

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 3684

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Infrastructure Investment and Jobs Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 10001. Short title.

Sec. 10002. Definitions.

Sec. 10003. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 11101. Authorization of appropriations.
- Sec. 11102. Obligation ceiling.
- Sec. 11103. Definitions.
- Sec. 11104. Apportionment.
- Sec. 11105. National highway performance program.
- Sec. 11106. Emergency relief.
- Sec. 11107. Federal share payable.
- Sec. 11108. Railway-highway grade crossings.
- Sec. 11109. Surface transportation block grant program.
- Sec. 11110. Nationally significant freight and highway projects.
- Sec. 11111. Highway safety improvement program.
- Sec. 11112. Federal lands transportation program.
- Sec. 11113. Federal lands access program.
- Sec. 11114. National highway freight program.
- Sec. 11115. Congestion mitigation and air quality improvement program.
- Sec. 11116. Alaska Highway.
- Sec. 11117. Toll roads, bridges, tunnels, and ferries.
- Sec. 11118. Bridge investment program.
- Sec. 11119. Safe routes to school.
- Sec. 11120. Highway use tax evasion projects.
- Sec. 11121. Construction of ferry boats and ferry terminal facilities.
- Sec. 11122. Vulnerable road user research.
- Sec. 11123. Wildlife crossing safety.
- Sec. 11124. Consolidation of programs.
- Sec. 11125. GAO report.
- Sec. 11126. Territorial and Puerto Rico highway program.
- Sec. 11127. Nationally significant Federal lands and Tribal projects program.
- Sec. 11128. Tribal high priority projects program.
- Sec. 11129. Standards.
- Sec. 11130. Public transportation.
- Sec. 11131. Reservation of certain funds.
- Sec. 11132. Rural surface transportation grant program.
- Sec. 11133. Bicycle transportation and pedestrian walkways.
- Sec. 11134. Recreational trails program.
- Sec. 11135. Updates to Manual on Uniform Traffic Control Devices.

Subtitle B—Planning and Performance Management

- Sec. 11201. Transportation planning.
- Sec. 11202. Fiscal constraint on long-range transportation plans.
- Sec. 11203. State human capital plans.
- Sec. 11204. Prioritization process pilot program.
- Sec. 11205. Travel demand data and modeling.
- Sec. 11206. Increasing safe and accessible transportation options.

Subtitle C—Project Delivery and Process Improvement

- Sec. 11301. Codification of One Federal Decision.
- Sec. 11302. Work zone process reviews.
- Sec. 11303. Transportation management plans.
- Sec. 11304. Intelligent transportation systems.

3

- Sec. 11305. Alternative contracting methods.
- Sec. 11306. Flexibility for projects.
- Sec. 11307. Improved Federal-State stewardship and oversight agreements.
- Sec. 11308. Geomatic data.
- Sec. 11309. Evaluation of projects within an operational right-of-way.
- Sec. 11310. Preliminary engineering.
- Sec. 11311. Efficient implementation of NEPA for Federal land management projects.
- Sec. 11312. National Environmental Policy Act of 1969 reporting program.
- Sec. 11313. Surface transportation project delivery program written agreements.
- Sec. 11314. State assumption of responsibility for categorical exclusions.
- Sec. 11315. Early utility relocation prior to transportation project environmental review.
- Sec. 11316. Streamlining of section 4(f) reviews.
- Sec. 11317. Categorical exclusion for projects of limited Federal assistance.
- Sec. 11318. Certain gathering lines located on Federal land and Indian land.
- Sec. 11319. Annual report.

Subtitle D—Climate Change

- Sec. 11401. Grants for charging and fueling infrastructure.
- Sec. 11402. Reduction of truck emissions at port facilities.
- Sec. 11403. Carbon reduction program.
- Sec. 11404. Congestion relief program.
- Sec. 11405. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
- Sec. 11406. Healthy Streets program.

Subtitle E—Miscellaneous

- Sec. 11501. Additional deposits into Highway Trust Fund.
- Sec. 11502. Stopping threats on pedestrians.
- Sec. 11503. Transfer and sale of toll credits.
- Sec. 11504. Study of impacts on roads from self-driving vehicles.
- Sec. 11505. Disaster relief mobilization study.
- Sec. 11506. Appalachian Regional Commission.
- Sec. 11507. Denali Commission.
- Sec. 11508. Requirements for transportation projects carried out through public-private partnerships.
- Sec. 11509. Reconnecting communities pilot program.
- Sec. 11510. Cybersecurity tool; cyber coordinator.
- Sec. 11511. Report on emerging alternative fuel vehicles and infrastructure.
- Sec. 11512. Nonhighway recreational fuel study.
- Sec. 11513. Buy America.
- Sec. 11514. High priority corridors on the National Highway System.
- Sec. 11515. Interstate weight limits.
- Sec. 11516. Report on air quality improvements.
- Sec. 11517. Roadside highway safety hardware.
- Sec. 11518. Permeable pavements study.
- Sec. 11519. Emergency relief projects.
- Sec. 11520. Study on stormwater best management practices.
- Sec. 11521. Stormwater best management practices reports.
- Sec. 11522. Invasive plant elimination program.
- Sec. 11523. Over-the-road bus tolling equity.
- Sec. 11524. Bridge terminology.

4

- Sec. 11525. Technical corrections.
- Sec. 11526. Working group on covered resources.
- Sec. 11527. Blood transport vehicles.
- Sec. 11528. Pollinator-friendly practices on roadsides and highway rights-of-way.
- Sec. 11529. Active transportation infrastructure investment program.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND
INNOVATION

- Sec. 12001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

- Sec. 13001. Strategic innovation for revenue collection.
- Sec. 13002. National motor vehicle per-mile user fee pilot.
- Sec. 13003. Performance management data support program.
- Sec. 13004. Data integration pilot program.
- Sec. 13005. Emerging technology research pilot program.
- Sec. 13006. Research and technology development and deployment.
- Sec. 13007. Workforce development, training, and education.
- Sec. 13008. Wildlife-vehicle collision research.
- Sec. 13009. Transportation Resilience and Adaptation Centers of Excellence.
- Sec. 13010. Transportation access pilot program.

TITLE IV—INDIAN AFFAIRS

- Sec. 14001. Definition of Secretary.
- Sec. 14002. Environmental reviews for certain tribal transportation facilities.
- Sec. 14003. Programmatic agreements for tribal categorical exclusions.
- Sec. 14004. Use of certain tribal transportation funds.
- Sec. 14005. Bureau of Indian Affairs road maintenance program.
- Sec. 14006. Study of road maintenance on Indian land.
- Sec. 14007. Maintenance of certain Indian reservation roads.
- Sec. 14008. Tribal transportation safety needs.
- Sec. 14009. Office of Tribal Government Affairs.

DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF
2021

- Sec. 20001. Short title.
- Sec. 20002. Definitions.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

- Sec. 21101. Office of Multimodal Freight Infrastructure and Policy.
- Sec. 21102. Updates to National Freight Plan.
- Sec. 21103. State collaboration with National Multimodal Freight Network.
- Sec. 21104. Improving State freight plans.
- Sec. 21105. Implementation of National Multimodal Freight Network.
- Sec. 21106. Multi-State freight corridor planning.
- Sec. 21107. State freight advisory committees.

Subtitle B—Multimodal Investment

5

- Sec. 21201. National infrastructure project assistance.
- Sec. 21202. Local and regional project assistance.
- Sec. 21203. National culvert removal, replacement, and restoration grant program.
- Sec. 21204. National multimodal cooperative freight research program.
- Sec. 21205. Rural and Tribal infrastructure advancement.

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

- Sec. 21301. RRIF codification and reforms.
- Sec. 21302. Substantive criteria and standards.
- Sec. 21303. Semiannual report on transit-oriented development eligibility.

TITLE II—RAIL

- Sec. 22001. Short title.

Subtitle A—Authorization of Appropriations

- Sec. 22101. Grants to Amtrak.
- Sec. 22102. Federal Railroad Administration.
- Sec. 22103. Consolidated rail infrastructure and safety improvements grants.
- Sec. 22104. Railroad crossing elimination program.
- Sec. 22105. Restoration and enhancement grants.
- Sec. 22106. Federal-State partnership for intercity passenger rail grants.
- Sec. 22107. Amtrak Office of Inspector General.

Subtitle B—Amtrak Reforms

- Sec. 22201. Amtrak findings, mission, and goals.
- Sec. 22202. Composition of Amtrak's Board of Directors.
- Sec. 22203. Station agents.
- Sec. 22204. Increasing oversight of changes to Amtrak long-distance routes and other intercity services.
- Sec. 22205. Improved oversight of Amtrak accounting.
- Sec. 22206. Improved oversight of Amtrak spending.
- Sec. 22207. Increasing service line and asset line plan transparency.
- Sec. 22208. Passenger experience enhancement.
- Sec. 22209. Amtrak smoking policy.
- Sec. 22210. Protecting Amtrak routes through rural communities.
- Sec. 22211. State-Supported Route Committee.
- Sec. 22212. Enhancing cross border service.
- Sec. 22213. Creating quality jobs.
- Sec. 22214. Amtrak daily long-distance service study.

Subtitle C—Intercity Passenger Rail Policy

- Sec. 22301. Northeast Corridor planning.
- Sec. 22302. Northeast Corridor Commission.
- Sec. 22303. Consolidated rail infrastructure and safety improvements.
- Sec. 22304. Restoration and enhancement grants.
- Sec. 22305. Railroad crossing elimination program.
- Sec. 22306. Interstate rail compacts.
- Sec. 22307. Federal-State partnership for intercity passenger rail grants.
- Sec. 22308. Corridor identification and development program.
- Sec. 22309. Surface Transportation Board passenger rail program.

Subtitle D—Rail Safety

6

- Sec. 22401. Railway-highway crossings program evaluation.
- Sec. 22402. Grade crossing accident prediction model.
- Sec. 22403. Periodic updates to highway-rail crossing reports and plans.
- Sec. 22404. Blocked crossing portal.
- Sec. 22405. Data accessibility.
- Sec. 22406. Emergency lighting.
- Sec. 22407. Comprehensive rail safety review of Amtrak.
- Sec. 22408. Completion of hours of service and fatigue studies.
- Sec. 22409. Positive train control study.
- Sec. 22410. Operating crew member training, qualification, and certification.
- Sec. 22411. Transparency and safety.
- Sec. 22412. Research and development.
- Sec. 22413. Rail research and development center of excellence.
- Sec. 22414. Quarterly report on positive train control system performance.
- Sec. 22415. Speed limit action plans.
- Sec. 22416. New passenger service pre-revenue safety validation plan.
- Sec. 22417. Federal Railroad Administration accident and incident investigations.
- Sec. 22418. Civil penalty enforcement authority.
- Sec. 22419. Advancing safety and innovative technology.
- Sec. 22420. Passenger rail vehicle occupant protection systems.
- Sec. 22421. Federal Railroad Administration reporting requirements.
- Sec. 22422. National Academies study on trains longer than 7,500 feet.
- Sec. 22423. High-speed train noise emissions.
- Sec. 22424. Critical incident stress plans.
- Sec. 22425. Requirements for railroad freight cars placed into service in the United States.
- Sec. 22426. Railroad point of contact for public safety issues.
- Sec. 22427. Controlled substances testing for mechanical employees.

TITLE III—MOTOR CARRIER SAFETY

- Sec. 23001. Authorization of appropriations.
- Sec. 23002. Motor carrier safety advisory committee.
- Sec. 23003. Combating human trafficking.
- Sec. 23004. Immobilization grant program.
- Sec. 23005. Commercial motor vehicle enforcement training and support.
- Sec. 23006. Study of commercial motor vehicle crash causation.
- Sec. 23007. Promoting women in the trucking workforce.
- Sec. 23008. State inspection of passenger-carrying commercial motor vehicles.
- Sec. 23009. Truck Leasing Task Force.
- Sec. 23010. Automatic emergency braking.
- Sec. 23011. Underride protection.
- Sec. 23012. Providers of recreational activities.
- Sec. 23013. Amendments to regulations relating to transportation of household goods in interstate commerce.
- Sec. 23014. Improving Federal-State motor carrier safety enforcement coordination.
- Sec. 23015. Limousine research.
- Sec. 23016. National Consumer Complaint Database.
- Sec. 23017. Electronic logging device oversight.
- Sec. 23018. Transportation of agricultural commodities and farm supplies.
- Sec. 23019. Modification of restrictions on certain commercial driver's licenses.
- Sec. 23020. Report on human trafficking violations involving commercial motor vehicles.

- Sec. 23021. Broker guidance relating to Federal motor carrier safety regulations.
- Sec. 23022. Apprenticeship pilot program.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

- Sec. 24101. Authorization of appropriations.
- Sec. 24102. Highway safety programs.
- Sec. 24103. Highway safety research and development.
- Sec. 24104. High-visibility enforcement programs.
- Sec. 24105. National priority safety programs.
- Sec. 24106. Multiple substance-impaired driving prevention.
- Sec. 24107. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 24108. Crash data.
- Sec. 24109. Review of Move Over or Slow Down Law public awareness.
- Sec. 24110. Review of laws, safety measures, and technologies relating to school buses.
- Sec. 24111. Motorcyclist Advisory Council.
- Sec. 24112. Safe Streets and Roads for All grant program.
- Sec. 24113. Implementation of GAO recommendations.

Subtitle B—Vehicle Safety

- Sec. 24201. Authorization of appropriations.
- Sec. 24202. Recall completion.
- Sec. 24203. Recall engagement.
- Sec. 24204. Motor vehicle seat back safety standards.
- Sec. 24205. Automatic shutoff.
- Sec. 24206. Petitions by interested persons for standards and enforcement.
- Sec. 24207. Child safety seat accessibility study.
- Sec. 24208. Crash avoidance technology.
- Sec. 24209. Reduction of driver distraction.
- Sec. 24210. Rulemaking report.
- Sec. 24211. Global harmonization.
- Sec. 24212. Headlamps.
- Sec. 24213. New Car Assessment Program.
- Sec. 24214. Hood and bumper standards.
- Sec. 24215. Emergency medical services and 9-1-1.
- Sec. 24216. Early warning reporting.
- Sec. 24217. Improved vehicle safety databases.
- Sec. 24218. National Driver Register Advisory Committee repeal.
- Sec. 24219. Research on connected vehicle technology.
- Sec. 24220. Advanced impaired driving technology.
- Sec. 24221. GAO report on crash dummies.
- Sec. 24222. Child safety.

TITLE V—RESEARCH AND INNOVATION

- Sec. 25001. Intelligent Transportation Systems Program Advisory Committee.
- Sec. 25002. Smart Community Resource Center.
- Sec. 25003. Federal support for local decisionmaking.
- Sec. 25004. Bureau of Transportation Statistics.
- Sec. 25005. Strengthening mobility and revolutionizing transportation grant program.

8

- Sec. 25006. Electric vehicle working group.
- Sec. 25007. Risk and system resilience.
- Sec. 25008. Coordination on emerging transportation technology.
- Sec. 25009. Interagency Infrastructure Permitting Improvement Center.
- Sec. 25010. Rural opportunities to use transportation for economic success initiative.
- Sec. 25011. Safety data initiative.
- Sec. 25012. Advanced transportation research.
- Sec. 25013. Open research initiative.
- Sec. 25014. Transportation research and development 5-year strategic plan.
- Sec. 25015. Research planning modifications.
- Sec. 25016. Incorporation of Department of Transportation research.
- Sec. 25017. University transportation centers program.
- Sec. 25018. National travel and tourism infrastructure strategic plan.
- Sec. 25019. Local hiring preference for construction jobs.
- Sec. 25020. Transportation workforce development.
- Sec. 25021. Intermodal Transportation Advisory Board repeal.
- Sec. 25022. GAO cybersecurity recommendations.
- Sec. 25023. Volpe oversight.
- Sec. 25024. Modifications to grant program.
- Sec. 25025. Drug-impaired driving data collection.
- Sec. 25026. Report on marijuana research.
- Sec. 25027. GAO study on improving the efficiency of traffic systems.

TITLE VI—HAZARDOUS MATERIALS

- Sec. 26001. Authorization of appropriations.
- Sec. 26002. Assistance for local emergency response training grant program.
- Sec. 26003. Real-time emergency response information.

TITLE VII—GENERAL PROVISIONS

- Sec. 27001. Performance measurement, transparency, and accountability.
- Sec. 27002. Coordination regarding forced labor.
- Sec. 27003. Department of Transportation spectrum audit.
- Sec. 27004. Study and reports on the travel and tourism activities of the Department.

TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

- Sec. 28001. Sport fish restoration and recreational boating safety.

DIVISION C—TRANSIT

- Sec. 30001. Definitions.
- Sec. 30002. Metropolitan transportation planning.
- Sec. 30003. Statewide and nonmetropolitan transportation planning.
- Sec. 30004. Planning programs.
- Sec. 30005. Fixed guideway capital investment grants.
- Sec. 30006. Formula grants for rural areas.
- Sec. 30007. Public transportation innovation.
- Sec. 30008. Bus testing facilities.
- Sec. 30009. Transit-oriented development.
- Sec. 30010. General provisions.
- Sec. 30011. Public transportation emergency relief program.
- Sec. 30012. Public transportation safety program.

9

- Sec. 30013. Administrative provisions.
- Sec. 30014. National transit database.
- Sec. 30015. Apportionment of appropriations for formula grants.
- Sec. 30016. State of good repair grants.
- Sec. 30017. Authorizations.
- Sec. 30018. Grants for buses and bus facilities.
- Sec. 30019. Washington Metropolitan Area Transit Authority safety, accountability, and investment.

DIVISION D—ENERGY

- Sec. 40001. Definitions.

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resilience and Reliability

- Sec. 40101. Preventing outages and enhancing the resilience of the electric grid.
- Sec. 40102. Hazard mitigation using disaster assistance.
- Sec. 40103. Electric grid reliability and resilience research, development, and demonstration.
- Sec. 40104. Utility demand response.
- Sec. 40105. Siting of interstate electric transmission facilities.
- Sec. 40106. Transmission facilitation program.
- Sec. 40107. Deployment of technologies to enhance grid flexibility.
- Sec. 40108. State energy security plans.
- Sec. 40109. State energy program.
- Sec. 40110. Power marketing administration transmission borrowing authority.
- Sec. 40111. Study of codes and standards for use of energy storage systems across sectors.
- Sec. 40112. Demonstration of electric vehicle battery second-life applications for grid services.
- Sec. 40113. Columbia Basin power management.

Subtitle B—Cybersecurity

- Sec. 40121. Enhancing grid security through public-private partnerships.
- Sec. 40122. Energy Cyber Sense program.
- Sec. 40123. Incentives for advanced cybersecurity technology investment.
- Sec. 40124. Rural and municipal utility advanced cybersecurity grant and technical assistance program.
- Sec. 40125. Enhanced grid security.
- Sec. 40126. Cybersecurity plan.
- Sec. 40127. Savings provision.

TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

- Sec. 40201. Earth Mapping Resources Initiative.
- Sec. 40202. National Cooperative Geologic Mapping Program.
- Sec. 40203. National Geological and Geophysical Data Preservation Program.
- Sec. 40204. USGS energy and minerals research facility.
- Sec. 40205. Rare earth elements demonstration facility.
- Sec. 40206. Critical minerals supply chains and reliability.
- Sec. 40207. Battery processing and manufacturing.
- Sec. 40208. Electric drive vehicle battery recycling and second-life applications program.

10

- Sec. 40209. Advanced energy manufacturing and recycling grant program.
- Sec. 40210. Critical minerals mining and recycling research.
- Sec. 40211. 21st Century Energy Workforce Advisory Board.

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE
INVESTMENTS

Subtitle A—Carbon Capture, Utilization, Storage, and Transportation
Infrastructure

- Sec. 40301. Findings.
- Sec. 40302. Carbon utilization program.
- Sec. 40303. Carbon capture technology program.
- Sec. 40304. Carbon dioxide transportation infrastructure finance and innovation.
- Sec. 40305. Carbon storage validation and testing.
- Sec. 40306. Secure geologic storage permitting.
- Sec. 40307. Geologic carbon sequestration on the outer Continental Shelf.
- Sec. 40308. Carbon removal.

Subtitle B—Hydrogen Research and Development

- Sec. 40311. Findings; purpose.
- Sec. 40312. Definitions.
- Sec. 40313. Clean hydrogen research and development program.
- Sec. 40314. Additional clean hydrogen programs.
- Sec. 40315. Clean hydrogen production qualifications.

Subtitle C—Nuclear Energy Infrastructure

- Sec. 40321. Infrastructure planning for micro and small modular nuclear reactors.
- Sec. 40322. Property interests relating to certain projects and protection of information relating to certain agreements.
- Sec. 40323. Civil nuclear credit program.

Subtitle D—Hydropower

- Sec. 40331. Hydroelectric production incentives.
- Sec. 40332. Hydroelectric efficiency improvement incentives.
- Sec. 40333. Maintaining and enhancing hydroelectricity incentives.
- Sec. 40334. Pumped storage hydropower wind and solar integration and system reliability initiative.
- Sec. 40335. Authority for pumped storage hydropower development using multiple Bureau of Reclamation reservoirs.
- Sec. 40336. Limitations on issuance of certain leases of power privilege.

Subtitle E—Miscellaneous

- Sec. 40341. Solar energy technologies on current and former mine land.
- Sec. 40342. Clean energy demonstration program on current and former mine land.
- Sec. 40343. Leases, easements, and rights-of-way for energy and related purposes on the outer Continental Shelf.

TITLE IV—ENABLING ENERGY INFRASTRUCTURE INVESTMENT
AND DATA COLLECTION

11

Subtitle A—Department of Energy Loan Program

Sec. 40401. Department of Energy loan programs.

Subtitle B—Energy Information Administration

Sec. 40411. Definitions.

Sec. 40412. Data collection in the electricity sector.

Sec. 40413. Expansion of energy consumption surveys.

Sec. 40414. Data collection on electric vehicle integration with the electricity grids.

