 in Arkansas and Oklahoma  
13           on the Arkansas, Verdigris, and White Rivers that—

14                   “(A) is functionally connected to the Fed-  
15                   eral-aid highway system; and

16                   “(B) the Secretary determines is likely to  
17                   contribute to the attainment or maintenance of  
18                   a national ambient air quality standard.”.

19          (c) NATIONAL HIGHWAY FREIGHT PROGRAM.—Sec-  
20 tion 167(i)(5)(B) of title 23, United States Code, is  
21 amended—

22          (1) in clause (i), by striking “and” at the end;

23          (2) in clause (ii), by striking the period at the  
24          end and inserting “; and”; and

25          (3) by adding at the end the following:

1                   “(iii) on Marine Highway Corridor  
2                   M-40 in Arkansas and Oklahoma on the  
3                   Arkansas, Verdigris, and White Rivers, if  
4                   the Secretary determines that the  
5                   project—

6                                 “(I) is functionally connected to  
7                                 the National Highway Freight Net-  
8                                 work; and

9                                 “(II) is likely to reduce on-road  
10                                mobile source emissions.”.

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