Sec. 40415. Plan for the modeling and forecasting of demand for minerals used in the energy sector.

Sec. 40416. Expansion of international energy data.

Sec. 40417. Plan for the National Energy Modeling System.

Sec. 40418. Report on costs of carbon abatement in the electricity sector.

Sec. 40419. Harmonization of efforts and data.

Subtitle C—Miscellaneous

Sec. 40431. Consideration of measures to promote greater electrification of the transportation sector.

Sec. 40432. Office of public participation.

Sec. 40433. Digital climate solutions report.

Sec. 40434. Study and report by the Secretary of Energy on job loss and impacts on consumer energy costs due to the revocation of the permit for the Keystone XL pipeline.

Sec. 40435. Study on impact of electric vehicles.

Sec. 40436. Study on impact of forced labor in China on the electric vehicle supply chain.

TITLE V—ENERGY EFFICIENCY AND BUILDING
INFRASTRUCTURE

Subtitle A—Residential and Commercial Energy Efficiency

Sec. 40501. Definitions.

Sec. 40502. Energy efficiency revolving loan fund capitalization grant program.

Sec. 40503. Energy auditor training grant program.

Subtitle B—Buildings

Sec. 40511. Cost-effective codes implementation for efficiency and resilience.

Sec. 40512. Building, training, and assessment centers.

Sec. 40513. Career skills training.

Sec. 40514. Commercial building energy consumption information sharing.

Subtitle C—Industrial Energy Efficiency

PART I—INDUSTRY

Sec. 40521. Future of industry program and industrial research and assessment centers.

Sec. 40522. Sustainable manufacturing initiative.

PART II—SMART MANUFACTURING

Sec. 40531. Definitions.

12

- Sec. 40532. Leveraging existing agency programs to assist small and medium manufacturers.
- Sec. 40533. Leveraging smart manufacturing infrastructure at National Laboratories.
- Sec. 40534. State manufacturing leadership.
- Sec. 40535. Report.

Subtitle D—Schools and Nonprofits

- Sec. 40541. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.
- Sec. 40542. Energy efficiency materials pilot program.

Subtitle E—Miscellaneous

- Sec. 40551. Weatherization assistance program.
- Sec. 40552. Energy Efficiency and Conservation Block Grant Program.
- Sec. 40553. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States.
- Sec. 40554. Assisting Federal Facilities with Energy Conservation Technologies grant program.
- Sec. 40555. Rebates.
- Sec. 40556. Model guidance for combined heat and power systems and waste heat to power systems.

TITLE VI—METHANE REDUCTION INFRASTRUCTURE

- Sec. 40601. Orphaned well site plugging, remediation, and restoration.

TITLE VII—ABANDONED MINE LAND RECLAMATION

- Sec. 40701. Abandoned Mine Reclamation Fund authorization of appropriations.
- Sec. 40702. Abandoned mine reclamation fee.
- Sec. 40703. Amounts distributed from Abandoned Mine Reclamation Fund.
- Sec. 40704. Abandoned hardrock mine reclamation.

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE,
WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

- Sec. 40801. Forest Service Legacy Road and Trail Remediation Program.
- Sec. 40802. Study and report on feasibility of revegetating reclaimed mine sites.
- Sec. 40803. Wildfire risk reduction.
- Sec. 40804. Ecosystem restoration.
- Sec. 40805. GAO study.
- Sec. 40806. Establishment of fuel breaks in forests and other wildland vegetation.
- Sec. 40807. Emergency actions.

TITLE IX—WESTERN WATER INFRASTRUCTURE

- Sec. 40901. Authorizations of appropriations.
- Sec. 40902. Water storage, groundwater storage, and conveyance projects.
- Sec. 40903. Small water storage and groundwater storage projects.
- Sec. 40904. Critical maintenance and repair.

13

- Sec. 40905. Competitive grant program for large-scale water recycling and reuse program.
- Sec. 40906. Drought contingency plan funding requirements.
- Sec. 40907. Multi-benefit projects to improve watershed health.
- Sec. 40908. Eligible desalination projects.
- Sec. 40909. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-Federal matching requirement for authorized Bureau of Reclamation water projects.
- Sec. 40910. Federal assistance for groundwater recharge, aquifer storage, and water source substitution projects.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY
ACT OF 2020

- Sec. 41001. Energy storage demonstration projects.
- Sec. 41002. Advanced reactor demonstration program.
- Sec. 41003. Mineral security projects.
- Sec. 41004. Carbon capture demonstration and pilot programs.
- Sec. 41005. Direct air capture technologies prize competitions.
- Sec. 41006. Water power projects.
- Sec. 41007. Renewable energy projects.
- Sec. 41008. Industrial emissions demonstration projects.

TITLE XI—WAGE RATE REQUIREMENTS

- Sec. 41101. Wage rate requirements.

TITLE XII—MISCELLANEOUS

- Sec. 41201. Office of Clean Energy Demonstrations.
- Sec. 41202. Extension of Secure Rural Schools and Community Self-Determination Act of 2000.

DIVISION E—DRINKING WATER AND WASTEWATER
INFRASTRUCTURE

- Sec. 50001. Short title.
- Sec. 50002. Definition of Administrator.

TITLE I—DRINKING WATER

- Sec. 50101. Technical assistance and grants for emergencies affecting public water systems.
- Sec. 50102. Drinking water State revolving loan funds.
- Sec. 50103. Source water petition program.
- Sec. 50104. Assistance for small and disadvantaged communities.
- Sec. 50105. Reducing lead in drinking water.
- Sec. 50106. Operational sustainability of small public water systems.
- Sec. 50107. Midsize and large drinking water system infrastructure resilience and sustainability program.
- Sec. 50108. Needs assessment for nationwide rural and urban low-income community water assistance.
- Sec. 50109. Rural and low-income water assistance pilot program.
- Sec. 50110. Lead contamination in school drinking water.
- Sec. 50111. Indian reservation drinking water program.
- Sec. 50112. Advanced drinking water technologies.
- Sec. 50113. Cybersecurity support for public water systems.

14

- Sec. 50114. State response to contaminants.
- Sec. 50115. Annual study on boil water advisories.

TITLE II—CLEAN WATER

- Sec. 50201. Research, investigations, training, and information.
- Sec. 50202. Wastewater efficiency grant pilot program.
- Sec. 50203. Pilot program for alternative water source projects.
- Sec. 50204. Sewer overflow and stormwater reuse municipal grants.
- Sec. 50205. Clean water infrastructure resiliency and sustainability program.
- Sec. 50206. Small and medium publicly owned treatment works circuit rider program.
- Sec. 50207. Small publicly owned treatment works efficiency grant program.
- Sec. 50208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 50209. Connection to publicly owned treatment works.
- Sec. 50210. Clean water State revolving funds.
- Sec. 50211. Water infrastructure and workforce investment.
- Sec. 50212. Grants to Alaska to improve sanitation in rural and Native villages.
- Sec. 50213. Water data sharing pilot program.
- Sec. 50214. Final rating opinion letters.
- Sec. 50215. Water infrastructure financing reauthorization.
- Sec. 50216. Small and disadvantaged community analysis.
- Sec. 50217. Stormwater infrastructure technology.
- Sec. 50218. Water Reuse Interagency Working Group.
- Sec. 50219. Advanced clean water technologies study.
- Sec. 50220. Clean watersheds needs survey.
- Sec. 50221. Water Resources Research Act amendments.
- Sec. 50222. Enhanced aquifer use and recharge.

DIVISION F—BROADBAND

TITLE I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

- Sec. 60101. Findings.
- Sec. 60102. Grants for broadband deployment.
- Sec. 60103. Broadband DATA maps.
- Sec. 60104. Report on future of Universal Service Fund.

TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

- Sec. 60201. Tribal connectivity technical amendments.

TITLE III—DIGITAL EQUITY ACT OF 2021

- Sec. 60301. Short title.
- Sec. 60302. Definitions.
- Sec. 60303. Sense of Congress.
- Sec. 60304. State Digital Equity Capacity Grant Program.
- Sec. 60305. Digital Equity Competitive Grant Program.
- Sec. 60306. Policy research, data collection, analysis and modeling, evaluation, and dissemination.
- Sec. 60307. General provisions.

15

TITLE IV—ENABLING MIDDLE MILE BROADBAND
INFRASTRUCTURE

Sec. 60401. Enabling middle mile broadband infrastructure.

TITLE V—BROADBAND AFFORDABILITY

Sec. 60501. Definitions.
 Sec. 60502. Broadband affordability.
 Sec. 60503. Coordination with certain other Federal agencies.
 Sec. 60504. Adoption of consumer broadband labels.
 Sec. 60505. GAO report.
 Sec. 60506. Digital discrimination.

DIVISION G—OTHER AUTHORIZATIONS

TITLE I—INDIAN WATER RIGHTS SETTLEMENT COMPLETION
FUND

Sec. 70101. Indian Water Rights Settlement Completion Fund.

TITLE II—WILDFIRE MITIGATION

Sec. 70201. Short title.
 Sec. 70202. Definitions.
 Sec. 70203. Establishment of Commission.
 Sec. 70204. Duties of Commission.
 Sec. 70205. Powers of Commission.
 Sec. 70206. Commission personnel matters.
 Sec. 70207. Termination of Commission.

TITLE III—REFORESTATION

Sec. 70301. Short title.
 Sec. 70302. Reforestation following wildfires and other unplanned events.
 Sec. 70303. Report.

TITLE IV—RECYCLING PRACTICES

Sec. 70401. Best practices for battery recycling and labeling guidelines.
 Sec. 70402. Consumer recycling education and outreach grant program; Federal procurement.

TITLE V—BIOPRODUCT PILOT PROGRAM

Sec. 70501. Pilot program on use of agricultural commodities in construction and consumer products.

TITLE VI—CYBERSECURITY

Subtitle A—Cyber Response and Recovery Act

Sec. 70601. Short title.
 Sec. 70602. Declaration of a significant incident.

Subtitle B—State and Local Cybersecurity Improvement Act

Sec. 70611. Short title.
 Sec. 70612. State and Local Cybersecurity Grant Program.

16

TITLE VII—PUBLIC-PRIVATE PARTNERSHIPS

Sec. 70701. Value for money analysis.

TITLE VIII—FEDERAL PERMITTING IMPROVEMENT

Sec. 70801. Federal permitting improvement.

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

Sec. 70901. Short title.

PART I—BUY AMERICA SOURCING REQUIREMENTS

- Sec. 70911. Findings.
- Sec. 70912. Definitions.
- Sec. 70913. Identification of deficient programs.
- Sec. 70914. Application of Buy America preference.
- Sec. 70915. OMB guidance and standards.
- Sec. 70916. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.
- Sec. 70917. Application.

PART II—MAKE IT IN AMERICA

- Sec. 70921. Regulations relating to Buy American Act.
- Sec. 70922. Amendments relating to Buy American Act.
- Sec. 70923. Made in America Office.
- Sec. 70924. Hollings Manufacturing Extension Partnership activities.
- Sec. 70925. United States obligations under international agreements.
- Sec. 70926. Definitions.
- Sec. 70927. Prospective amendments to internal cross-references.

Subtitle B—BuyAmerican.gov

- Sec. 70931. Short title.
- Sec. 70932. Definitions.
- Sec. 70933. Sense of Congress on buying American.
- Sec. 70934. Assessment of impact of free trade agreements.
- Sec. 70935. Judicious use of waivers.
- Sec. 70936. Establishment of BuyAmerican.gov website.
- Sec. 70937. Waiver Transparency and Streamlining for contracts.
- Sec. 70938. Comptroller General report.
- Sec. 70939. Rules of construction.
- Sec. 70940. Consistency with international agreements.
- Sec. 70941. Prospective amendments to internal cross-references.

Subtitle C—Make PPE in America

- Sec. 70951. Short title.
- Sec. 70952. Findings.
- Sec. 70953. Requirement of long-term contracts for domestically manufactured personal protective equipment.

TITLE X—ASSET CONCESSIONS

Sec. 71001. Asset concessions.

17

TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

- Sec. 71101. Clean school bus program.
- Sec. 71102. Electric or low-emitting ferry pilot program.
- Sec. 71103. Ferry service for rural communities.

DIVISION H—REVENUE PROVISIONS

TITLE I—HIGHWAY TRUST FUND

- Sec. 80101. Extension of Highway Trust Fund expenditure authority.
- Sec. 80102. Extension of highway-related taxes.
- Sec. 80103. Further additional transfers to trust fund.

TITLE II—CHEMICAL SUPERFUND

- Sec. 80201. Extension and modification of certain superfund excise taxes.

TITLE III—CUSTOMS USER FEES

- Sec. 80301. Extension of customs user fees.

TITLE IV—BOND PROVISIONS

- Sec. 80401. Private activity bonds for qualified broadband projects.
- Sec. 80402. Carbon dioxide capture facilities.
- Sec. 80403. Increase in national limitation amount for qualified highway or surface freight transportation facilities.

TITLE V—RELIEF FOR TAXPAYERS AFFECTED BY DISASTERS OR OTHER CRITICAL EVENTS

- Sec. 80501. Modification of automatic extension of certain deadlines in the case of taxpayers affected by Federally declared disasters.
- Sec. 80502. Modifications of rules for postponing certain acts by reason of service in combat zone or contingency operation.
- Sec. 80503. Tolling of time for filing a petition with the tax court.
- Sec. 80504. Authority to postpone certain tax deadlines by reason of significant fires.

TITLE VI—OTHER PROVISIONS

- Sec. 80601. Modification of tax treatment of contributions to the capital of a corporation.
- Sec. 80602. Extension of interest rate stabilization.
- Sec. 80603. Information reporting for brokers and digital assets.
- Sec. 80604. Termination of employee retention credit for employers subject to closure due to COVID-19.

DIVISION I—OTHER MATTERS

- Sec. 90001. Extension of direct spending reductions through fiscal year 2031.
- Sec. 90002. Strategic Petroleum Reserve drawdown and sale.
- Sec. 90003. Findings regarding unused unemployment insurance funds.
- Sec. 90004. Requiring manufacturers of certain single-dose container or single-use package drugs payable under part B of the Medicare program to provide refunds with respect to discarded amounts of such drugs.
- Sec. 90005. Extension of enterprise guarantee fees.

18

Sec. 90006. Moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates.

Sec. 90007. Rescission of COVID-19 appropriations.

Sec. 90008. Spectrum auctions.

DIVISION J—APPROPRIATIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE III—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

TITLE V—DEPARTMENT OF HOMELAND SECURITY

TITLE VI—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

TITLE VIII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

TITLE IX—GENERAL PROVISIONS—THIS DIVISION

1 **SEC. 2. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—SURFACE**
7 **TRANSPORTATION**

8 **SEC. 10001. SHORT TITLE.**

9 This division may be cited as the “Surface Transpor-
10 tation Reauthorization Act of 2021”.

11 **SEC. 10002. DEFINITIONS.**

12 In this division:

1 (1) DEPARTMENT.—The term “Department”
2 means the Department of Transportation.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

5 **SEC. 10003. EFFECTIVE DATE.**

6 Except as otherwise provided, this division and the
7 amendments made by this division take effect on October
8 1, 2021.

9 **TITLE I—FEDERAL-AID**
10 **HIGHWAYS**
11 **Subtitle A—Authorizations and**
12 **Programs**

13 **SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—The following amounts are au-
15 thorized to be appropriated out of the Highway Trust
16 Fund (other than the Mass Transit Account):

17 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
18 the national highway performance program under
19 section 119 of title 23, United States Code, the sur-
20 face transportation block grant program under sec-
21 tion 133 of that title, the highway safety improve-
22 ment program under section 148 of that title, the
23 congestion mitigation and air quality improvement
24 program under section 149 of that title, the national
25 highway freight program under section 167 of that

1 title, the carbon reduction program under section
2 175 of that title, to carry out subsection (e) of the
3 PROTECT program under section 176 of that title,
4 and to carry out section 134 of that title—

5 (A) \$52,488,065,375 for fiscal year 2022;

6 (B) \$53,537,826,683 for fiscal year 2023;

7 (C) \$54,608,583,217 for fiscal year 2024;

8 (D) \$55,700,754,881 for fiscal year 2025;

9 and

10 (E) \$56,814,769,844 for fiscal year 2026.

11 (2) TRANSPORTATION INFRASTRUCTURE FI-
12 NANCE AND INNOVATION PROGRAM.—For credit as-
13 sistance under the transportation infrastructure fi-
14 nance and innovation program under chapter 6 of
15 title 23, United States Code, \$250,000,000 for each
16 of fiscal years 2022 through 2026.

17 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
18 TATION PROGRAMS.—

19 (A) TRIBAL TRANSPORTATION PRO-
20 GRAM.—For the tribal transportation program
21 under section 202 of title 23, United States
22 Code—

23 (i) \$578,460,000 for fiscal year 2022;

24 (ii) \$589,960,000 for fiscal year 2023;

1 (iii) \$602,460,000 for fiscal year
2 2024;

3 (iv) \$612,960,000 for fiscal year
4 2025; and

5 (v) \$627,960,000 for fiscal year 2026.

6 (B) FEDERAL LANDS TRANSPORTATION
7 PROGRAM.—

8 (i) IN GENERAL.—For the Federal
9 lands transportation program under sec-
10 tion 203 of title 23, United States Code—

11 (I) \$421,965,000 for fiscal year
12 2022;

13 (II) \$429,965,000 for fiscal year
14 2023;

15 (III) \$438,965,000 for fiscal year
16 2024;

17 (IV) \$447,965,000 for fiscal year
18 2025; and

19 (V) \$455,965,000 for fiscal year
20 2026.

21 (ii) ALLOCATION.—Of the amount
22 made available for a fiscal year under
23 clause (i)—

24 (I) the amount for the National
25 Park Service is—

22

1 (aa) \$332,427,450 for fiscal
2 year 2022;

3 (bb) \$338,867,450 for fiscal
4 year 2023;

5 (cc) \$346,237,450 for fiscal
6 year 2024;

7 (dd) \$353,607,450 for fiscal
8 year 2025; and

9 (ee) \$360,047,450 for fiscal
10 year 2026;

11 (II) the amount for the United
12 States Fish and Wildlife Service is
13 \$36,000,000 for each of fiscal years
14 2022 through 2026; and

15 (III) the amount for the Forest
16 Service is—

17 (aa) \$24,000,000 for fiscal
18 year 2022;

19 (bb) \$25,000,000 for fiscal
20 year 2023;

21 (cc) \$26,000,000 for fiscal
22 year 2024;

23 (dd) \$27,000,000 for fiscal
24 year 2025; and

1 (ee) \$28,000,000 for fiscal
2 year 2026.

3 (C) FEDERAL LANDS ACCESS PROGRAM.—
4 For the Federal lands access program under
5 section 204 of title 23, United States Code—

6 (i) \$285,975,000 for fiscal year 2022;

7 (ii) \$291,975,000 for fiscal year 2023;

8 (iii) \$296,975,000 for fiscal year
9 2024;

10 (iv) \$303,975,000 for fiscal year
11 2025; and

12 (v) \$308,975,000 for fiscal year 2026.

13 (4) TERRITORIAL AND PUERTO RICO HIGHWAY
14 PROGRAM.—For the territorial and Puerto Rico
15 highway program under section 165 of title 23,
16 United States Code—

17 (A) \$219,000,000 for fiscal year 2022;

18 (B) \$224,000,000 for fiscal year 2023;

19 (C) \$228,000,000 for fiscal year 2024;

20 (D) \$232,500,000 for fiscal year 2025;

21 and

22 (E) \$237,000,000 for fiscal year 2026.

23 (5) NATIONALLY SIGNIFICANT FREIGHT AND
24 HIGHWAY PROJECTS.—For nationally significant

1 freight and highway projects under section 117 of
2 title 23, United States Code—

3 (A) \$1,000,000,000 for fiscal year 2022;

4 (B) \$1,000,000,000 for fiscal year 2023;

5 (C) \$1,000,000,000 for fiscal year 2024;

6 (D) \$900,000,000 for fiscal year 2025;

7 and

8 (E) \$900,000,000 for fiscal year 2026.

9 (b) OTHER PROGRAMS.—

10 (1) IN GENERAL.—The following amounts are
11 authorized to be appropriated out of the Highway
12 Trust Fund (other than the Mass Transit Account):

13 (A) BRIDGE INVESTMENT PROGRAM.—To
14 carry out the bridge investment program under
15 section 124 of title 23, United States Code—

16 (i) \$600,000,000 for fiscal year 2022;

17 (ii) \$640,000,000 for fiscal year 2023;

18 (iii) \$650,000,000 for fiscal year
19 2024;

20 (iv) \$675,000,000 for fiscal year
21 2025; and

22 (v) \$700,000,000 for fiscal year 2026.

23 (B) CONGESTION RELIEF PROGRAM.—To
24 carry out the congestion relief program under
25 section 129(d) of title 23, United States Code,

1 \$50,000,000 for each of fiscal years 2022
2 through 2026.

3 (C) CHARGING AND FUELING INFRASTRUC-
4 TURE GRANTS.—To carry out section 151(f) of
5 title 23, United States Code—

6 (i) \$300,000,000 for fiscal year 2022;

7 (ii) \$400,000,000 for fiscal year 2023;

8 (iii) \$500,000,000 for fiscal year
9 2024;

10 (iv) \$600,000,000 for fiscal year
11 2025; and

12 (v) \$700,000,000 for fiscal year 2026.

13 (D) RURAL SURFACE TRANSPORTATION
14 GRANT PROGRAM.—To carry out the rural sur-
15 face transportation grant program under sec-
16 tion 173 of title 23, United States Code—

17 (i) \$300,000,000 for fiscal year 2022;

18 (ii) \$350,000,000 for fiscal year 2023;

19 (iii) \$400,000,000 for fiscal year
20 2024;

21 (iv) \$450,000,000 for fiscal year
22 2025; and

23 (v) \$500,000,000 for fiscal year 2026.

24 (E) PROTECT GRANTS.—

1 (i) IN GENERAL.—To carry out sub-
2 section (d) of the PROTECT program
3 under section 176 of title 23, United
4 States Code, for each of fiscal years 2022
5 through 2026—

6 (I) \$250,000,000 for fiscal year
7 2022;

8 (II) \$250,000,000 for fiscal year
9 2023;

10 (III) \$300,000,000 for fiscal year
11 2024;

12 (IV) \$300,000,000 for fiscal year
13 2025; and

14 (V) \$300,000,000 for fiscal year
15 2026.

16 (ii) ALLOCATION.—Of the amounts
17 made available under clause (i)—

18 (I) for planning grants under
19 paragraph (3) of that subsection—

20 (aa) \$25,000,000 for fiscal
21 year 2022;

22 (bb) \$25,000,000 for fiscal
23 year 2023;

24 (cc) \$30,000,000 for fiscal
25 year 2024;

1 (dd) \$30,000,000 for fiscal
2 year 2025; and

3 (ee) \$30,000,000 for fiscal
4 year 2026;

5 (II) for resilience improvement
6 grants under paragraph (4)(A) of that
7 subsection—

8 (aa) \$175,000,000 for fiscal
9 year 2022;

10 (bb) \$175,000,000 for fiscal
11 year 2023;

12 (cc) \$210,000,000 for fiscal
13 year 2024;

14 (dd) \$210,000,000 for fiscal
15 year 2025; and

16 (ee) \$210,000,000 for fiscal
17 year 2026;

18 (III) for community resilience
19 and evacuation route grants under
20 paragraph (4)(B) of that subsection—

21 (aa) \$25,000,000 for fiscal
22 year 2022;

23 (bb) \$25,000,000 for fiscal
24 year 2023;

1 (cc) \$30,000,000 for fiscal
2 year 2024;

3 (dd) \$30,000,000 for fiscal
4 year 2025; and

5 (ee) \$30,000,000 for fiscal
6 year 2026; and

7 (IV) for at-risk coastal infra-
8 structure grants under paragraph
9 (4)(C) of that subsection—

10 (aa) \$25,000,000 for fiscal
11 year 2022;

12 (bb) \$25,000,000 for fiscal
13 year 2023;

14 (cc) \$30,000,000 for fiscal
15 year 2024;

16 (dd) \$30,000,000 for fiscal
17 year 2025; and

18 (ee) \$30,000,000 for fiscal
19 year 2026.

20 (F) REDUCTION OF TRUCK EMISSIONS AT
21 PORT FACILITIES.—

22 (i) IN GENERAL.—To carry out the
23 reduction of truck emissions at port facili-
24 ties under section 11402, \$50,000,000 for
25 each of fiscal years 2022 through 2026.

1 (ii) TREATMENT.—Amounts made
2 available under clause (i) shall be available
3 for obligation in the same manner as if
4 those amounts were apportioned under
5 chapter 1 of title 23, United States Code.

6 (G) NATIONALLY SIGNIFICANT FEDERAL
7 LANDS AND TRIBAL PROJECTS.—

8 (i) IN GENERAL.—To carry out the
9 nationally significant Federal lands and
10 tribal projects program under section 1123
11 of the FAST Act (23 U.S.C. 201 note;
12 Public Law 114–94), \$55,000,000 for each
13 of fiscal years 2022 through 2026.

14 (ii) TREATMENT.—Amounts made
15 available under clause (i) shall be available
16 for obligation in the same manner as if
17 those amounts were apportioned under
18 chapter 1 of title 23, United States Code.

19 (2) GENERAL FUND.—

20 (A) BRIDGE INVESTMENT PROGRAM.—

21 (i) IN GENERAL.—In addition to
22 amounts made available under paragraph
23 (1)(A), there are authorized to be appro-
24 priated to carry out the bridge investment

1 program under section 124 of title 23,
2 United States Code—

3 (I) \$600,000,000 for fiscal year
4 2022;

5 (II) \$640,000,000 for fiscal year
6 2023;

7 (III) \$650,000,000 for fiscal year
8 2024;

9 (IV) \$675,000,000 for fiscal year
10 2025; and

11 (V) \$700,000,000 for fiscal year
12 2026.

13 (ii) ALLOCATION.—Amounts made
14 available under clause (i) shall be allocated
15 in the same manner as if made available
16 under paragraph (1)(A).

17 (B) NATIONALLY SIGNIFICANT FEDERAL
18 LANDS AND TRIBAL PROJECTS PROGRAM.—In
19 addition to amounts made available under para-
20 graph (1)(G), there is authorized to be appro-
21 priated to carry out section 1123 of the FAST
22 Act (23 U.S.C. 201 note; Public Law 114–94)
23 \$300,000,000 for each of fiscal years 2022
24 through 2026.

1 (C) HEALTHY STREETS PROGRAM.—There
2 is authorized to be appropriated to carry out
3 the Healthy Streets program under section
4 11406 \$100,000,000 for each of fiscal years
5 2022 through 2026.

6 (D) TRANSPORTATION RESILIENCE AND
7 ADAPTATION CENTERS OF EXCELLENCE.—
8 There is authorized to be appropriated to carry
9 out section 520 of title 23, United States Code,
10 \$100,000,000 for each of fiscal years 2022
11 through 2026.

12 (E) OPEN CHALLENGE AND RESEARCH
13 PROPOSAL PILOT PROGRAM.—There is author-
14 ized to be appropriated to carry out the open
15 challenge and research proposal pilot program
16 under section 13006(e) \$15,000,000 for each of
17 fiscal years 2022 through 2026.

18 (c) RESEARCH, TECHNOLOGY, AND EDUCATION AU-
19 THORIZATIONS.—

20 (1) IN GENERAL.—The following amounts are
21 authorized to be appropriated out of the Highway
22 Trust Fund (other than the Mass Transit Account):

23 (A) HIGHWAY RESEARCH AND DEVELOP-
24 MENT PROGRAM.—To carry out section 503(b)

1 of title 23, United States Code, \$147,000,000
2 for each of fiscal years 2022 through 2026.

3 (B) TECHNOLOGY AND INNOVATION DE-
4 PLOYMENT PROGRAM.—To carry out section
5 503(c) of title 23, United States Code,
6 \$110,000,000 for each of fiscal years 2022
7 through 2026.

8 (C) TRAINING AND EDUCATION.—To carry
9 out section 504 of title 23, United States
10 Code—

11 (i) \$25,000,000 for fiscal year 2022;

12 (ii) \$25,250,000 for fiscal year 2023;

13 (iii) \$25,500,000 for fiscal year 2024;

14 (iv) \$25,750,000 for fiscal year 2025;

15 and

16 (v) \$26,000,000 for fiscal year 2026.

17 (D) INTELLIGENT TRANSPORTATION SYS-
18 TEMS PROGRAM.—To carry out sections 512
19 through 518 of title 23, United States Code,
20 \$110,000,000 for each of fiscal years 2022
21 through 2026.

22 (E) UNIVERSITY TRANSPORTATION CEN-
23 TERS PROGRAM.—To carry out section 5505 of
24 title 49, United States Code—

25 (i) \$80,000,000 for fiscal year 2022;

1 (ii) \$80,500,000 for fiscal year 2023;

2 (iii) \$81,000,000 for fiscal year 2024;

3 (iv) \$81,500,000 for fiscal year 2025;

4 and

5 (v) \$82,000,000 for fiscal year 2026.

6 (F) BUREAU OF TRANSPORTATION STATIS-
7 TICS.—To carry out chapter 63 of title 49,
8 United States Code—

9 (i) \$26,000,000 for fiscal year 2022;

10 (ii) \$26,250,000 for fiscal year 2023;

11 (iii) \$26,500,000 for fiscal year 2024;

12 (iv) \$26,750,000 for fiscal year 2025;

13 and

14 (v) \$27,000,000 for fiscal year 2026.

15 (2) ADMINISTRATION.—The Federal Highway
16 Administration shall—

17 (A) administer the programs described in
18 subparagraphs (A), (B), and (C) of paragraph
19 (1); and

20 (B) in consultation with relevant modal ad-
21 ministrations, administer the programs de-
22 scribed in paragraph (1)(D).

23 (3) APPLICABILITY OF TITLE 23, UNITED
24 STATES CODE.—Amounts authorized to be appro-
25 priated by paragraph (1) shall—

1 (A) be available for obligation in the same
2 manner as if those funds were apportioned
3 under chapter 1 of title 23, United States Code,
4 except that the Federal share of the cost of a
5 project or activity carried out using those funds
6 shall be 80 percent, unless otherwise expressly
7 provided by this division (including the amend-
8 ments by this division) or otherwise determined
9 by the Secretary; and

10 (B) remain available until expended and
11 not be transferable, except as otherwise pro-
12 vided by this division.

13 (d) PILOT PROGRAMS.—The following amounts are
14 authorized to be appropriated out of the Highway Trust
15 Fund (other than the Mass Transit Account):

16 (1) WILDLIFE CROSSINGS PILOT PROGRAM.—
17 For the wildlife crossings pilot program under sec-
18 tion 171 of title 23, United States Code—

19 (A) \$60,000,000 for fiscal year 2022;
20 (B) \$65,000,000 for fiscal year 2023;
21 (C) \$70,000,000 for fiscal year 2024;
22 (D) \$75,000,000 for fiscal year 2025; and
23 (E) \$80,000,000 for fiscal year 2026.

24 (2) PRIORITIZATION PROCESS PILOT PRO-
25 GRAM.—

1 (A) IN GENERAL.—For the prioritization
2 process pilot program under section 11204,
3 \$10,000,000 for each of fiscal years 2022
4 through 2026.

5 (B) TREATMENT.—Amounts made avail-
6 able under subparagraph (A) shall be available
7 for obligation in the same manner as if those
8 amounts were apportioned under chapter 1 of
9 title 23, United States Code.

10 (3) RECONNECTING COMMUNITIES PILOT PRO-
11 GRAM.—

12 (A) PLANNING GRANTS.—For planning
13 grants under the reconnecting communities
14 pilot program under section 11509(c),
15 \$30,000,000 for each of fiscal years 2022
16 through 2026.

17 (B) CAPITAL CONSTRUCTION GRANTS.—
18 For capital construction grants under the re-
19 connecting communities pilot program under
20 section 11509(d)—

21 (i) \$65,000,000 for fiscal year 2022;

22 (ii) \$68,000,000 for fiscal year 2023;

23 (iii) \$70,000,000 for fiscal year 2024;

24 (iv) \$72,000,000 for fiscal year 2025;

25 and

1 (v) \$75,000,000 for fiscal year 2026.

2 (C) TREATMENT.—Amounts made avail-
3 able under subparagraph (A) or (B) shall be
4 available for obligation in the same manner as
5 if those amounts were apportioned under chap-
6 ter 1 of title 23, United States Code, except
7 that those amounts shall remain available until
8 expended.

9 (e) DISADVANTAGED BUSINESS ENTERPRISES.—

10 (1) FINDINGS.—Congress finds that—

11 (A) while significant progress has occurred
12 due to the establishment of the disadvantaged
13 business enterprise program, discrimination and
14 related barriers continue to pose significant ob-
15 stacles for minority- and women-owned busi-
16 nesses seeking to do business in Federally as-
17 sisted surface transportation markets across the
18 United States;

19 (B) the continuing barriers described in
20 subparagraph (A) merit the continuation of the
21 disadvantaged business enterprise program;

22 (C) Congress has received and reviewed
23 testimony and documentation of race and gen-
24 der discrimination from numerous sources, in-
25 cluding congressional hearings and roundtables,

1 scientific reports, reports issued by public and
2 private agencies, news stories, reports of dis-
3 crimination by organizations and individuals,
4 and discrimination lawsuits, which show that
5 race- and gender-neutral efforts alone are insuf-
6 ficient to address the problem;

7 (D) the testimony and documentation de-
8 scribed in subparagraph (C) demonstrate that
9 discrimination across the United States poses a
10 barrier to full and fair participation in surface
11 transportation-related businesses of women
12 business owners and minority business owners
13 and has impacted firm development and many
14 aspects of surface transportation-related busi-
15 ness in the public and private markets; and

16 (E) the testimony and documentation de-
17 scribed in subparagraph (C) provide a strong
18 basis that there is a compelling need for the
19 continuation of the disadvantaged business en-
20 terprise program to address race and gender
21 discrimination in surface transportation-related
22 business.

23 (2) DEFINITIONS.—In this subsection:

24 (A) SMALL BUSINESS CONCERN.—

1 (i) IN GENERAL.—The term “small
2 business concern” means a small business
3 concern (as the term is used in section 3
4 of the Small Business Act (15 U.S.C.
5 632)).

6 (ii) EXCLUSIONS.—The term “small
7 business concern” does not include any
8 concern or group of concerns controlled by
9 the same socially and economically dis-
10 advantaged individual or individuals that
11 have average annual gross receipts during
12 the preceding 3 fiscal years in excess of
13 \$26,290,000, as adjusted annually by the
14 Secretary for inflation.

15 (B) SOCIALLY AND ECONOMICALLY DIS-
16 ADVANTAGED INDIVIDUALS.—The term “so-
17 cially and economically disadvantaged individ-
18 uals” has the meaning given the term in section
19 8(d) of the Small Business Act (15 U.S.C.
20 637(d)) and relevant subcontracting regulations
21 issued pursuant to that Act, except that women
22 shall be presumed to be socially and economi-
23 cally disadvantaged individuals for purposes of
24 this subsection.

1 (3) AMOUNTS FOR SMALL BUSINESS CON-
2 CERNS.—Except to the extent that the Secretary de-
3 termines otherwise, not less than 10 percent of the
4 amounts made available for any program under this
5 division (other than section 14004), division C, and
6 section 403 of title 23, United States Code, shall be
7 expended through small business concerns owned
8 and controlled by socially and economically disadvan-
9 taged individuals.

10 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
11 NESS ENTERPRISES.—Each State shall annually—

12 (A) survey and compile a list of the small
13 business concerns referred to in paragraph (3)
14 in the State, including the location of the small
15 business concerns in the State; and

16 (B) notify the Secretary, in writing, of the
17 percentage of the small business concerns that
18 are controlled by—

19 (i) women;

20 (ii) socially and economically dis-
21 advantaged individuals (other than
22 women); and

23 (iii) individuals who are women and
24 are otherwise socially and economically dis-
25 advantaged individuals.

1 (5) UNIFORM CERTIFICATION.—

2 (A) IN GENERAL.—The Secretary shall es-
3 tablish minimum uniform criteria for use by
4 State governments in certifying whether a con-
5 cern qualifies as a small business concern for
6 the purpose of this subsection.

7 (B) INCLUSIONS.—The minimum uniform
8 criteria established under subparagraph (A)
9 shall include, with respect to a potential small
10 business concern—

- 11 (i) on-site visits;
12 (ii) personal interviews with personnel;
13 (iii) issuance or inspection of licenses;
14 (iv) analyses of stock ownership;
15 (v) listings of equipment;
16 (vi) analyses of bonding capacity;
17 (vii) listings of work completed;
18 (viii) examination of the resumes of
19 principal owners;
20 (ix) analyses of financial capacity; and
21 (x) analyses of the type of work pre-
22 ferred.

23 (6) REPORTING.—The Secretary shall establish
24 minimum requirements for use by State govern-
25 ments in reporting to the Secretary—

1 (A) information concerning disadvantaged
2 business enterprise awards, commitments, and
3 achievements; and

4 (B) such other information as the Sec-
5 retary determines to be appropriate for the
6 proper monitoring of the disadvantaged busi-
7 ness enterprise program.

8 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
9 ing in this subsection limits the eligibility of an indi-
10 vidual or entity to receive funds made available
11 under this division, division C, and section 403 of
12 title 23, United States Code, if the entity or person
13 is prevented, in whole or in part, from complying
14 with paragraph (3) because a Federal court issues a
15 final order in which the court finds that a require-
16 ment or the implementation of paragraph (3) is un-
17 constitutional.

18 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
19 OF DBE SUBCONTRACTORS.—It is the sense of Con-
20 gress that—

21 (A) the Secretary should take additional
22 steps to ensure that recipients comply with sec-
23 tion 26.29 of title 49, Code of Federal Regula-
24 tions (the disadvantaged business enterprises
25 prompt payment rule), or any corresponding

1 regulation, in awarding Federally funded trans-
2 portation contracts under laws and regulations
3 administered by the Secretary; and

4 (B) such additional steps should include
5 increasing the ability of the Department to
6 track and keep records of complaints and to
7 make that information publicly available.

8 **SEC. 11102. OBLIGATION CEILING.**

9 (a) GENERAL LIMITATION.—Subject to subsection
10 (e), and notwithstanding any other provision of law, the
11 obligations for Federal-aid highway and highway safety
12 construction programs shall not exceed—

- 13 (1) \$57,473,430,072 for fiscal year 2022;
14 (2) \$58,764,510,674 for fiscal year 2023;
15 (3) \$60,095,782,888 for fiscal year 2024;
16 (4) \$61,314,170,545 for fiscal year 2025; and
17 (5) \$62,657,105,821 for fiscal year 2026.

18 (b) EXCEPTIONS.—The limitations under subsection
19 (a) shall not apply to obligations under or for—

- 20 (1) section 125 of title 23, United States Code;
21 (2) section 147 of the Surface Transportation
22 Assistance Act of 1978 (23 U.S.C. 144 note; 92
23 Stat. 2714);
24 (3) section 9 of the Federal-Aid Highway Act
25 of 1981 (95 Stat. 1701);

1 (4) subsections (b) and (j) of section 131 of the
2 Surface Transportation Assistance Act of 1982 (96
3 Stat. 2119);

4 (5) subsections (b) and (c) of section 149 of the
5 Surface Transportation and Uniform Relocation As-
6 sistance Act of 1987 (101 Stat. 198);

7 (6) sections 1103 through 1108 of the Inter-
8 modal Surface Transportation Efficiency Act of
9 1991 (105 Stat. 2027);

10 (7) section 157 of title 23, United States Code
11 (as in effect on June 8, 1998);

12 (8) section 105 of title 23, United States Code
13 (as in effect for fiscal years 1998 through 2004, but
14 only in an amount equal to \$639,000,000 for each
15 of those fiscal years);

16 (9) Federal-aid highway programs for which ob-
17 ligation authority was made available under the
18 Transportation Equity Act for the 21st Century
19 (112 Stat. 107) or subsequent Acts for multiple
20 years or to remain available until expended, but only
21 to the extent that the obligation authority has not
22 lapsed or been used;

23 (10) section 105 of title 23, United States Code
24 (as in effect for fiscal years 2005 through 2012, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

3 (11) section 1603 of SAFETEA-LU (23
4 U.S.C. 118 note; 119 Stat. 1248), to the extent that
5 funds obligated in accordance with that section were
6 not subject to a limitation on obligations at the time
7 at which the funds were initially made available for
8 obligation;

9 (12) section 119 of title 23, United States Code
10 (as in effect for fiscal years 2013 through 2015, but
11 only in an amount equal to \$639,000,000 for each
12 of those fiscal years);

13 (13) section 119 of title 23, United States Code
14 (as in effect for fiscal years 2016 through 2021, but
15 only in an amount equal to \$639,000,000 for each
16 of those fiscal years); and

17 (14) section 119 of title 23, United States Code
18 (but, for fiscal years 2022 through 2026, only in an
19 amount equal to \$639,000,000 for each of those fis-
20 cal years).

21 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
22 For each of fiscal years 2022 through 2026, the Sec-
23 retary—

24 (1) shall not distribute obligation authority pro-
25 vided by subsection (a) for the fiscal year for—

1 (A) amounts authorized for administrative
2 expenses and programs by section 104(a) of
3 title 23, United States Code; and

4 (B) amounts authorized for the Bureau of
5 Transportation Statistics;

6 (2) shall not distribute an amount of obligation
7 authority provided by subsection (a) that is equal to
8 the unobligated balance of amounts—

9 (A) made available from the Highway
10 Trust Fund (other than the Mass Transit Ac-
11 count) for Federal-aid highway and highway
12 safety construction programs for previous fiscal
13 years the funds for which are allocated by the
14 Secretary (or apportioned by the Secretary
15 under section 202 or 204 of title 23, United
16 States Code); and

17 (B) for which obligation authority was pro-
18 vided in a previous fiscal year;

19 (3) shall determine the proportion that—

20 (A) the obligation authority provided by
21 subsection (a) for the fiscal year, less the aggre-
22 gate of amounts not distributed under para-
23 graphs (1) and (2) of this subsection; bears to

24 (B) the total of the sums authorized to be
25 appropriated for the Federal-aid highway and

1 highway safety construction programs (other
2 than sums authorized to be appropriated for
3 provisions of law described in paragraphs (1)
4 through (13) of subsection (b) and sums au-
5 thorized to be appropriated for section 119 of
6 title 23, United States Code, equal to the
7 amount referred to in subsection (b)(14) for the
8 fiscal year), less the aggregate of the amounts
9 not distributed under paragraphs (1) and (2) of
10 this subsection;

11 (4) shall distribute the obligation authority pro-
12 vided by subsection (a), less the aggregate amounts
13 not distributed under paragraphs (1) and (2), for
14 each of the programs (other than programs to which
15 paragraph (1) applies) that are allocated by the Sec-
16 retary under this division and title 23, United States
17 Code, or apportioned by the Secretary under section
18 202 or 204 of that title, by multiplying—

19 (A) the proportion determined under para-
20 graph (3); by

21 (B) the amounts authorized to be appro-
22 priated for each such program for the fiscal
23 year; and

24 (5) shall distribute the obligation authority pro-
25 vided by subsection (a), less the aggregate amounts

1 not distributed under paragraphs (1) and (2) and
2 the amounts distributed under paragraph (4), for
3 Federal-aid highway and highway safety construc-
4 tion programs that are apportioned by the Secretary
5 under title 23, United States Code (other than the
6 amounts apportioned for the national highway per-
7 formance program in section 119 of title 23, United
8 States Code, that are exempt from the limitation
9 under subsection (b)(14) and the amounts appor-
10 tioned under sections 202 and 204 of that title) in
11 the proportion that—

12 (A) amounts authorized to be appropriated
13 for the programs that are apportioned under
14 title 23, United States Code, to each State for
15 the fiscal year; bears to

16 (B) the total of the amounts authorized to
17 be appropriated for the programs that are ap-
18 portioned under title 23, United States Code, to
19 all States for the fiscal year.

20 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
21 THORITY.—Notwithstanding subsection (c), the Secretary
22 shall, after August 1 of each of fiscal years 2022 through
23 2026—

24 (1) revise a distribution of the obligation au-
25 thority made available under subsection (c) if an

1 amount distributed cannot be obligated during that
2 fiscal year; and

3 (2) redistribute sufficient amounts to those
4 States able to obligate amounts in addition to those
5 previously distributed during that fiscal year, giving
6 priority to those States having large unobligated bal-
7 ances of funds apportioned under sections 144 (as in
8 effect on the day before the date of enactment of
9 MAP-21 (Public Law 112-141; 126 Stat. 405)) and
10 104 of title 23, United States Code.

11 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
12 TRANSPORTATION RESEARCH PROGRAMS.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), obligation limitations imposed by sub-
15 section (a) shall apply to contract authority for
16 transportation research programs carried out under
17 chapter 5 of title 23, United States Code.

18 (2) EXCEPTION.—Obligation authority made
19 available under paragraph (1) shall—

20 (A) remain available for a period of 4 fis-
21 cal years; and

22 (B) be in addition to the amount of any
23 limitation imposed on obligations for Federal-
24 aid highway and highway safety construction
25 programs for future fiscal years.

1 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
2 FUNDS.—

3 (1) IN GENERAL.—Not later than 30 days after
4 the date of distribution of obligation authority under
5 subsection (c) for each of fiscal years 2022 through
6 2026, the Secretary shall distribute to the States
7 any funds (excluding funds authorized for the pro-
8 gram under section 202 of title 23, United States
9 Code) that—

10 (A) are authorized to be appropriated for
11 the fiscal year for Federal-aid highway pro-
12 grams; and

13 (B) the Secretary determines will not be
14 allocated to the States (or will not be appor-
15 tioned to the States under section 204 of title
16 23, United States Code), and will not be avail-
17 able for obligation, for the fiscal year because
18 of the imposition of any obligation limitation for
19 the fiscal year.

20 (2) RATIO.—Funds shall be distributed under
21 paragraph (1) in the same proportion as the dis-
22 tribution of obligation authority under subsection
23 (c)(5).

24 (3) AVAILABILITY.—Funds distributed to each
25 State under paragraph (1) shall be available for any

1 purpose described in section 133(b) of title 23,
2 United States Code.

3 **SEC. 11103. DEFINITIONS.**

4 Section 101(a) of title 23, United States Code, is
5 amended—

6 (1) in paragraph (4)—

7 (A) in subparagraph (A), by inserting “as-
8 sessing resilience,” after “surveying,”;

9 (B) in subparagraph (G), by striking
10 “and” at the end;

11 (C) by redesignating subparagraph (H) as
12 subparagraph (I); and

13 (D) by inserting after subparagraph (G)
14 the following:

15 “(H) improvements that reduce the num-
16 ber of wildlife-vehicle collisions, such as wildlife
17 crossing structures; and”;

18 (2) by redesignating paragraphs (17) through
19 (34) as paragraphs (18), (19), (20), (21), (22), (23),
20 (25), (26), (27), (28), (29), (30), (31), (32), (33),
21 (34), (35), and (36), respectively;

22 (3) by inserting after paragraph (16) the fol-
23 lowing:

24 “(17) NATURAL INFRASTRUCTURE.—The term
25 ‘natural infrastructure’ means infrastructure that

1 uses, restores, or emulates natural ecological proc-
2 esses and—

3 “(A) is created through the action of nat-
4 ural physical, geological, biological, and chem-
5 ical processes over time;

6 “(B) is created by human design, engineer-
7 ing, and construction to emulate or act in con-
8 cert with natural processes; or

9 “(C) involves the use of plants, soils, and
10 other natural features, including through the
11 creation, restoration, or preservation of vege-
12 tated areas using materials appropriate to the
13 region to manage stormwater and runoff, to at-
14 tenuate flooding and storm surges, and for
15 other related purposes.”;

16 (4) by inserting after paragraph (23) (as so re-
17 designated) the following:

18 “(24) RESILIENCE.—The term ‘resilience’, with
19 respect to a project, means a project with the ability
20 to anticipate, prepare for, or adapt to conditions or
21 withstand, respond to, or recover rapidly from dis-
22 ruptions, including the ability—

23 “(A)(i) to resist hazards or withstand im-
24 pacts from weather events and natural disas-
25 ters; or

1 “(ii) to reduce the magnitude or duration
2 of impacts of a disruptive weather event or nat-
3 ural disaster on a project; and

4 “(B) to have the absorptive capacity,
5 adaptive capacity, and recoverability to decrease
6 project vulnerability to weather events or other
7 natural disasters.”; and

8 (5) in subparagraph (A) of paragraph (32) (as
9 so redesignated)—

10 (A) by striking the period at the end and
11 inserting “; and”;

12 (B) by striking “through the implementa-
13 tion” and inserting the following: “through—

14 “(i) the implementation”; and

15 (C) by adding at the end the following:

16 “(ii) the consideration of incor-
17 porating natural infrastructure.”.

18 **SEC. 11104. APPORTIONMENT.**

19 (a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)
20 of title 23, United States Code, is amended by striking
21 subparagraphs (A) through (E) and inserting the fol-
22 lowing:

23 “(A) \$490,964,697 for fiscal year 2022;

24 “(B) \$500,783,991 for fiscal year 2023;

25 “(C) \$510,799,671 for fiscal year 2024;

1 “(D) \$521,015,664 for fiscal year 2025;

2 and

3 “(E) \$531,435,977 for fiscal year 2026.”.

4 (b) DIVISION AMONG PROGRAMS OF STATE
5 SHARE.—Section 104(b) of title 23, United States Code,
6 is amended in subsection (b)—

7 (1) in the matter preceding paragraph (1), by
8 inserting “the carbon reduction program under sec-
9 tion 175, to carry out subsection (c) of the PRO-
10 TECT program under section 176,” before “and to
11 carry out section 134”;

12 (2) in paragraph (1), by striking “63.7 per-
13 cent” and inserting “59.0771195921461 percent”;

14 (3) in paragraph (2), by striking “29.3 per-
15 cent” and inserting “28.7402203421251 percent”;

16 (4) in paragraph (3), by striking “7 percent”
17 and inserting “6.70605141316253 percent”;

18 (5) by striking paragraph (4) and inserting the
19 following:

20 “(4) CONGESTION MITIGATION AND AIR QUAL-
21 ITY IMPROVEMENT PROGRAM.—

22 “(A) IN GENERAL.—For the congestion
23 mitigation and air quality improvement pro-
24 gram, an amount determined for the State
25 under subparagraphs (B) and (C).

1 “(B) TOTAL AMOUNT.—The total amount
2 for the congestion mitigation and air quality
3 improvement program for all States shall be—

4 “(i) \$2,536,490,803 for fiscal year
5 2022;

6 “(ii) \$2,587,220,620 for fiscal year
7 2023;

8 “(iii) \$2,638,965,032 for fiscal year
9 2024;

10 “(iv) \$2,691,744,332 for fiscal year
11 2025; and

12 “(v) \$2,745,579,213 for fiscal year
13 2026.

14 “(C) STATE SHARE.—For each fiscal year,
15 the Secretary shall distribute among the States
16 the total amount for the congestion mitigation
17 and air quality improvement program under
18 subparagraph (B) so that each State receives
19 an amount equal to the proportion that—

20 “(i) the amount apportioned to the
21 State for the congestion mitigation and air
22 quality improvement program for fiscal
23 year 2020; bears to

1 “(ii) the total amount of funds appor-
2 tioned to all States for that program for
3 fiscal year 2020.”;

4 (6) in paragraph (5)—

5 (A) by striking subparagraph (B) and in-
6 serting the following:

7 “(B) TOTAL AMOUNT.—The total amount
8 set aside for the national highway freight pro-
9 gram for all States shall be—

10 “(i) \$1,373,932,519 for fiscal year
11 2022;

12 “(ii) \$1,401,411,169 for fiscal year
13 2023;

14 “(iii) \$1,429,439,392 for fiscal year
15 2024;

16 “(iv) \$1,458,028,180 for fiscal year
17 2025; and

18 “(v) \$1,487,188,740 for fiscal year
19 2026.”; and

20 (B) by striking subparagraph (D); and

21 (7) by striking paragraph (6) and inserting the
22 following:

23 “(6) METROPOLITAN PLANNING.—

1 “(A) IN GENERAL.—To carry out section
2 134, an amount determined for the State under
3 subparagraphs (B) and (C).

4 “(B) TOTAL AMOUNT.—The total amount
5 for metropolitan planning for all States shall
6 be—

7 “(i) \$ 438,121,139 for fiscal year
8 2022;

9 “(ii) \$446,883,562 for fiscal year
10 2023;

11 “(iii) \$455,821,233 for fiscal year
12 2024;

13 “(iv) \$464,937,657 for fiscal year
14 2025; and

15 “(v) \$474,236,409 for fiscal year
16 2026.

17 “(C) STATE SHARE.—For each fiscal year,
18 the Secretary shall distribute among the States
19 the total amount to carry out section 134 under
20 subparagraph (B) so that each State receives
21 an amount equal to the proportion that—

22 “(i) the amount apportioned to the
23 State to carry out section 134 for fiscal
24 year 2020; bears to

1 “(ii) the total amount of funds appor-
2 tioned to all States to carry out section
3 134 for fiscal year 2020.

4 “(7) CARBON REDUCTION PROGRAM.—For the
5 carbon reduction program under section 175,
6 2.56266964565637 percent of the amount remaining
7 after distributing amounts under paragraphs (4),
8 (5), and (6).

9 “(8) PROTECT FORMULA PROGRAM.—To
10 carry out subsection (c) of the PROTECT program
11 under section 176, 2.91393900690991 percent of
12 the amount remaining after distributing amounts
13 under paragraphs (4), (5), and (6).”.

14 “(c) CALCULATION OF AMOUNTS.—Section 104(e) of
15 title 23, United States Code, is amended—

16 (1) in paragraph (1)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “each of fiscal years 2016
19 through 2020” and inserting “fiscal year 2022
20 and each fiscal year thereafter”;

21 (B) in subparagraph (A)—

22 (i) by striking clause (i) and inserting
23 the following:

24 “(i) the base apportionment; by”; and

1 (ii) in clause (ii)(I), by striking “fiscal
2 year 2015” and inserting “fiscal year
3 2021”; and

4 (C) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) GUARANTEED AMOUNTS.—The initial
7 amounts resulting from the calculation under
8 subparagraph (A) shall be adjusted to ensure
9 that each State receives an aggregate appor-
10 tionment that is—

11 “(i) equal to at least 95 percent of the
12 estimated tax payments paid into the
13 Highway Trust Fund (other than the Mass
14 Transit Account) in the most recent fiscal
15 year for which data are available that
16 are—

17 “(I) attributable to highway
18 users in the State; and

19 “(II) associated with taxes in ef-
20 fect on July 1, 2019, and only up to
21 the rate those taxes were in effect on
22 that date;

23 “(ii) at least 2 percent greater than
24 the apportionment that the State received
25 for fiscal year 2021; and

1 “(iii) at least 1 percent greater than
2 the apportionment that the State received
3 for the previous fiscal year.”; and

4 (2) in paragraph (2)—

5 (A) by striking “fiscal years 2016 through
6 2020” and inserting “fiscal year 2022 and each
7 fiscal year thereafter”; and

8 (B) by inserting “the carbon reduction
9 program under section 175, to carry out sub-
10 section (c) of the PROTECT program under
11 section 176,” before “and to carry out section
12 134”.

13 (d) METROPOLITAN PLANNING.—Section
14 104(d)(1)(A) of title 23, United States Code, is amended
15 by striking “paragraphs (5)(D) and (6) of subsection (b)”
16 each place it appears and inserting “subsection (b)(6)”.

17 (e) SUPPLEMENTAL FUNDS.—Section 104 of title 23,
18 United States Code, is amended by striking subsection (h).

19 (f) BASE APPORTIONMENT DEFINED.—Section 104
20 of title 23, United States Code, is amended—

21 (1) by redesignating subsection (i) as subsection
22 (h); and

23 (2) in subsection (h) (as so redesignated)—

24 (A) by striking “means” in the matter pre-
25 ceding paragraph (1) and all that follows

1 through “the combined amount” in paragraph
2 (1) and inserting “means the combined
3 amount”;

4 (B) by striking “and to carry out section
5 134; minus” and inserting “the carbon reduc-
6 tion program under section 175, to carry out
7 subsection (c) of the PROTECT program under
8 section 176, and to carry out section 134.”; and

9 (C) by striking paragraph (2).

10 **SEC. 11105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

11 Section 119 of title 23, United States Code, is
12 amended—

13 (1) in subsection (b)—

14 (A) in paragraph (2), by striking “and” at
15 the end;

16 (B) in paragraph (3), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(4) to provide support for activities to increase
20 the resiliency of the National Highway System to
21 mitigate the cost of damages from sea level rise, ex-
22 treme weather events, flooding, or other natural dis-
23 asters.”;

24 (2) in subsection (d)(2), by adding at the end
25 the following:

1 “(Q) Undergrounding public utility infra-
2 structure carried out in conjunction with a
3 project otherwise eligible under this section.

4 “(R) Resiliency improvements on the Na-
5 tional Highway System, including protective
6 features described in subsection (k)(2).

7 “(S) Implement activities to protect seg-
8 ments of the National Highway System from
9 cybersecurity threats.”;

10 (3) in subsection (e)(4)(D), by striking “anal-
11 ysis” and inserting “analyses, both of which shall
12 take into consideration extreme weather and resil-
13 ience”; and

14 (4) by adding at the end the following:

15 “(k) PROTECTIVE FEATURES.—

16 “(1) IN GENERAL.—A State may use not more
17 than 15 percent of the funds apportioned to the
18 State under section 104(b)(1) for each fiscal year
19 for 1 or more protective features on a Federal-aid
20 highway or bridge not on the National Highway Sys-
21 tem, if the protective feature is designed to mitigate
22 the risk of recurring damage or the cost of future
23 repairs from extreme weather events, flooding, or
24 other natural disasters.

1 “(2) PROTECTIVE FEATURES DESCRIBED.—A
2 protective feature referred to in paragraph (1) in-
3 cludes—

4 “(A) raising roadway grades;

5 “(B) relocating roadways in a base flood-
6 plain to higher ground above projected flood
7 elevation levels or away from slide prone areas;

8 “(C) stabilizing slide areas;

9 “(D) stabilizing slopes;

10 “(E) lengthening or raising bridges to in-
11 crease waterway openings;

12 “(F) increasing the size or number of
13 drainage structures;

14 “(G) replacing culverts with bridges or
15 upsizing culverts;

16 “(H) installing seismic retrofits on bridges;

17 “(I) adding scour protection at bridges, in-
18 stalling riprap, or adding other scour, stream
19 stability, coastal, or other hydraulic counter-
20 measures, including spur dikes; and

21 “(J) the use of natural infrastructure to
22 mitigate the risk of recurring damage or the
23 cost of future repair from extreme weather
24 events, flooding, or other natural disasters.

1 “(3) SAVINGS PROVISION.—Nothing in this sub-
2 section limits the ability of a State to carry out a
3 project otherwise eligible under subsection (d) using
4 funds apportioned under section 104(b)(1).”.

5 **SEC. 11106. EMERGENCY RELIEF.**

6 Section 125 of title 23, United States Code, is
7 amended—

8 (1) in subsection (a)(1), by inserting “wildfire,”
9 after “severe storm,”;

10 (2) by striking subsection (b) and inserting the
11 following:

12 “(b) RESTRICTION ON ELIGIBILITY.—Funds under
13 this section shall not be used for the repair or reconstruc-
14 tion of a bridge that has been permanently closed to all
15 vehicular traffic by the State or responsible local official
16 because of imminent danger of collapse due to a structural
17 deficiency or physical deterioration.”; and

18 (3) in subsection (d)—

19 (A) in paragraph (2)(A)—

20 (i) by striking the period at the end
21 and inserting “; and”;

22 (ii) by striking “a facility that meets
23 the current” and inserting the following:

24 “a facility that—

25 “(i) meets the current”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(ii) incorporates economically justifi-
4 able improvements that will mitigate the
5 risk of recurring damage from extreme
6 weather, flooding, and other natural disas-
7 ters.”;

8 (B) by redesignating paragraph (3) as
9 paragraph (4); and

10 (C) by inserting after paragraph (2) the
11 following:

12 “(3) PROTECTIVE FEATURES.—

13 “(A) IN GENERAL.—The cost of an im-
14 provement that is part of a project under this
15 section shall be an eligible expense under this
16 section if the improvement is a protective fea-
17 ture that will mitigate the risk of recurring
18 damage or the cost of future repair from ex-
19 treme weather, flooding, and other natural dis-
20 asters.

21 “(B) PROTECTIVE FEATURES DE-
22 SCRIBED.—A protective feature referred to in
23 subparagraph (A) includes—

24 “(i) raising roadway grades;

1 “(ii) relocating roadways in a flood-
2 plain to higher ground above projected
3 flood elevation levels or away from slide
4 prone areas;
5 “(iii) stabilizing slide areas;
6 “(iv) stabilizing slopes;
7 “(v) lengthening or raising bridges to
8 increase waterway openings;
9 “(vi) increasing the size or number of
10 drainage structures;
11 “(vii) replacing culverts with bridges
12 or upsizing culverts;
13 “(viii) installing seismic retrofits on
14 bridges;
15 “(ix) adding scour protection at
16 bridges, installing riprap, or adding other
17 scour, stream stability, coastal, or other
18 hydraulic countermeasures, including spur
19 dikes; and
20 “(x) the use of natural infrastructure
21 to mitigate the risk of recurring damage or
22 the cost of future repair from extreme
23 weather, flooding, and other natural disas-
24 ters.”.

1 **SEC. 11107. FEDERAL SHARE PAYABLE.**

2 Section 120 of title 23, United States Code, is
3 amended—

4 (1) in subsection (c)—

5 (A) in paragraph (1), in the first sentence,
6 by inserting “vehicle-to-infrastructure commu-
7 nication equipment,” after “breakaway utility
8 poles,”;

9 (B) in subparagraph (3)(B)—

10 (i) in clause (v), by striking “or” at
11 the end;

12 (ii) by redesignating clause (vi) as
13 clause (vii); and

14 (iii) by inserting after clause (v) the
15 following:

16 “(vi) contractual provisions that pro-
17 vide safety contingency funds to incor-
18 porate safety enhancements to work zones
19 prior to or during roadway construction ac-
20 tivities; or”; and

21 (C) by adding at the end the following:

22 “(4) POOLED FUNDING.—Notwithstanding any
23 other provision of law, the Secretary may waive the
24 non-Federal share of the cost of a project or activity
25 under section 502(b)(6) that is carried out with

1 amounts apportioned under section 104(b)(2) after
2 considering appropriate factors, including whether—

3 “(A) decreasing or eliminating the non-
4 Federal share would best serve the interests of
5 the Federal-aid highway program; and

6 “(B) the project or activity addresses na-
7 tional or regional high priority research, devel-
8 opment, and technology transfer problems in a
9 manner that would benefit multiple States or
10 metropolitan planning organizations.”;

11 (2) in subsection (e)—

12 (A) in paragraph (1), by striking “180
13 days” and inserting “270 days”; and

14 (B) in paragraph (4), by striking “perma-
15 nent”; and

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

17 “(1) FEDERAL SHARE FLEXIBILITY PILOT PRO-
18 GRAM.—

19 “(1) ESTABLISHMENT.—Not later than 180
20 days after the date of enactment of the Surface
21 Transportation Reauthorization Act of 2021, the
22 Secretary shall establish a pilot program (referred to
23 in this subsection as the ‘pilot program’) to give
24 States additional flexibility with respect to the Fed-
25 eral requirements under this section.

1 “(2) PROGRAM.—

2 “(A) IN GENERAL.—Notwithstanding any
3 other provision of law, a State participating in
4 the pilot program (referred to in this subsection
5 as a ‘participating State’) may determine the
6 Federal share on a project, multiple-project, or
7 program basis for projects under any of the fol-
8 lowing:

9 “(i) The national highway perform-
10 ance program under section 119.

11 “(ii) The surface transportation block
12 grant program under section 133.

13 “(iii) The highway safety improve-
14 ment program under section 148.

15 “(iv) The congestion mitigation and
16 air quality improvement program under
17 section 149.

18 “(v) The national highway freight
19 program under section 167.

20 “(vi) The carbon reduction program
21 under section 175.

22 “(vii) Subsection (c) of the PRO-
23 TECT program under section 176.

24 “(B) REQUIREMENTS.—

1 “(i) MAXIMUM FEDERAL SHARE.—
2 Subject to clause (iii), the Federal share of
3 the cost of an individual project carried out
4 under a program described in subpara-
5 graph (A) by a participating State and to
6 which the participating State is applying
7 the Federal share requirements under the
8 pilot program may be up to 100 percent.

9 “(ii) MINIMUM FEDERAL SHARE.—No
10 individual project carried out under a pro-
11 gram described in subparagraph (A) by a
12 participating State and to which the par-
13 ticipating State is applying the Federal
14 share requirements under the pilot pro-
15 gram shall have a Federal share of 0 per-
16 cent.

17 “(iii) DETERMINATION.—The average
18 annual Federal share of the total cost of
19 all projects authorized under a program
20 described in subparagraph (A) to which a
21 participating State is applying the Federal
22 share requirements under the pilot pro-
23 gram shall be not more than the average
24 of the maximum Federal share of those

1 projects if those projects were not carried
2 out under the pilot program.

3 “(C) SELECTION.—

4 “(i) APPLICATION.—A State seeking
5 to be a participating State shall—

6 “(I) submit to the Secretary an
7 application in such form, at such
8 time, and containing such information
9 as the Secretary may require; and

10 “(II) have in place adequate fi-
11 nancial controls to allow the State to
12 determine the average annual Federal
13 share requirements under the pilot
14 program.

15 “(ii) REQUIREMENT.—For each of fis-
16 cal years 2022 through 2026, the Sec-
17 retary shall select not more than 10 States
18 to be participating States.”.

19 **SEC. 11108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

20 (a) IN GENERAL.—Section 130(e) of title 23, United
21 States Code, is amended—

22 (1) in the heading, by striking “PROTECTIVE
23 DEVICES” and inserting “RAILWAY-HIGHWAY
24 GRADE CROSSINGS”; and

25 (2) in paragraph (1)—

1 (A) in subparagraph (A), by striking “and
2 the installation of protective devices at railway-
3 highway crossings” in the matter preceding
4 clause (i) and all that follows through “2020.”
5 in clause (v) and inserting the following: “, the
6 installation of protective devices at railway-
7 highway crossings, the replacement of function-
8 ally obsolete warning devices, and as described
9 in subparagraph (B), not less than
10 \$245,000,000 for each of fiscal years 2022
11 through 2026.”; and

12 (B) by striking subparagraph (B) and in-
13 serting the following:

14 “(B) REDUCING TRESPASSING FATALITIES
15 AND INJURIES.—A State may use funds set
16 aside under subparagraph (A) for projects to
17 reduce pedestrian fatalities and injuries from
18 trespassing at grade crossings.”.

19 (b) FEDERAL SHARE.—Section 130(f)(3) of title 23,
20 United States Code, is amended by striking “90 percent”
21 and inserting “100 percent”.

22 (c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING
23 CLOSURES.—Section 130(i)(3)(B) of title 23, United
24 States Code, is amended by striking “\$7,500” and insert-
25 ing “\$100,000”.

1 (d) EXPENDITURE OF FUNDS.—Section 130(k) of
2 title 23, United States Code, is amended by striking “2
3 percent” and inserting “8 percent”.

4 (e) GAO STUDY.—Not later than 3 years after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall submit to Congress a report
7 that includes an analysis of the effectiveness of the rail-
8 way-highway crossings program under section 130 of title
9 23, United States Code.

10 (f) SENSE OF CONGRESS RELATING TO TRESPASSER
11 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
12 sense of Congress that the Department should, where fea-
13 sible, coordinate departmental efforts to prevent or reduce
14 trespasser deaths along railroad rights-of-way and at or
15 near railway-highway crossings.

16 **SEC. 11109. SURFACE TRANSPORTATION BLOCK GRANT**
17 **PROGRAM.**

18 (a) IN GENERAL.—Section 133 of title 23, United
19 States Code, is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (B)—

23 (I) by adding “or” at the end;

1 (II) by striking “facilities eligi-
2 ble” and inserting the following: “fa-
3 cilities—

4 “(i) that are eligible”; and

5 (III) by adding at the end the
6 following:

7 “(ii) that are privately or majority-
8 privately owned, but that the Secretary de-
9 termines provide a substantial public
10 transportation benefit or otherwise meet
11 the foremost needs of the surface transpor-
12 tation system described in section
13 101(b)(3)(D);”;

14 (ii) in subparagraph (E), by striking
15 “and” at the end;

16 (iii) in subparagraph (F), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iv) by adding at the end the fol-
20 lowing:

21 “(G) wildlife crossing structures.”;

22 (B) in paragraph (3), by inserting
23 “148(a)(4)(B)(xvii),” after “119(g);”;

24 (C) by redesignating paragraphs (4)
25 through (15) as paragraphs (5), (6), (7), (8),

1 (9), (10), (11), (12), (13), (20), (21), and (22),
2 respectively;

3 (D) in paragraph (5) (as so redesignated),
4 by striking “railway-highway grade crossings”
5 and inserting “projects eligible under section
6 130 and installation of safety barriers and nets
7 on bridges”;

8 (E) in paragraph (7) (as so redesignated)—
9 nated)—

10 (i) by inserting “including the mainte-
11 nance and restoration of existing rec-
12 reational trails,” after “section 206”; and

13 (ii) by striking “the safe routes to
14 school program under section 1404 of
15 SAFETEA-LU (23 U.S.C. 402 note)” and
16 inserting “the safe routes to school pro-
17 gram under section 208”;

18 (F) by inserting after paragraph (13) (as
19 so redesignated) the following:

20 “(14) Projects and strategies designed to re-
21 duce the number of wildlife-vehicle collisions, includ-
22 ing project-related planning, design, construction,
23 monitoring, and preventative maintenance.

24 “(15) The installation of electric vehicle charg-
25 ing infrastructure and vehicle-to-grid infrastructure.

1 “(16) The installation and deployment of cur-
2 rent and emerging intelligent transportation tech-
3 nologies, including the ability of vehicles to commu-
4 nicate with infrastructure, buildings, and other road
5 users.

6 “(17) Planning and construction of projects
7 that facilitate intermodal connections between
8 emerging transportation technologies, such as mag-
9 netic levitation and hyperloop.

10 “(18) Protective features, including natural in-
11 frastructure, to enhance the resilience of a transpor-
12 tation facility otherwise eligible for assistance under
13 this section.

14 “(19) Measures to protect a transportation fa-
15 cility otherwise eligible for assistance under this sec-
16 tion from cybersecurity threats.”; and

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

18 “(23) Rural barge landing, dock, and water-
19 front infrastructure projects in accordance with sub-
20 section (j).

21 “(24) Projects to enhance travel and tourism.”;

22 (2) in subsection (c)—

23 (A) in paragraph (2), by striking “para-
24 graphs (4) through (11)” and inserting “para-
25 graphs (5) through (15) and paragraph (23)”;

1 (B) in paragraph (3), by striking “and” at
2 the end;

3 (C) by redesignating paragraph (4) as
4 paragraph (5); and

5 (D) by inserting after paragraph (3) the
6 following:

7 “(4) for a bridge project for the replacement of
8 a low water crossing (as defined by the Secretary)
9 with a bridge; and”;

10 (3) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “reservation” and
14 inserting “set aside”; and

15 (ii) in subparagraph (A)—

16 (I) in the matter preceding clause
17 (i), by striking “the percentage speci-
18 fied in paragraph (6) for a fiscal
19 year” and inserting “55 percent for
20 each of fiscal years 2022 through
21 2026”; and

22 (II) by striking clauses (ii) and
23 (iii) and inserting the following:

24 “(ii) in urbanized areas of the State
25 with an urbanized area population of not

1 less than 50,000 and not more than
2 200,000;

3 “(iii) in urban areas of the State with
4 a population not less than 5,000 and not
5 more than 49,999; and

6 “(iv) in other areas of the State with
7 a population less than 5,000; and”;

8 (B) by striking paragraph (3) and insert-
9 ing the following:

10 “(3) LOCAL CONSULTATION.—

11 “(A) CONSULTATION WITH METROPOLITAN
12 PLANNING ORGANIZATIONS.—For purposes of
13 clause (ii) of paragraph (1)(A), a State shall—

14 “(i) establish a process to consult with
15 all metropolitan planning organizations in
16 the State that represent an urbanized area
17 described in that clause; and

18 “(ii) describe how funds allocated for
19 areas described in that clause will be allo-
20 cated equitably among the applicable ur-
21 banized areas during the period of fiscal
22 years 2022 through 2026.

23 “(B) CONSULTATION WITH REGIONAL
24 TRANSPORTATION PLANNING ORGANIZA-
25 TIONS.—For purposes of clauses (iii) and (iv)

1 of paragraph (1)(A), before obligating funding
2 attributed to an area with a population less
3 than 50,000, a State shall consult with the re-
4 gional transportation planning organizations
5 that represent the area, if any.”; and

6 (C) by striking paragraph (6);

7 (4) in subsection (e)(1), in the matter preceding
8 subparagraph (A), by striking “fiscal years 2016
9 through 2020” and inserting “fiscal years 2022
10 through 2026”;

11 (5) in subsection (f)—

12 (A) in paragraph (1)—

13 (i) by inserting “or low water crossing
14 (as defined by the Secretary)” after “a
15 highway bridge”; and

16 (ii) by inserting “or low water cross-
17 ing (as defined by the Secretary)” after
18 “other than a bridge”;

19 (B) in paragraph (2)(A)—

20 (i) by striking “activities described in
21 subsection (b)(2) for off-system bridges”
22 and inserting “activities described in para-
23 graphs (1)(A) and (10) of subsection (b)
24 for off-system bridges, projects and activi-
25 ties described in subsection (b)(1)(A) for

1 the replacement of low water crossings
2 with bridges, and projects and activities
3 described in subsection (b)(10) for low
4 water crossings (as defined by the Sec-
5 retary),”; and

6 (ii) by striking “15 percent” and in-
7 serting “20 percent”; and

8 (C) in paragraph (3), in the matter pre-
9 ceding subparagraph (A)—

10 (i) by striking “bridge or rehabilita-
11 tion of a bridge” and inserting “bridge, re-
12 habilitation of a bridge, or replacement of
13 a low water crossing (as defined by the
14 Secretary) with a bridge”; and

15 (ii) by inserting “or, in the case of a
16 replacement of a low water crossing with a
17 bridge, is determined by the Secretary on
18 completion to have improved the safety of
19 the location” after “no longer a deficient
20 bridge”;

21 (6) in subsection (g)—

22 (A) in the subsection heading, by striking
23 “LESS THAN 5,000” and inserting “LESS
24 THAN 50,000”; and

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) IN GENERAL.—Notwithstanding subsection
4 (c), and except as provided in paragraph (2), up to
5 15 percent of the amounts required to be obligated
6 by a State under clauses (iii) and (iv) of subsection
7 (d)(1)(A) for each fiscal year may be obligated on—

8 “(A) roads functionally classified as rural
9 minor collectors or local roads; or

10 “(B) on critical rural freight corridors des-
11 ignated under section 167(e).”; and

12 (7) by adding at the end the following:

13 “(j) RURAL BARGE LANDING, DOCK, AND WATER-
14 FRONT INFRASTRUCTURE PROJECTS.—

15 “(1) IN GENERAL.—A State may use not more
16 than 5 percent of the funds apportioned to the State
17 under section 104(b)(2) for eligible rural barge land-
18 ing, dock, and waterfront infrastructure projects de-
19 scribed in paragraph (2).

20 “(2) ELIGIBLE PROJECTS.—An eligible rural
21 barge landing, dock, or waterfront infrastructure
22 project referred to in paragraph (1) is a project for
23 the planning, designing, engineering, or construction
24 of a barge landing, dock, or other waterfront infra-
25 structure in a rural community or a Native village

1 (as defined in section 3 of the Alaska Native Claims
2 Settlement Act (43 U.S.C. 1602)) that is off the
3 road system.

4 “(k) PROJECTS IN RURAL AREAS.—

5 “(1) SET ASIDE.—Notwithstanding subsection
6 (c), in addition to the activities described in sub-
7 sections (b) and (g), of the amounts apportioned to
8 a State for each fiscal year to carry out this section,
9 not more than 15 percent may be—

10 “(A) used on eligible projects under sub-
11 section (b) or maintenance activities on roads
12 functionally classified as rural minor collectors
13 or local roads, ice roads, or seasonal roads; or

14 “(B) transferred to—

15 “(i) the Appalachian Highway System
16 Program under 14501 of title 40; or

17 “(ii) the Denali access system pro-
18 gram under section 309 of the Denali
19 Commission Act of 1998 (42 U.S.C. 3121
20 note; Public Law 105–277).

21 “(2) SAVINGS CLAUSE.—Amounts allocated
22 under subsection (d) shall not be used to carry out
23 this subsection, except at the request of the applica-
24 ble metropolitan planning organization.”.

25 (b) SET-ASIDE.—

1 (1) IN GENERAL.—Section 133(h) of title 23,
2 United States Code, is amended—

3 (A) in paragraph (1)—

4 (i) in the heading, by striking “RES-
5 ERVATION OF FUNDS” and inserting “IN
6 GENERAL”; and

7 (ii) in the matter preceding subpara-
8 graph (A), by striking “for each fiscal
9 year” and all that follows through “and”
10 at the end of subparagraph (A)(ii) and in-
11 serting the following: “for fiscal year 2022
12 and each fiscal year thereafter—

13 “(A) the Secretary shall set aside an
14 amount equal to 10 percent to carry out this
15 subsection; and”;

16 (B) by striking paragraph (2) and insert-
17 ing the following:

18 “(2) ALLOCATION WITHIN A STATE.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), funds set aside for a State
21 under paragraph (1) shall be obligated within
22 that State in the manner described in sub-
23 section (d), except that, for purposes of this
24 paragraph (after funds are made available
25 under paragraph (5))—

1 “(i) for fiscal year 2022 and each fis-
2 cal year thereafter, the percentage referred
3 to in paragraph (1)(A) of that subsection
4 shall be deemed to be 59 percent; and

5 “(ii) paragraph (3) of subsection (d)
6 shall not apply.

7 “(B) LOCAL CONTROL.—A State may allo-
8 cate up to 100 percent of the funds referred to
9 in subparagraph (A)(i) if—

10 “(i) the State submits to the Sec-
11 retary a plan that describes—

12 “(I) how funds will be allocated
13 to counties, metropolitan planning or-
14 ganizations, regional transportation
15 planning organizations as described in
16 section 135(m), or local governments;

17 “(II) how the entities described
18 in subclause (I) will carry out a com-
19 petitive process to select projects for
20 funding and report selected projects
21 to the State;

22 “(III) the legal, financial, and
23 technical capacity of the entities de-
24 scribed in subclause (I);

1 “(IV) how input was gathered
2 from the entities described in sub-
3 clause (I) to ensure those entities will
4 be able to comply with the require-
5 ments of this subsection; and

6 “(V) how the State will comply
7 with paragraph (8); and

8 “(ii) the Secretary approves the plan
9 submitted under clause (i).”;

10 (C) by striking paragraph (3) and insert-
11 ing the following:

12 “(3) ELIGIBLE PROJECTS.—Funds set aside
13 under this subsection may be obligated for—

14 “(A) projects or activities described in sec-
15 tion 101(a)(29) or 213, as those provisions
16 were in effect on the day before the date of en-
17 actment of the FAST Act (Public Law 114–94;
18 129 Stat. 1312);

19 “(B) projects and activities under the safe
20 routes to school program under section 208;
21 and

22 “(C) activities in furtherance of a vulner-
23 able road user safety assessment (as defined in
24 section 148(a)).”;

25 (D) in paragraph (4)—

1 (i) by striking subparagraph (A);

2 (ii) by redesignating subparagraph

3 (B) as subparagraph (A);

4 (iii) in subparagraph (A) (as so redesi-
5 gnated)—

6 (I) by redesignating clauses (vii)

7 and (viii) as clauses (viii) and (ix), re-

8 spectively;

9 (II) by inserting after clause (vi)

10 the following:

11 “(vii) a metropolitan planning organi-

12 zation that serves an urbanized area with

13 a population of 200,000 or fewer;”;

14 (III) in clause (viii) (as so redesi-

15 gnated), by striking “responsible”

16 and all that follows through “pro-

17 grams; and” and inserting a semi-

18 colon;

19 (IV) in clause (ix) (as so redesi-

20 gnated)—

21 (aa) by inserting “that

22 serves an urbanized area with a

23 population of over 200,000” after

24 “metropolitan planning organiza-

25 tion”; and

1 (bb) by striking the period
2 at the end and inserting “; and”;
3 and

4 (V) by adding at the end the fol-
5 lowing:

6 “(x) a State, at the request of an enti-
7 ty described in clauses (i) through (ix).”;
8 and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(B) COMPETITIVE PROCESS.—A State or
12 metropolitan planning organization required to
13 obligate funds in accordance with paragraph (2)
14 shall develop a competitive process to allow eli-
15 gible entities to submit projects for funding
16 that achieve the objectives of this subsection.

17 “(C) SELECTION.—A metropolitan plan-
18 ning organization for an area described in sub-
19 section (d)(1)(A)(i) shall select projects under
20 the competitive process described in subpara-
21 graph (B) in consultation with the relevant
22 State.

23 “(D) PRIORITIZATION.—The competitive
24 process described in subparagraph (B) shall in-
25 clude prioritization of project location and im-

1 pact in high-need areas as defined by the State,
2 such as low-income, transit-dependent, rural, or
3 other areas.”;

4 (E) in paragraph (5)(A), by striking “re-
5 served under this section” and inserting “set
6 aside under this subsection”;

7 (F) in paragraph (6)—

8 (i) in subparagraph (B), by striking
9 “reserved” and inserting “set aside”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(C) IMPROVING ACCESSIBILITY AND EFFI-
13 CIENCY.—

14 “(i) IN GENERAL.—A State may use
15 an amount equal to not more than 5 per-
16 cent of the funds set aside for the State
17 under this subsection, after allocating
18 funds in accordance with paragraph
19 (2)(A), to improve the ability of applicants
20 to access funding for projects under this
21 subsection in an efficient and expeditious
22 manner by providing—

23 “(I) to applicants for projects
24 under this subsection application as-
25 sistance, technical assistance, and as-

1 sistance in reducing the period of time
2 between the selection of the project
3 and the obligation of funds for the
4 project; and

5 “(II) funding for 1 or more full-
6 time State employee positions to ad-
7 minister this subsection.

8 “(ii) USE OF FUNDS.—Amounts used
9 under clause (i) may be expended—

10 “(I) directly by the State; or

11 “(II) through contracts with
12 State agencies, private entities, or
13 nonprofit entities.”;

14 (G) by redesignating paragraph (7) as
15 paragraph (8);

16 (H) by inserting after paragraph (6) the
17 following:

18 “(7) FEDERAL SHARE.—

19 “(A) REQUIRED AGGREGATE NON-FED-
20 ERAL SHARE.—The average annual non-Federal
21 share of the total cost of all projects for which
22 funds are obligated under this subsection in a
23 State for a fiscal year shall be not less than the
24 average non-Federal share of the cost of the
25 projects that would otherwise apply.

1 “(B) FLEXIBLE FINANCING.—Subject to
2 subparagraph (A), notwithstanding section
3 120—

4 “(i) funds made available to carry out
5 section 148 may be credited toward the
6 non-Federal share of the costs of a project
7 under this subsection if the project—

8 “(I) is an eligible project de-
9 scribed in section 148(e)(1); and

10 “(II) is consistent with the State
11 strategic highway safety plan (as de-
12 fined in section 148(a));

13 “(ii) the non-Federal share for a
14 project under this subsection may be cal-
15 culated on a project, multiple-project, or
16 program basis; and

17 “(iii) the Federal share of the cost of
18 an individual project in this section may be
19 up to 100 percent.

20 “(C) REQUIREMENT.—Subparagraph (B)
21 shall only apply to a State if the State has ade-
22 quate financial controls, as certified by the Sec-
23 retary, to account for the average annual non-
24 Federal share under this paragraph.”; and

1 (I) in subparagraph (A) of paragraph (8)
2 (as so redesignated)—

3 (i) in the matter preceding clause (i),
4 by striking “describes” and inserting “in-
5 cludes”; and

6 (ii) by striking clause (ii) and insert-
7 ing the following:

8 “(ii) a list of each project selected for
9 funding for each fiscal year, including, for
10 each project—

11 “(I) the fiscal year during which
12 the project was selected;

13 “(II) the fiscal year in which the
14 project is anticipated to be funded;

15 “(III) the recipient;

16 “(IV) the location, including the
17 congressional district;

18 “(V) the type;

19 “(VI) the cost; and

20 “(VII) a brief description.”.

21 (2) STATE TRANSFERABILITY.—Section
22 126(b)(2) of title 23, United States Code, is amend-
23 ed—

24 (A) by striking the period at the end and
25 inserting “; and”;

1 (B) by striking “reserved for a State under
2 section 133(h) for a fiscal year may” and in-
3 serting the following: “set aside for a State
4 under section 133(h) for a fiscal year—

5 “(A) may”; and

6 (C) by adding at the end the following:

7 “(B) may only be transferred if the Sec-
8 retary certifies that the State—

9 “(i) held a competition in compliance
10 with the guidance issued to carry out sec-
11 tion 133(h) and provided sufficient time
12 for applicants to apply;

13 “(ii) offered to each eligible entity,
14 and provided on request of an eligible enti-
15 ty, technical assistance; and

16 “(iii) demonstrates that there were
17 not sufficiently suitable applications from
18 eligible entities to use the funds to be
19 transferred.”.

20 **SEC. 11110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
21 **WAY PROJECTS.**

22 (a) IN GENERAL.—Section 117 of title 23, United
23 States Code, is amended—

24 (1) in the section heading, by inserting
25 “**multimodal**” before “**freight**”;

1 (2) in subsection (a)(2)—

2 (A) in subparagraph (A), by inserting “in
3 and across rural and urban areas” after “peo-
4 ple”;

5 (B) in subparagraph (C), by inserting “or
6 freight” after “highway”;

7 (C) in subparagraph (E), by inserting “or
8 freight” after “highway”; and

9 (D) in subparagraph (F), by inserting “,
10 including highways that support movement of
11 energy equipment” after “security”;

12 (3) in subsection (b), by adding at the end the
13 following:

14 “(3) GRANT ADMINISTRATION.—The Secretary
15 may—

16 “(A) retain not more than a total of 2 per-
17 cent of the funds made available to carry out
18 this section for the National Surface Transpor-
19 tation and Innovative Finance Bureau to review
20 applications for grants under this section; and

21 “(B) transfer portions of the funds re-
22 tained under subparagraph (A) to the relevant
23 Administrators to fund the award and oversight
24 of grants provided under this section.”;

25 (4) in subsection (c)(1)—

1 (A) by redesignating subparagraph (H) as
2 subparagraph (I); and

3 (B) by inserting after subparagraph (G)
4 the following:

5 “(H) A multistate corridor organization.”;

6 (5) in subsection (d)—

7 (A) in paragraph (1)(A)—

8 (i) in clause (iii)(II), by striking “or”
9 at the end;

10 (ii) in clause (iv), by striking “and” at
11 the end; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(v) a wildlife crossing project;

15 “(vi) a surface transportation infra-
16 structure project that—

17 “(I) is located within the bound-
18 aries of or functionally connected to
19 an international border crossing area
20 in the United States;

21 “(II) improves a transportation
22 facility owned by a Federal, State, or
23 local government entity; and

1 “(III) increases throughput effi-
2 ciency of the border crossing described
3 in subclause (I), including—
4 “(aa) a project to add lanes;
5 “(bb) a project to add tech-
6 nology; and
7 “(cc) other surface transpor-
8 tation improvements;
9 “(vii) a project for a marine highway
10 corridor designated by the Secretary under
11 section 55601(c) of title 46 (including an
12 inland waterway corridor), if the Secretary
13 determines that the project—
14 “(I) is functionally connected to
15 the National Highway Freight Net-
16 work; and
17 “(II) is likely to reduce on-road
18 mobile source emissions; or
19 “(viii) a highway, bridge, or freight
20 project carried out on the National
21 Multimodal Freight Network established
22 under section 70103 of title 49; and”;
23 (B) in paragraph (2)(A), in the matter
24 preceding clause (i)—

1 (i) by striking “\$600,000,000” and
2 inserting “30 percent”; and

3 (ii) by striking “fiscal years 2016
4 through 2020, in the aggregate,” and in-
5 serting “each of fiscal years 2022 through
6 2026”;

7 (6) in subsection (e)—

8 (A) in paragraph (1), by striking “10 per-
9 cent” and inserting “not less than 15 percent”;

10 (B) in paragraph (3)—

11 (i) in subparagraph (A), by striking
12 “and” at the end;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting “;
15 and”;

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) the effect of the proposed project on
19 safety on freight corridors with significant haz-
20 ards, such as high winds, heavy snowfall, flood-
21 ing, rockslides, mudslides, wildfire, wildlife
22 crossing onto the roadway, or steep grades.”;
23 and

24 (C) by adding at the end the following:

1 “(4) REQUIREMENT.—Of the amounts reserved
2 under paragraph (1), not less than 30 percent shall
3 be used for projects in rural areas (as defined in
4 subsection (i)(3)).”;

5 (7) in subsection (f)(2), by inserting “(including
6 a project to replace or rehabilitate a culvert, or to
7 reduce stormwater runoff for the purpose of improv-
8 ing habitat for aquatic species)” after “environ-
9 mental mitigation”;

10 (8) in subsection (h)—

11 (A) in paragraph (2), by striking “and” at
12 the end;

13 (B) in paragraph (3), by striking the pe-
14 riod at the end and inserting a semicolon; and

15 (C) by adding at the end the following:

16 “(4) enhancement of freight resilience to nat-
17 ural hazards or disasters, including high winds,
18 heavy snowfall, flooding, rockslides, mudslides, wild-
19 fire, wildlife crossing onto the roadway, or steep
20 grades;

21 “(5) whether the project will improve the
22 shared transportation corridor of a multistate cor-
23 ridor organization, if applicable; and

1 “(6) prioritizing projects located in States in
2 which neither the State nor an eligible entity in that
3 State has been awarded a grant under this section.”;

4 (9) in subsection (i)(2), by striking “other
5 grants under this section” and inserting “grants
6 under subsection (e)”;

7 (10) in subsection (j)—

8 (A) by striking the subsection designation
9 and heading and all that follows through “The
10 Federal share” in paragraph (1) and inserting
11 the following:

12 “(j) FEDERAL ASSISTANCE.—

13 “(1) FEDERAL SHARE.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B) or for a grant under sub-
16 section (q), the Federal share”;

17 (B) in paragraph (1), by adding at the end
18 the following:

19 “(B) SMALL PROJECTS.—In the case of a
20 project described in subsection (e)(1), the Fed-
21 eral share of the cost of the project shall be 80
22 percent.”; and

23 (C) in paragraph (2)—

24 (i) by striking “Federal assistance
25 other” and inserting “Except for grants

1 under subsection (q), Federal assistance
2 other”; and

3 (ii) by striking “except that the total
4 Federal” and inserting the following: “ex-
5 cept that—

6 “(A) for a State with a population density
7 of not more than 80 persons per square mile of
8 land area, based on the 2010 census, the max-
9 imum share of the total Federal assistance pro-
10 vided for a project receiving a grant under this
11 section shall be the applicable share under sec-
12 tion 120(b); and

13 “(B) for a State not described in subpara-
14 graph (A), the total Federal”;

15 (11) by redesignating subsections (k) through
16 (n) as subsections (l), (m), (n), and (p), respectively;

17 (12) by inserting after subsection (j) the fol-
18 lowing:

19 “(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law and subject to approval by the Sec-
22 retary under paragraph (2)(B), in the case of any
23 grant for a project under this section, during the pe-
24 riod beginning on the date on which the grant recipi-

1 ent is selected and ending on the date on which the
2 grant agreement is signed—

3 “(A) the grant recipient may obligate and
4 expend non-Federal funds with respect to the
5 project for which the grant is provided; and

6 “(B) any non-Federal funds obligated or
7 expended in accordance with subparagraph (A)
8 shall be credited toward the non-Federal cost
9 share for the project for which the grant is pro-
10 vided.

11 “(2) REQUIREMENTS.—

12 “(A) APPLICATION.—In order to obligate
13 and expend non-Federal funds under paragraph
14 (1), the grant recipient shall submit to the Sec-
15 retary a request to obligate and expend non-
16 Federal funds under that paragraph, includ-
17 ing—

18 “(i) a description of the activities the
19 grant recipient intends to fund;

20 “(ii) a justification for advancing the
21 activities described in clause (i), including
22 an assessment of the effects to the project
23 scope, schedule, and budget if the request
24 is not approved; and

1 “(iii) the level of risk of the activities
2 described in clause (i).

3 “(B) APPROVAL.—The Secretary shall ap-
4 prove or disapprove each request submitted
5 under subparagraph (A).

6 “(C) COMPLIANCE WITH APPLICABLE RE-
7 QUIREMENTS.—Any non-Federal funds obli-
8 gated or expended under paragraph (1) shall
9 comply with all applicable requirements, includ-
10 ing any requirements included in the grant
11 agreement.

12 “(3) EFFECT.—The obligation or expenditure
13 of any non-Federal funds in accordance with this
14 subsection shall not—

15 “(A) affect the signing of a grant agree-
16 ment or other applicable grant procedures with
17 respect to the applicable grant;

18 “(B) create an obligation on the part of
19 the Federal Government to repay any non-Fed-
20 eral funds if the grant agreement is not signed;
21 or

22 “(C) affect the ability of the recipient of
23 the grant to obligate or expend non-Federal
24 funds to meet the non-Federal cost share for

1 the project for which the grant is provided after
2 the period described in paragraph (1).”;

3 (13) in subsection (n) (as so redesignated), by
4 striking paragraph (1) and inserting the following:

5 “(1) IN GENERAL.—Not later than 60 days be-
6 fore the date on which a grant is provided for a
7 project under this section, the Secretary shall submit
8 to the Committees on Commerce, Science, and
9 Transportation and Environment and Public Works
10 of the Senate and the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 a report describing the proposed grant, including—

13 “(A) an evaluation and justification for the
14 applicable project; and

15 “(B) a description of the amount of the
16 proposed grant award.”;

17 (14) by inserting after subsection (n) (as so re-
18 designated) the following:

19 “(o) APPLICANT NOTIFICATION.—

20 “(1) IN GENERAL.—Not later than 60 days
21 after the date on which a grant recipient for a
22 project under this section is selected, the Secretary
23 shall provide to each eligible applicant not selected
24 for that grant a written notification that the eligible
25 applicant was not selected.

1 “(2) INCLUSION.—A written notification under
2 paragraph (1) shall include an offer for a written or
3 telephonic debrief by the Secretary that will pro-
4 vide—

5 “(A) detail on the evaluation of the appli-
6 cation of the eligible applicant; and

7 “(B) an explanation of and guidance on
8 the reasons the application was not selected for
9 a grant under this section.

10 “(3) RESPONSE.—

11 “(A) IN GENERAL.—Not later than 30
12 days after the eligible applicant receives a writ-
13 ten notification under paragraph (1), if the eli-
14 gible applicant opts to receive a debrief de-
15 scribed in paragraph (2), the eligible applicant
16 shall notify the Secretary that the eligible appli-
17 cant is requesting a debrief.

18 “(B) DEBRIEF.—If the eligible applicant
19 submits a request for a debrief under subpara-
20 graph (A), the Secretary shall provide the de-
21 brief by not later than 60 days after the date
22 on which the Secretary receives the request for
23 a debrief.”; and

24 (15) by striking subsection (p) (as so redesign-
25 nated) and inserting the following:

1 “(p) REPORTS.—

2 “(1) ANNUAL REPORT.—

3 “(A) IN GENERAL.—Notwithstanding any
4 other provision of law, not later than 30 days
5 after the date on which the Secretary selects a
6 project for funding under this section, the Sec-
7 retary shall submit to the Committee on Envi-
8 ronment and Public Works of the Senate and
9 the Committee on Transportation and Infra-
10 structure of the House of Representatives a re-
11 port that describes the reasons for selecting the
12 project, based on any criteria established by the
13 Secretary in accordance with this section.

14 “(B) INCLUSIONS.—The report submitted
15 under subparagraph (A) shall specify each cri-
16 terion established by the Secretary that the
17 project meets.

18 “(C) AVAILABILITY.—The Secretary shall
19 make available on the website of the Depart-
20 ment of Transportation the report submitted
21 under subparagraph (A).

22 “(D) APPLICABILITY.—This paragraph ap-
23 plies to all projects described in subparagraph
24 (A) that the Secretary selects on or after Octo-
25 ber 1, 2021.

1 “(2) COMPTROLLER GENERAL.—

2 “(A) ASSESSMENT.—The Comptroller Gen-
3 eral of the United States shall conduct an as-
4 sessment of the establishment, solicitation, se-
5 lection, and justification process with respect to
6 the funding of projects under this section.

7 “(B) REPORT.—Not later than 1 year
8 after the date of enactment of the Surface
9 Transportation Reauthorization Act of 2021
10 and annually thereafter, the Comptroller Gen-
11 eral of the United States shall submit to the
12 Committee on Environment and Public Works
13 of the Senate and the Committee on Transpor-
14 tation and Infrastructure of the House of Rep-
15 resentatives a report that describes, for each
16 project selected to receive funding under this
17 section—

18 “(i) the process by which each project
19 was selected;

20 “(ii) the factors that went into the se-
21 lection of each project; and

22 “(iii) the justification for the selection
23 of each project based on any criteria estab-
24 lished by the Secretary in accordance with
25 this section.

1 “(3) INSPECTOR GENERAL.—Not later than 1
2 year after the date of enactment of the Surface
3 Transportation Reauthorization Act of 2021 and an-
4 nually thereafter, the Inspector General of the De-
5 partment of Transportation shall—

6 “(A) conduct an assessment of the estab-
7 lishment, solicitation, selection, and justification
8 process with respect to the funding of projects
9 under this section; and

10 “(B) submit to the Committee on Environ-
11 ment and Public Works of the Senate and the
12 Committee on Transportation and Infrastruc-
13 ture of the House of Representatives a final re-
14 port that describes the findings of the Inspector
15 General of the Department of Transportation
16 with respect to the assessment conducted under
17 subparagraph (A).

18 “(q) STATE INCENTIVES PILOT PROGRAM.—

19 “(1) ESTABLISHMENT.—There is established a
20 pilot program to award grants to eligible applicants
21 for projects eligible for grants under this section (re-
22 ferred to in this subsection as the ‘pilot program’).

23 “(2) PRIORITY.—In awarding grants under the
24 pilot program, the Secretary shall give priority to an
25 application that offers a greater non-Federal share

1 of the cost of a project relative to other applications
2 under the pilot program.

3 “(3) FEDERAL SHARE.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, the Federal share of the
6 cost of a project assisted with a grant under the
7 pilot program may not exceed 50 percent.

8 “(B) NO FEDERAL INVOLVEMENT.—

9 “(i) IN GENERAL.—For grants award-
10 ed under the pilot program, except as pro-
11 vided in clause (ii), an eligible applicant
12 may not use Federal assistance to satisfy
13 the non-Federal share of the cost under
14 subparagraph (A).

15 “(ii) EXCEPTION.—An eligible appli-
16 cant may use funds from a secured loan
17 (as defined in section 601(a)) to satisfy the
18 non-Federal share of the cost under sub-
19 paragraph (A) if the loan is repayable from
20 non-Federal funds.

21 “(4) RESERVATION.—

22 “(A) IN GENERAL.—Of the amounts made
23 available to provide grants under this section,
24 the Secretary shall reserve for each fiscal year

1 \$150,000,000 to provide grants under the pilot
2 program.

3 “(B) UNUTILIZED AMOUNTS.—In any fis-
4 cal year during which applications under this
5 subsection are insufficient to effect an award or
6 allocation of the entire amount reserved under
7 subparagraph (A), the Secretary shall use the
8 unutilized amounts to provide other grants
9 under this section.

10 “(5) SET-ASIDES.—

11 “(A) SMALL PROJECTS.—

12 “(i) IN GENERAL.—Of the amounts
13 reserved under paragraph (4)(A), the Sec-
14 retary shall reserve for each fiscal year not
15 less than 10 percent for projects eligible
16 for a grant under subsection (e).

17 “(ii) REQUIREMENT.—For a grant
18 awarded from the amount reserved under
19 clause (i)—

20 “(I) the requirements of sub-
21 section (e) shall apply; and

22 “(II) the requirements of sub-
23 section (g) shall not apply.

24 “(B) RURAL PROJECTS.—

1 “(i) IN GENERAL.—Of the amounts
2 reserved under paragraph (4)(A), the Sec-
3 retary shall reserve for each fiscal year not
4 less than 25 percent for projects eligible
5 for a grant under subsection (i).

6 “(ii) REQUIREMENT.—For a grant
7 awarded from the amount reserved under
8 clause (i), the requirements of subsection
9 (i) shall apply.

10 “(6) REPORT TO CONGRESS.—Not later than 2
11 years after the date of enactment of this subsection,
12 the Secretary shall submit to the Committee on En-
13 vironment and Public Works and the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate and the Committee on Transportation and Infra-
16 structure of the House of Representatives a report
17 that describes the administration of the pilot pro-
18 gram, including—

19 “(A) the number, types, and locations of
20 eligible applicants that have applied for grants
21 under the pilot program;

22 “(B) the number, types, and locations of
23 grant recipients under the pilot program;

24 “(C) an assessment of whether implemen-
25 tation of the pilot program has incentivized eli-

1 gible applicants to offer a greater non-Federal
2 share for grants under the pilot program; and

3 “(D) any recommendations for modifica-
4 tions to the pilot program.

5 “(r) MULTISTATE CORRIDOR ORGANIZATION DE-
6 FINED.—For purposes of this section, the term ‘multistate
7 corridor organization’ means an organization of a group
8 of States developed through cooperative agreements, coalitions,
9 tions, or other arrangements to promote regional cooperation,
10 tion, planning, and shared project implementation for programs
11 grams and projects to improve transportation system management
12 age and operations for a shared transportation corridor.
13 ridor.

14 “(s) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In
15 addition to amounts made available from the
16 Highway Trust Fund, there are authorized to be appropriated
17 to carry out this section, to remain available for
18 a period of 3 fiscal years following the fiscal year for which
19 the amounts are appropriated—

20 “(1) \$1,000,000,000 for fiscal year 2022;

21 “(2) \$1,100,000,000 for fiscal year 2023;

22 “(3) \$1,200,000,000 for fiscal year 2024;

23 “(4) \$1,300,000,000 for fiscal year 2025; and

24 “(5) \$1,400,000,000 for fiscal year 2026.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by strik-
3 ing the item relating to section 117 and inserting the fol-
4 lowing:

“117. Nationally significant multimodal freight and highway projects.”.

5 (c) EFFICIENT USE OF NON-FEDERAL FUNDS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, in the case of a grant described in
8 paragraph (2), section 117(k) of title 23, United
9 States Code, shall apply to the grant as if the grant
10 was a grant provided under that section.

11 (2) GRANT DESCRIBED.—A grant referred to in
12 paragraph (1) is a grant that is—

13 (A) provided under a competitive discre-
14 tionary grant program administered by the
15 Federal Highway Administration;

16 (B) for a project eligible under title 23,
17 United States Code; and

18 (C) in an amount greater than \$5,000,000.

19 **SEC. 11111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

20 (a) IN GENERAL.—Section 148 of title 23, United
21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (4)(B)—

24 (i) in clause (i), by inserting “that
25 provides for the safety of all road users, as

1 appropriate, including a multimodal round-
2 about” after “improvement”;

3 (ii) in clause (vi), by inserting “or a
4 grade separation project” after “devices”;

5 (iii) by striking clause (viii) and in-
6 sserting the following:

7 “(viii) Construction or installation of
8 features, measures, and road designs to
9 calm traffic and reduce vehicle speeds.”;

10 (iv) by striking clause (xxvi) and in-
11 sserting the following:

12 “(xxvi) Installation or upgrades of
13 traffic control devices for pedestrians and
14 bicyclists, including pedestrian hybrid bea-
15 cons and the addition of bicycle movement
16 phases to traffic signals.”; and

17 (v) by striking clauses (xxvii) and
18 (xxviii) and inserting the following:

19 “(xxvii) Roadway improvements that
20 provide separation between pedestrians and
21 motor vehicles or between bicyclists and
22 motor vehicles, including medians, pedes-
23 trian crossing islands, protected bike lanes,
24 and protected intersection features.

1 “(xxviii) A pedestrian security feature
2 designed to slow or stop a motor vehicle.

3 “(xxix) A physical infrastructure safe-
4 ty project not described in clauses (i)
5 through (xxviii).”;

6 (B) by redesignating paragraphs (9)
7 through (12) as paragraphs (10), (12), (13),
8 and (14), respectively;

9 (C) by inserting after paragraph (8) the
10 following:

11 “(9) SAFE SYSTEM APPROACH.—The term ‘safe
12 system approach’ means a roadway design—

13 “(A) that emphasizes minimizing the risk
14 of injury or fatality to road users; and

15 “(B) that—

16 “(i) takes into consideration the possi-
17 bility and likelihood of human error;

18 “(ii) accommodates human injury tol-
19 erance by taking into consideration likely
20 accident types, resulting impact forces, and
21 the ability of the human body to withstand
22 impact forces; and

23 “(iii) takes into consideration vulner-
24 able road users.”;

1 (D) by inserting after paragraph (10) (as
2 so redesignated) the following:

3 “(11) SPECIFIED SAFETY PROJECT.—

4 “(A) IN GENERAL.—The term ‘specified
5 safety project’ means a project carried out for
6 the purpose of safety under any other section of
7 this title that is consistent with the State stra-
8 tegic highway safety plan.

9 “(B) INCLUSION.—The term ‘specified
10 safety project’ includes a project that—

11 “(i) promotes public awareness and
12 informs the public regarding highway safe-
13 ty matters (including safety for motorcy-
14 clists, bicyclists, pedestrians, individuals
15 with disabilities, and other road users);

16 “(ii) facilitates enforcement of traffic
17 safety laws;

18 “(iii) provides infrastructure and in-
19 frastructure-related equipment to support
20 emergency services;

21 “(iv) conducts safety-related research
22 to evaluate experimental safety counter-
23 measures or equipment; or

1 “(v) supports safe routes to school
2 noninfrastructure-related activities de-
3 scribed in section 208(g)(2).”;

4 (E) in paragraph (13) (as so redesign-
5 nated)—

6 (i) by redesignating subparagraphs
7 (G), (H), and (I) as subparagraphs (H),
8 (I), and (J), respectively; and

9 (ii) by inserting after subparagraph
10 (F) the following;

11 “(G) includes a vulnerable road user safety
12 assessment;”;

13 (F) by adding at the end the following:

14 “(15) VULNERABLE ROAD USER.—The term
15 ‘vulnerable road user’ means a nonmotorist—

16 “(A) with a fatality analysis reporting sys-
17 tem person attribute code that is included in
18 the definition of the term ‘number of non-mo-
19 torized fatalities’ in section 490.205 of title 23,
20 Code of Federal Regulations (or successor regu-
21 lations); or

22 “(B) described in the term ‘number of
23 non-motorized serious injuries’ in that section.

24 “(16) VULNERABLE ROAD USER SAFETY AS-
25 SESSMENT.—The term ‘vulnerable road user safety

1 assessment’ means an assessment of the safety per-
2 formance of the State with respect to vulnerable
3 road users and the plan of the State to improve the
4 safety of vulnerable road users as described in sub-
5 section (1).”;

6 (2) in subsection (c)—

7 (A) in paragraph (1)(A), by striking “sub-
8 sections (a)(11)” and inserting “subsections
9 (a)(13)”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (A)(vi), by insert-
12 ing “and to differentiate the safety data
13 for vulnerable road users, including
14 bicyclists, motorcycleists, and pedestrians,
15 from other road users” after “crashes”;

16 (ii) in subparagraph (B)(i), by strik-
17 ing “(including motorcycleists), bicyclists,
18 pedestrians,” and inserting “, vulnerable
19 road users (including motorcycleists,
20 bicyclists, pedestrians),”; and

21 (iii) in subparagraph (D)—

22 (I) in clause (iv), by striking
23 “and” at the end;

1 (II) in clause (v), by striking the
2 semicolon at the end and inserting “;
3 and”; and

4 (III) by adding at the end the
5 following:

6 “(vi) improves the ability of the State
7 to differentiate the fatalities and serious
8 injuries of vulnerable road users, including
9 bicyclists, motorcyclists, and pedestrians,
10 from other road users;”;

11 (3) in subsection (d)(2)(B)(i), by striking “sub-
12 section (a)(11)” and inserting “subsection (a)(13)”;

13 (4) in subsection (e), by adding at the end the
14 following:

15 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
16 TY PROJECTS.—

17 “(A) IN GENERAL.—To advance the imple-
18 mentation of a State strategic highway safety
19 plan, a State may use not more than 10 percent
20 of the amounts apportioned to the State under
21 section 104(b)(3) for a fiscal year to carry out
22 specified safety projects.

23 “(B) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph requires a State to revise any

1 State process, plan, or program in effect on the
2 date of enactment of this paragraph.

3 “(C) EFFECT OF PARAGRAPH.—

4 “(i) REQUIREMENTS.—A project car-
5 ried out under this paragraph shall be sub-
6 ject to all requirements under this section
7 that apply to a highway safety improve-
8 ment project.

9 “(ii) OTHER APPORTIONED PRO-
10 GRAMS.—Nothing in this paragraph pro-
11 hibits the use of funds made available
12 under other provisions of this title for a
13 specified safety project that is a noninfra-
14 structure project.”;

15 (5) in subsection (g), by adding at the end the
16 following:

17 “(3) VULNERABLE ROAD USER SAFETY.—If the
18 total annual fatalities of vulnerable road users in a
19 State represents not less than 15 percent of the
20 total annual crash fatalities in the State, that State
21 shall be required to obligate not less than 15 percent
22 of the amounts apportioned to the State under sec-
23 tion 104(b)(3) for the following fiscal year for high-
24 way safety improvement projects to address the safe-
25 ty of vulnerable road users.”; and

1 (6) by adding at the end the following:

2 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
3 MENT.—

4 “(1) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this subsection, each
6 State shall complete a vulnerable road user safety
7 assessment.

8 “(2) CONTENTS.—A vulnerable road user safety
9 assessment under paragraph (1) shall include—

10 “(A) a quantitative analysis of vulnerable
11 road user fatalities and serious injuries that—

12 “(i) includes data such as location,
13 roadway functional classification, design
14 speed, speed limit, and time of day;

15 “(ii) considers the demographics of
16 the locations of fatalities and serious inju-
17 ries, including race, ethnicity, income, and
18 age; and

19 “(iii) based on the data, identifies
20 areas as ‘high-risk’ to vulnerable road
21 users; and

22 “(B) a program of projects or strategies to
23 reduce safety risks to vulnerable road users in
24 areas identified as high-risk under subpara-
25 graph (A)(iii).

1 “(3) USE OF DATA.—In carrying out a vulner-
2 able road user safety assessment under paragraph
3 (1), a State shall use data from the most recent 5-
4 year period for which data is available.

5 “(4) REQUIREMENTS.—In carrying out a vul-
6 nerable road user safety assessment under para-
7 graph (1), a State shall—

8 “(A) take into consideration a safe system
9 approach; and

10 “(B) consult with local governments, met-
11 ropolitan planning organizations, and regional
12 transportation planning organizations that rep-
13 resent a high-risk area identified under para-
14 graph (2)(A)(iii).

15 “(5) UPDATE.—A State shall update the vul-
16 nerable road user safety assessment of the State in
17 accordance with the updates required to the State
18 strategic highway safety plan under subsection (d).

19 “(6) REQUIREMENT FOR TRANSPORTATION SYS-
20 TEM ACCESS.—The program of projects developed
21 under paragraph (2)(B) may not degrade transpor-
22 tation system access for vulnerable road users.

23 “(7) GUIDANCE.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this subsection,

1 the Secretary shall develop guidance for States
2 to carry out this subsection.

3 “(B) CONSULTATION.—In developing the
4 guidance under this paragraph, the Secretary
5 shall consult with the States and relevant safety
6 stakeholders.”.

7 (b) HIGH-RISK RURAL ROADS.—

8 (1) STUDY.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 update the study under section 1112(b)(1) of MAP–
11 21 (23 U.S.C. 148 note; Public Law 112–141).

12 (2) PUBLICATION OF REPORT.—Not later than
13 2 years after the date of enactment of this Act, the
14 Secretary shall publish on the website of the Depart-
15 ment of Transportation an update to the report de-
16 scribed in section 1112(b)(2) of MAP–21 (23 U.S.C.
17 148 note; Public Law 112–141).

18 (3) BEST PRACTICES MANUAL.—Not later than
19 180 days after the date on which the report is pub-
20 lished under paragraph (2), the Secretary shall up-
21 date the best practices manual described in section
22 1112(b)(3) of MAP–21 (23 U.S.C. 148 note; Public
23 Law 112–141).

1 **SEC. 11112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 Section 203(a) of title 23, United States Code, is
3 amended—

4 (1) in paragraph (1)(D), by striking
5 “\$10,000,000” and inserting “\$20,000,000”; and

6 (2) by adding at the end the following:

7 “(6) NATIVE PLANT MATERIALS.—In carrying
8 out an activity described in paragraph (1), the entity
9 carrying out the activity shall consider, to the max-
10 imum extent practicable—

11 “(A) the use of locally adapted native plant
12 materials; and

13 “(B) designs that minimize runoff and
14 heat generation.”.

15 **SEC. 11113. FEDERAL LANDS ACCESS PROGRAM.**

16 (a) FEDERAL SHARE.—Section 201 of title 23,
17 United States Code, is amended—

18 (1) in subsection (b)(7)(B), by striking “deter-
19 mined in accordance with section 120”, and insert-
20 ing “be up to 100 percent”; and

21 (2) in subsection (c)(8)(A), by striking “5 per-
22 cent” and inserting “20 percent”.

23 (b) FEDERAL LANDS ACCESS PROGRAM.—Section
24 204(a) of title 23, United States Code, is amended—

25 (1) in paragraph (1)(A)—

1 (A) in the matter preceding clause (i), by
2 inserting “context-sensitive solutions,” after
3 “restoration,”;

4 (B) in clause (i), by inserting “, including
5 interpretive panels in or adjacent to those
6 areas” after “areas”;

7 (C) in clause (v), by striking “and” at the
8 end;

9 (D) by redesignating clause (vi) as clause
10 (ix); and

11 (E) by inserting after clause (v) the fol-
12 lowing:

13 “(vi) contextual wayfinding markers;

14 “(vii) landscaping;

15 “(viii) cooperative mitigation of visual
16 blight, including screening or removal;
17 and”;

18 (2) by adding at the end the following:

19 “(6) NATIVE PLANT MATERIALS.—In carrying
20 out an activity described in paragraph (1), the Sec-
21 retary shall ensure that the entity carrying out the
22 activity considers, to the maximum extent prac-
23 ticable—

24 “(A) the use of locally adapted native plant
25 materials; and

1 “(B) designs that minimize runoff and
2 heat generation.”.

3 **SEC. 11114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

4 Section 167 of title 23, United States Code, is
5 amended—

6 (1) in subsection (e)—

7 (A) in paragraph (2), by striking “150
8 miles” and inserting “300 miles”; and

9 (B) by adding at the end the following:

10 “(3) RURAL STATES.—Notwithstanding para-
11 graph (2), a State with a population per square mile
12 of area that is less than the national average, based
13 on the 2010 census, may designate as critical rural
14 freight corridors a maximum of 600 miles of high-
15 way or 25 percent of the primary highway freight
16 system mileage in the State, whichever is greater.”;

17 (2) in subsection (f)(4), by striking “75 miles”
18 and inserting “150 miles”; and

19 (3) in subsection (i)(5)(B)—

20 (A) in the matter preceding clause (i), by
21 striking “10 percent” and inserting “30 per-
22 cent”;

23 (B) in clause (i), by striking “and” at the
24 end;

1 (C) in clause (ii), by striking the period at
2 the end and inserting a semicolon; and

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

4 “(iii) for the modernization or reha-
5 bilitation of a lock and dam, if the Sec-
6 retary determines that the project—

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

10 “(II) is likely to reduce on-road
11 mobile source emissions; and

12 “(iv) on a marine highway corridor,
13 connector, or crossing designated by the
14 Secretary under section 55601(c) of title
15 46 (including an inland waterway corridor,
16 connector, or crossing), if the Secretary de-
17 termines that the project—

18 “(I) is functionally connected to
19 the National Highway Freight Net-
20 work; and

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

1 **SEC. 11115. CONGESTION MITIGATION AND AIR QUALITY**
2 **IMPROVEMENT PROGRAM.**

3 Section 149 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) in the matter preceding paragraph (1),
7 by striking “subsection (d)” and inserting “sub-
8 sections (d) and (m)(1)(B)(ii)”

9 (B) in paragraph (7), by inserting “shared
10 micromobility (including bikesharing and shared
11 scooter systems),” after “carsharing,”;

12 (C) in paragraph (8)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause
15 (i), by inserting “replacements or” be-
16 fore “retrofits”;

17 (II) by striking clause (i) and in-
18 serting the following:

19 “(i) verified technologies (as defined
20 in section 791 of the Energy Policy Act of
21 2005 (42 U.S.C. 16131)) for motor vehi-
22 cles (as defined in section 216 of the Clean
23 Air Act (42 U.S.C. 7550)); or”; and

24 (III) in clause (ii)(II), by striking
25 “or” at the end; and

1 (ii) in subparagraph (B), by inserting

2 “replacements or” before “retrofits”; and

3 (iii) by adding at the end the fol-

4 lowing:

5 “(C) the purchase of medium- or heavy-

6 duty zero emission vehicles and related charging

7 equipment;”;

8 (D) in paragraph (9), by striking the pe-

9 riod at the end and inserting a semicolon; and

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

11 “(10) if the project is for the modernization or

12 rehabilitation of a lock and dam that—

13 “(A) is functionally connected to the Fed-

14 eral-aid highway system; and

15 “(B) the Secretary determines is likely to

16 contribute to the attainment or maintenance of

17 a national ambient air quality standard; or

18 “(11) if the project is on a marine highway cor-

19 ridor, connector, or crossing designated by the Sec-

20 retary under section 55601(e) of title 46 (including

21 an inland waterway corridor, connector, or crossing)

22 that—

23 “(A) is functionally connected to the Fed-

24 eral-aid highway system; and

1 “(B) the Secretary determines is likely to
2 contribute to the attainment or maintenance of
3 a national ambient air quality standard.”;

4 (2) in subsection (c), by adding at the end the
5 following:

6 “(4) LOCKS AND DAMS; MARINE HIGHWAYS.—
7 For each fiscal year, a State may not obligate more
8 than 10 percent of the funds apportioned to the
9 State under section 104(b)(4) for projects described
10 in paragraphs (10) and (11) of subsection (b).”;

11 (3) in subsection (f)(4)(A), by inserting “and
12 nonroad vehicles and nonroad engines used in con-
13 struction projects or port-related freight operations”
14 after “motor vehicles”;

15 (4) in subsection (g)—

16 (A) in paragraph (1)(B)—

17 (i) in the subparagraph heading, by
18 inserting “REPLACEMENT OR” before
19 “RETROFIT”;

20 (ii) by striking “The term ‘diesel ret-
21 rofit’” and inserting “The term ‘diesel re-
22 placement or retrofit’”; and

23 (iii) by inserting “or retrofit” after
24 “replacement”;

1 (B) in paragraph (2), in the matter pre-
2 ceding subparagraph (A), by inserting “replace-
3 ment or” before “retrofit”; and

4 (C) in paragraph (3), by inserting “re-
5 placements or” before “retrofits”;

6 (5) in subsection (k)(1), by striking “that re-
7 duce such fine particulate matter emissions in such
8 area, including diesel retrofits.” and inserting
9 “that—

10 “(A) reduce such fine particulate matter
11 emissions in such area, including diesel replace-
12 ments or retrofits; and

13 “(B) to the extent practicable, prioritize
14 benefits to disadvantaged communities or low-
15 income populations living in, or immediately ad-
16 jacent to, such area.”;

17 (6) in subsection (l), by adding at the following:

18 “(3) ASSISTANCE TO METROPOLITAN PLANNING
19 ORGANIZATIONS.—

20 “(A) IN GENERAL.—On the request of a
21 metropolitan planning organization, the Sec-
22 retary may assist the metropolitan planning or-
23 ganization tracking progress made in minority
24 or low-income populations as part of a perform-
25 ance plan under this subsection.

1 “(B) SAVINGS PROVISION.—Nothing in
2 this paragraph provides the Secretary the au-
3 thority—

4 “(i) to change the performance meas-
5 ures under section 150(c)(5) or the per-
6 formance targets established under section
7 134(h)(2) or 150(d); or

8 “(ii) to establish any other Federal re-
9 quirement.”; and

10 (7) by striking subsection (m) and inserting the
11 following:

12 “(m) OPERATING ASSISTANCE.—

13 “(1) IN GENERAL.—A State may obligate funds
14 apportioned under section 104(b)(4) in an area of
15 the State that is otherwise eligible for obligations of
16 such funds for operating costs—

17 “(A) under chapter 53 of title 49; or

18 “(B) on—

19 “(i) a system for which CMAQ fund-
20 ing was eligible, made available, obligated,
21 or expended in fiscal year 2012; or

22 “(ii) a State-supported Amtrak route
23 with a valid cost-sharing agreement under
24 section 209 of the Passenger Rail Invest-
25 ment and Improvement Act of 2008 (49

1 U.S.C. 24101 note; Public Law 110–432)
2 and no current nonattainment areas under
3 subsection (d).

4 “(2) NO TIME LIMITATION.—Operating assist-
5 ance provided under paragraph (1) shall have no im-
6 posed time limitation if the operating assistance is
7 for—

8 “(A) a route described in subparagraph
9 (B) of that paragraph; or

10 “(B) a transit system that is located in—

11 “(i) a non-urbanized area; or

12 “(ii) an urbanized area with a popu-
13 lation of 200,000 or fewer.”.

14 **SEC. 11116. ALASKA HIGHWAY.**

15 Section 218 of title 23, United States Code, is
16 amended to read as follows:

17 **“§ 218. Alaska Highway**

18 “(a) Recognizing the benefits that will accrue to the
19 State of Alaska and to the United States from the recon-
20 struction of the Alaska Highway from the Alaskan border
21 at Beaver Creek, Yukon Territory, to Haines Junction in
22 Canada and the Haines Cutoff Highway from Haines
23 Junction in Canada to Haines, Alaska, the Secretary may
24 provide for the necessary reconstruction of the highway
25 using funds awarded through an applicable competitive

1 grant program, if the highway meets all applicable eligi-
2 bility requirements for the program, except for the specific
3 requirements established by the agreement for the Alaska
4 Highway Project between the Government of the United
5 States and the Government of Canada. In addition to the
6 funds described in the previous sentence, notwithstanding
7 any other provision of law and on agreement with the
8 State of Alaska, the Secretary is authorized to expend on
9 such highway or the Alaska Marine Highway System any
10 Federal-aid highway funds apportioned to the State of
11 Alaska under this title at a Federal share of 100 per cen-
12 tum. No expenditures shall be made for the construction
13 of the portion of such highways that are in Canada unless
14 an agreement is in place between the Government of Can-
15 ada and the Government of the United States (including
16 an agreement in existence on the date of enactment of the
17 Surface Transportation Reauthorization Act of 2021) that
18 provides, in part, that the Canadian Government—

19 “(1) will provide, without participation of funds
20 authorized under this title, all necessary right-of-way
21 for the reconstruction of such highways;

22 “(2) will not impose any highway toll, or permit
23 any such toll to be charged for the use of such high-
24 ways by vehicles or persons;

1 “(3) will not levy or assess, directly or indi-
2 rectly, any fee, tax, or other charge for the use of
3 such highways by vehicles or persons from the
4 United States that does not apply equally to vehicles
5 or persons of Canada;

6 “(4) will continue to grant reciprocal recogni-
7 tion of vehicle registration and driver’s licenses in
8 accordance with agreements between the United
9 States and Canada; and

10 “(5) will maintain such highways after their
11 completion in proper condition adequately to serve
12 the needs of present and future traffic.

13 “(b) The survey and construction work undertaken
14 in Canada pursuant to this section shall be under the gen-
15 eral supervision of the Secretary.

16 “(c) For purposes of this section, the term ‘Alaska
17 Marine Highway System’ includes all existing or planned
18 transportation facilities and equipment in Alaska, includ-
19 ing the lease, purchase, or construction of vessels, termi-
20 nals, docks, floats, ramps, staging areas, parking lots,
21 bridges and approaches thereto, and necessary roads.

22 “(d) Notwithstanding any other provision of law, a
23 project assisted under this section in the State of Alaska
24 shall be treated as a project on a Federal-aid highway
25 under chapter 1.”.

1 **SEC. 11117. TOLL ROADS, BRIDGES, TUNNELS, AND FER-**
2 **RIES.**

3 (a) IN GENERAL.—Section 129(c) of title 23, United
4 States Code, is amended in the matter preceding para-
5 graph (1) by striking “the construction of ferry boats and
6 ferry terminal facilities, whether toll or free,” and insert-
7 ing “the construction of ferry boats and ferry terminal fa-
8 cilities (including ferry maintenance facilities), whether
9 toll or free, and the procurement of transit vehicles used
10 exclusively as an integral part of an intermodal ferry
11 trip,”.

12 (b) DIESEL FUEL FERRY VESSELS.—

13 (1) IN GENERAL.—Notwithstanding section
14 147(b), in the case of a project to replace or retrofit
15 a diesel fuel ferry vessel that provides substantial
16 emissions reductions, the Federal share of the cost
17 of the project may be up to 85 percent, as deter-
18 mined by the State.

19 (2) SUNSET.—The authority provided by para-
20 graph (1) shall terminate on September 30, 2025.

21 **SEC. 11118. BRIDGE INVESTMENT PROGRAM.**

22 (a) IN GENERAL.—Chapter 1 of title 23, United
23 States Code, is amended by inserting after section 123 the
24 following:

25 **“§ 124. Bridge investment program**

26 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE PROJECT.—

2 “(A) IN GENERAL.—The term ‘eligible
3 project’ means a project to replace, rehabilitate,
4 preserve, or protect 1 or more bridges on the
5 National Bridge Inventory under section
6 144(b).

7 “(B) INCLUSIONS.—The term ‘eligible
8 project’ includes—

9 “(i) a bundle of projects described in
10 subparagraph (A), regardless of whether
11 the bundle of projects meets the require-
12 ments of section 144(j)(5); and

13 “(ii) a project to replace or rehabili-
14 tate culverts for the purpose of improving
15 flood control and improved habitat
16 connectivity for aquatic species.

17 “(2) LARGE PROJECT.—The term ‘large
18 project’ means an eligible project with total eligible
19 project costs of greater than \$100,000,000.

20 “(3) PROGRAM.—The term ‘program’ means
21 the bridge investment program established by sub-
22 section (b)(1).

23 “(b) ESTABLISHMENT OF BRIDGE INVESTMENT PRO-
24 GRAM.—

1 “(1) IN GENERAL.—There is established a
2 bridge investment program to provide financial as-
3 sistance for eligible projects under this section.

4 “(2) GOALS.—The goals of the program shall
5 be—

6 “(A) to improve the safety, efficiency, and
7 reliability of the movement of people and freight
8 over bridges;

9 “(B) to improve the condition of bridges in
10 the United States by reducing—

11 “(i) the number of bridges—

12 “(I) in poor condition; or

13 “(II) in fair condition and at risk
14 of falling into poor condition within
15 the next 3 years;

16 “(ii) the total person miles traveled
17 over bridges—

18 “(I) in poor condition; or

19 “(II) in fair condition and at risk
20 of falling into poor condition within
21 the next 3 years;

22 “(iii) the number of bridges that—

23 “(I) do not meet current geo-
24 metric design standards; or

1 “(II) cannot meet the load and
2 traffic requirements typical of the re-
3 gional transportation network; and

4 “(iv) the total person miles traveled
5 over bridges that—

6 “(I) do not meet current geo-
7 metric design standards; or

8 “(II) cannot meet the load and
9 traffic requirements typical of the re-
10 gional transportation network; and

11 “(C) to provide financial assistance that
12 leverages and encourages non-Federal contribu-
13 tions from sponsors and stakeholders involved
14 in the planning, design, and construction of eli-
15 gible projects.

16 “(c) GRANT AUTHORITY.—

17 “(1) IN GENERAL.—In carrying out the pro-
18 gram, the Secretary may award grants, on a com-
19 petitive basis, in accordance with this section.

20 “(2) GRANT AMOUNTS.—Except as otherwise
21 provided, a grant under the program shall be—

22 “(A) in the case of a large project, in an
23 amount that is—

1 “(i) adequate to fully fund the project
2 (in combination with other financial re-
3 sources identified in the application); and

4 “(ii) not less than \$50,000,000; and

5 “(B) in the case of any other eligible
6 project, in an amount that is—

7 “(i) adequate to fully fund the project
8 (in combination with other financial re-
9 sources identified in the application); and

10 “(ii) not less than \$2,500,000.

11 “(3) MAXIMUM AMOUNT.—Except as otherwise
12 provided, for an eligible project receiving assistance
13 under the program, the amount of assistance pro-
14 vided by the Secretary under this section, as a share
15 of eligible project costs, shall be—

16 “(A) in the case of a large project, not
17 more than 50 percent; and

18 “(B) in the case of any other eligible
19 project, not more than 80 percent.

20 “(4) FEDERAL SHARE.—

21 “(A) MAXIMUM FEDERAL INVOLVE-
22 MENT.—Federal assistance other than a grant
23 under the program may be used to satisfy the
24 non-Federal share of the cost of a project for
25 which a grant is made, except that the total

1 Federal assistance provided for a project receiv-
2 ing a grant under the program may not exceed
3 the Federal share for the project under section
4 120.

5 “(B) OFF-SYSTEM BRIDGES.—In the case
6 of an eligible project for an off-system bridge
7 (as defined in section 133(f)(1))—

8 “(i) Federal assistance other than a
9 grant under the program may be used to
10 satisfy the non-Federal share of the cost of
11 a project; and

12 “(ii) notwithstanding subparagraph
13 (A), the total Federal assistance provided
14 for the project shall not exceed 90 percent
15 of the total eligible project costs.

16 “(C) FEDERAL LAND MANAGEMENT AGEN-
17 CIES AND TRIBAL GOVERNMENTS.—Notwith-
18 standing any other provision of law, Federal
19 funds other than Federal funds made available
20 under this section may be used to pay the re-
21 maining share of the cost of a project under the
22 program by a Federal land management agency
23 or a Tribal government or consortium of Tribal
24 governments.

25 “(5) CONSIDERATIONS.—

1 “(A) IN GENERAL.—In awarding grants
2 under the program, the Secretary shall con-
3 sider—

4 “(i) in the case of a large project, the
5 ratings assigned under subsection
6 (g)(5)(A);

7 “(ii) in the case of an eligible project
8 other than a large project, the quality rat-
9 ing assigned under subsection (f)(3)(A)(ii);

10 “(iii) the average daily person and
11 freight throughput supported by the eligi-
12 ble project;

13 “(iv) the number and percentage of
14 bridges within the same State as the eligi-
15 ble project that are in poor condition;

16 “(v) the extent to which the eligible
17 project demonstrates cost savings by bun-
18 dling multiple bridge projects;

19 “(vi) in the case of an eligible project
20 of a Federal land management agency, the
21 extent to which the grant would reduce a
22 Federal liability or Federal infrastructure
23 maintenance backlog;

24 “(vii) geographic diversity among
25 grant recipients, including the need for a

1 balance between the needs of rural and
2 urban communities; and

3 “(viii) the extent to which a bridge
4 that would be assisted with a grant—

5 “(I) is, without that assistance—

6 “(aa) at risk of falling into
7 or remaining in poor condition;
8 or

9 “(bb) in fair condition and
10 at risk of falling into poor condi-
11 tion within the next 3 years;

12 “(II) does not meet current geo-
13 metric design standards based on—

14 “(aa) the current use of the
15 bridge; or

16 “(bb) load and traffic re-
17 quirements typical of the regional
18 corridor or local network in
19 which the bridge is located; or

20 “(III) does not meet current seis-
21 mic design standards.

22 “(B) REQUIREMENT.—The Secretary
23 shall—

1 “(i) give priority to an application for
2 an eligible project that is located within a
3 State for which—

4 “(I) 2 or more applications for
5 eligible projects within the State were
6 submitted for the current fiscal year
7 and an average of 2 or more applica-
8 tions for eligible projects within the
9 State were submitted in prior fiscal
10 years of the program; and

11 “(II) fewer than 2 grants have
12 been awarded for eligible projects
13 within the State under the program;

14 “(ii) during the period of fiscal years
15 2022 through 2026, for each State de-
16 scribed in clause (i), select—

17 “(I) not fewer than 1 large
18 project that the Secretary determines
19 is justified under the evaluation under
20 subsection (g)(4); or

21 “(II) 2 eligible projects that are
22 not large projects that the Secretary
23 determines are justified under the
24 evaluation under subsection (f)(3);
25 and

1 “(iii) not be required to award a grant
2 for an eligible project that the Secretary
3 does not determine is justified under an
4 evaluation under subsection (f)(3) or
5 (g)(4).

6 “(6) CULVERT LIMITATION.—Not more than 5
7 percent of the amounts made available for each fis-
8 cal year for grants under the program may be used
9 for eligible projects that consist solely of culvert re-
10 placement or rehabilitation.

11 “(d) ELIGIBLE ENTITY.—The Secretary may make
12 a grant under the program to any of the following:

13 “(1) A State or a group of States.

14 “(2) A metropolitan planning organization that
15 serves an urbanized area (as designated by the Bu-
16 reau of the Census) with a population of over
17 200,000.

18 “(3) A unit of local government or a group of
19 local governments.

20 “(4) A political subdivision of a State or local
21 government.

22 “(5) A special purpose district or public author-
23 ity with a transportation function.

24 “(6) A Federal land management agency.

1 “(7) A Tribal government or a consortium of
2 Tribal governments.

3 “(8) A multistate or multijurisdictional group
4 of entities described in paragraphs (1) through (7).

5 “(e) ELIGIBLE PROJECT REQUIREMENTS.—The Sec-
6 retary may make a grant under the program only to an
7 eligible entity for an eligible project that—

8 “(1) in the case of a large project, the Sec-
9 retary recommends for funding in the annual report
10 on funding recommendations under subsection
11 (g)(6), except as provided in subsection (g)(1)(B);

12 “(2) is reasonably expected to begin construc-
13 tion not later than 18 months after the date on
14 which funds are obligated for the project; and

15 “(3) is based on the results of preliminary engi-
16 neering.

17 “(f) COMPETITIVE PROCESS AND EVALUATION OF
18 ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

19 “(1) COMPETITIVE PROCESS.—

20 “(A) IN GENERAL.—The Secretary shall—

21 “(i) for the first fiscal year for which
22 funds are made available for obligation
23 under the program, not later than 60 days
24 after the date on which the template under
25 subparagraph (B)(i) is developed, and in

1 subsequent fiscal years, not later than 60
2 days after the date on which amounts are
3 made available for obligation under the
4 program, solicit grant applications for eli-
5 gible projects other than large projects;
6 and

7 “(ii) not later than 120 days after the
8 date on which the solicitation under clause
9 (i) expires, conduct evaluations under
10 paragraph (3).

11 “(B) REQUIREMENTS.—In carrying out
12 subparagraph (A), the Secretary shall—

13 “(i) develop a template for applicants
14 to use to summarize project needs and
15 benefits, including benefits described in
16 paragraph (3)(B)(i); and

17 “(ii) enable applicants to use data
18 from the National Bridge Inventory under
19 section 144(b) to populate templates de-
20 scribed in clause (i), as applicable.

21 “(2) APPLICATIONS.—An eligible entity shall
22 submit to the Secretary an application at such time,
23 in such manner, and containing such information as
24 the Secretary may require.

25 “(3) EVALUATION.—

1 “(A) IN GENERAL.—Prior to providing a
2 grant under this subsection, the Secretary
3 shall—

4 “(i) conduct an evaluation of each eli-
5 gible project for which an application is re-
6 ceived under this subsection; and

7 “(ii) assign a quality rating to the eli-
8 gible project on the basis of the evaluation
9 under clause (i).

10 “(B) REQUIREMENTS.—In carrying out an
11 evaluation under subparagraph (A), the Sec-
12 retary shall—

13 “(i) consider information on project
14 benefits submitted by the applicant using
15 the template developed under paragraph
16 (1)(B)(i), including whether the project
17 will generate, as determined by the Sec-
18 retary—

19 “(I) costs avoided by the preven-
20 tion of closure or reduced use of the
21 bridge to be improved by the project;

22 “(II) in the case of a bundle of
23 projects, benefits from executing the
24 projects as a bundle compared to as
25 individual projects;

1 “(III) safety benefits, including
2 the reduction of accidents and related
3 costs;

4 “(IV) person and freight mobility
5 benefits, including congestion reduc-
6 tion and reliability improvements;

7 “(V) national or regional eco-
8 nomic benefits;

9 “(VI) benefits from long-term re-
10 siliency to extreme weather events,
11 flooding, or other natural disasters;

12 “(VII) benefits from protection
13 (as described in section 133(b)(10)),
14 including improving seismic or scour
15 protection;

16 “(VIII) environmental benefits,
17 including wildlife connectivity;

18 “(IX) benefits to nonvehicular
19 and public transportation users;

20 “(X) benefits of using—

21 “(aa) innovative design and
22 construction techniques; or

23 “(bb) innovative tech-
24 nologies; or

1 “(XI) reductions in maintenance
2 costs, including, in the case of a feder-
3 ally-owned bridge, cost savings to the
4 Federal budget; and

5 “(ii) consider whether and the extent
6 to which the benefits, including the bene-
7 fits described in clause (i), are more likely
8 than not to outweigh the total project
9 costs.

10 “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-
11 NUAL REPORT FOR LARGE PROJECTS.—

12 “(1) IN GENERAL.—

13 “(A) APPLICATIONS.—The Secretary shall
14 establish an annual date by which an eligible
15 entity submitting an application for a large
16 project shall submit to the Secretary such infor-
17 mation as the Secretary may require, including
18 information described in paragraph (2), in
19 order for a large project to be considered for a
20 recommendation by the Secretary for funding in
21 the next annual report under paragraph (6).

22 “(B) FIRST FISCAL YEAR.—Notwith-
23 standing subparagraph (A), for the first fiscal
24 year for which funds are made available for ob-
25 ligation for grants under the program, the Sec-

1 retary may establish a date by which an eligible
2 entity submitting an application for a large
3 project shall submit to the Secretary such infor-
4 mation as the Secretary may require, including
5 information described in paragraph (2), in
6 order for a large project to be considered for
7 immediate execution of a grant agreement.

8 “(2) INFORMATION REQUIRED.—The informa-
9 tion referred to in paragraph (1) includes—

10 “(A) all necessary information required for
11 the Secretary to evaluate the large project; and

12 “(B) information sufficient for the Sec-
13 retary to determine that—

14 “(i) the large project meets the appli-
15 cable requirements under this section; and

16 “(ii) there is a reasonable likelihood
17 that the large project will continue to meet
18 the requirements under this section.

19 “(3) DETERMINATION; NOTICE.—On making a
20 determination that information submitted to the
21 Secretary under paragraph (1) is sufficient, the Sec-
22 retary shall provide a written notice of that deter-
23 mination to—

24 “(A) the eligible entity that submitted the
25 application;

1 projects as a bundle compared to as indi-
2 vidual projects;

3 “(iii) safety benefits, including the re-
4 duction of accidents and related costs;

5 “(iv) person and freight mobility bene-
6 fits, including congestion reduction and re-
7 liability improvements;

8 “(v) national or regional economic
9 benefits;

10 “(vi) benefits from long-term resil-
11 iency to extreme weather events, flooding,
12 or other natural disasters;

13 “(vii) benefits from protection (as de-
14 scribed in section 133(b)(10)), including
15 improving seismic or scour protection;

16 “(viii) environmental benefits, includ-
17 ing wildlife connectivity;

18 “(ix) benefits to nonvehicular and
19 public transportation users;

20 “(x) benefits of using—

21 “(I) innovative design and con-
22 struction techniques; or

23 “(II) innovative technologies; or

1 “(xi) reductions in maintenance costs,
2 including, in the case of a federally-owned
3 bridge, cost savings to the Federal budget;

4 “(C) is cost effective based on an analysis
5 of whether the benefits and avoided costs de-
6 scribed in subparagraph (B) are expected to
7 outweigh the project costs;

8 “(D) is supported by other Federal or non-
9 Federal financial commitments or revenues ade-
10 quate to fund ongoing maintenance and preser-
11 vation; and

12 “(E) is consistent with the objectives of an
13 applicable asset management plan of the project
14 sponsor, including a State asset management
15 plan under section 119(e) in the case of a
16 project on the National Highway System that is
17 sponsored by a State.

18 “(5) RATINGS.—

19 “(A) IN GENERAL.—The Secretary shall
20 develop a methodology to evaluate and rate a
21 large project on a 5-point scale (the points of
22 which include ‘high’, ‘medium-high’, ‘medium’,
23 ‘medium-low’, and ‘low’) for each of—

24 “(i) paragraph (4)(B);

25 “(ii) paragraph (4)(C); and

1 “(iii) paragraph (4)(D).

2 “(B) REQUIREMENT.—To be considered
3 justified and receive a recommendation for
4 funding in the annual report under paragraph
5 (6), a project shall receive a rating of not less
6 than ‘medium’ for each rating required under
7 subparagraph (A).

8 “(C) INTERIM METHODOLOGY.—In the
9 first fiscal year for which funds are made avail-
10 able for obligation for grants under the pro-
11 gram, the Secretary may establish an interim
12 methodology to evaluate and rate a large
13 project for each of—

14 “(i) paragraph (4)(B);

15 “(ii) paragraph (4)(C); and

16 “(iii) paragraph (4)(D).

17 “(6) ANNUAL REPORT ON FUNDING REC-
18 OMMENDATIONS FOR LARGE PROJECTS.—

19 “(A) IN GENERAL.—Not later than the
20 first Monday in February of each year, the Sec-
21 retary shall submit to the Committees on
22 Transportation and Infrastructure and Appro-
23 priations of the House of Representatives and
24 the Committees on Environment and Public

1 Works and Appropriations of the Senate a re-
2 port that includes—

3 “(i) a list of large projects that have
4 requested a recommendation for funding
5 under a new grant agreement from funds
6 anticipated to be available to carry out this
7 subsection in the next fiscal year;

8 “(ii) the evaluation under paragraph
9 (4) and ratings under paragraph (5) for
10 each project referred to in clause (i);

11 “(iii) the grant amounts that the Sec-
12 retary recommends providing to large
13 projects in the next fiscal year, including—

14 “(I) scheduled payments under
15 previously signed multiyear grant
16 agreements under subsection (j);

17 “(II) payments for new grant
18 agreements, including single-year
19 grant agreements and multiyear grant
20 agreements; and

21 “(III) a description of how
22 amounts anticipated to be available
23 for the program from the Highway
24 Trust Fund for that fiscal year will be
25 distributed; and

1 been made available for the
2 project; and

3 “(bb) the Secretary deter-
4 mines that the project can be
5 completed using funds other than
6 from the Highway Trust Fund
7 that are anticipated to be avail-
8 able in future fiscal years.

9 “(C) CONSIDERATIONS.—In selecting
10 projects to recommend for funding in the an-
11 nual report under this paragraph, or, in the
12 case of the first fiscal year for which funds are
13 made available for obligation for grants under
14 the program, projects for immediate execution
15 of a grant agreement, the Secretary shall—

16 “(i) consider the amount of funds
17 available in future fiscal years for
18 multiyear grant agreements as described in
19 subparagraph (B); and

20 “(ii) assume the availability of funds
21 in future fiscal years for multiyear grant
22 agreements that extend beyond the period
23 of authorization based on the amount
24 made available for large projects under the

1 program in the last fiscal year of the pe-
2 riod of authorization.

3 “(D) PROJECT DIVERSITY.—In selecting
4 projects to recommend for funding in the an-
5 nual report under this paragraph, the Secretary
6 shall ensure diversity among projects rec-
7 ommended based on—

8 “(i) the amount of the grant re-
9 quested; and

10 “(ii) grants for an eligible project for
11 1 bridge compared to an eligible project
12 that is a bundle of projects.

13 “(h) ELIGIBLE PROJECT COSTS.—A grant received
14 for an eligible project under the program may be used
15 for—

16 “(1) development phase activities, including
17 planning, feasibility analysis, revenue forecasting,
18 environmental review, preliminary engineering and
19 design work, and other preconstruction activities;

20 “(2) construction, reconstruction, rehabilitation,
21 acquisition of real property (including land related
22 to the project and improvements to the land), envi-
23 ronmental mitigation, construction contingencies, ac-
24 quisition of equipment, and operational improve-

1 ments directly related to improving system perform-
2 ance; and

3 “(3) expenses related to the protection (as de-
4 scribed in section 133(b)(10)) of a bridge, including
5 seismic or scour protection.

6 “(i) TIFIA PROGRAM.—On the request of an eligible
7 entity carrying out an eligible project, the Secretary may
8 use amounts awarded to the entity to pay subsidy and ad-
9 ministrative costs necessary to provide to the entity Fed-
10 eral credit assistance under chapter 6 with respect to the
11 eligible project for which the grant was awarded.

12 “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE
13 PROJECTS.—

14 “(1) IN GENERAL.—A large project that re-
15 ceives a grant under the program in an amount of
16 not less than \$100,000,000 may be carried out
17 through a multiyear grant agreement in accordance
18 with this subsection.

19 “(2) REQUIREMENTS.—A multiyear grant
20 agreement for a large project described in paragraph
21 (1) shall—

22 “(A) establish the terms of participation by
23 the Federal Government in the project;

24 “(B) establish the maximum amount of
25 Federal financial assistance for the project in

1 accordance with paragraphs (3) and (4) of sub-
2 section (c);

3 “(C) establish a payout schedule for the
4 project that provides for disbursement of the
5 full grant amount by not later than 4 fiscal
6 years after the fiscal year in which the initial
7 amount is provided;

8 “(D) determine the period of time for com-
9 pleting the project, even if that period extends
10 beyond the period of an authorization; and

11 “(E) attempt to improve timely and effi-
12 cient management of the project, consistent
13 with all applicable Federal laws (including regu-
14 lations).

15 “(3) SPECIAL FINANCIAL RULES.—

16 “(A) IN GENERAL.—A multiyear grant
17 agreement under this subsection—

18 “(i) shall obligate an amount of avail-
19 able budget authority specified in law; and

20 “(ii) may include a commitment, con-
21 tingent on amounts to be specified in law
22 in advance for commitments under this
23 paragraph, to obligate an additional
24 amount from future available budget au-
25 thority specified in law.

1 “(B) STATEMENT OF CONTINGENT COM-
2 MITMENT.—The agreement shall state that the
3 contingent commitment is not an obligation of
4 the Federal Government.

5 “(C) INTEREST AND OTHER FINANCING
6 COSTS.—

7 “(i) IN GENERAL.—Interest and other
8 financing costs of carrying out a part of
9 the project within a reasonable time shall
10 be considered a cost of carrying out the
11 project under a multiyear grant agreement,
12 except that eligible costs may not be more
13 than the cost of the most favorable financ-
14 ing terms reasonably available for the
15 project at the time of borrowing.

16 “(ii) CERTIFICATION.—The applicant
17 shall certify to the Secretary that the ap-
18 plicant has shown reasonable diligence in
19 seeking the most favorable financing
20 terms.

21 “(4) ADVANCE PAYMENT.—Notwithstanding
22 any other provision of law, an eligible entity carrying
23 out a large project under a multiyear grant agree-
24 ment—

1 “(A) may use funds made available to the
2 eligible entity under this title for eligible project
3 costs of the large project until the amount spec-
4 ified in the multiyear grant agreement for the
5 project for that fiscal year becomes available for
6 obligation; and

7 “(B) if the eligible entity uses funds as de-
8 scribed in subparagraph (A), the funds used
9 shall be reimbursed from the amount made
10 available under the multiyear grant agreement
11 for the project.

12 “(k) UNDERTAKING PARTS OF PROJECTS IN AD-
13 VANCE UNDER LETTERS OF NO PREJUDICE.—

14 “(1) IN GENERAL.—The Secretary may pay to
15 an applicant all eligible project costs under the pro-
16 gram, including costs for an activity for an eligible
17 project incurred prior to the date on which the
18 project receives funding under the program if—

19 “(A) before the applicant carries out the
20 activity, the Secretary approves through a letter
21 to the applicant the activity in the same man-
22 ner as the Secretary approves other activities as
23 eligible under the program;

24 “(B) a record of decision, a finding of no
25 significant impact, or a categorical exclusion

1 under the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.) has been issued
3 for the eligible project; and

4 “(C) the activity is carried out without
5 Federal assistance and in accordance with all
6 applicable procedures and requirements.

7 “(2) INTEREST AND OTHER FINANCING
8 COSTS.—

9 “(A) IN GENERAL.—For purposes of para-
10 graph (1), the cost of carrying out an activity
11 for an eligible project includes the amount of
12 interest and other financing costs, including
13 any interest earned and payable on bonds, to
14 the extent interest and other financing costs are
15 expended in carrying out the activity for the eli-
16 gible project, except that interest and other fi-
17 nancing costs may not be more than the cost of
18 the most favorable financing terms reasonably
19 available for the eligible project at the time of
20 borrowing.

21 “(B) CERTIFICATION.—The applicant shall
22 certify to the Secretary that the applicant has
23 shown reasonable diligence in seeking the most
24 favorable financing terms under subparagraph
25 (A).

1 “(3) NO OBLIGATION OR INFLUENCE ON REC-
2 COMMENDATIONS.—An approval by the Secretary
3 under paragraph (1)(A) shall not—

4 “(A) constitute an obligation of the Fed-
5 eral Government; or

6 “(B) alter or influence any evaluation
7 under subsection (f)(3)(A)(i) or (g)(4) or any
8 recommendation by the Secretary for funding
9 under the program.

10 “(1) FEDERALLY-OWNED BRIDGES.—

11 “(1) DIVESTITURE CONSIDERATION.—In the
12 case of a bridge owned by a Federal land manage-
13 ment agency for which that agency applies for a
14 grant under the program, the agency—

15 “(A) shall consider options to divest the
16 bridge to a State or local entity after comple-
17 tion of the project; and

18 “(B) may apply jointly with the State or
19 local entity to which the bridge may be divested.

20 “(2) TREATMENT.—Notwithstanding any other
21 provision of law, section 129 shall apply to a bridge
22 that was previously owned by a Federal land man-
23 agement agency and has been transferred to a non-
24 Federal entity under paragraph (1) in the same
25 manner as if the bridge was never federally owned.

1 “(m) TREATMENT OF PROJECTS.—Notwithstanding
2 any other provision of law, a project assisted under this
3 section shall be treated as a project on a Federal-aid high-
4 way under this chapter.

5 “(n) CONGRESSIONAL NOTIFICATION.—Not later
6 than 30 days before making a grant for an eligible project
7 under the program, the Secretary shall submit to the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Environment
10 and Public Works of the Senate a written notification of
11 the proposed grant that includes—

12 “(1) an evaluation and justification for the eli-
13 gible project; and

14 “(2) the amount of the proposed grant.

15 “(o) REPORTS.—

16 “(1) ANNUAL REPORT.—Not later than August
17 1 of each fiscal year, the Secretary shall make avail-
18 able on the website of the Department of Transpor-
19 tation an annual report that lists each eligible
20 project for which a grant has been provided under
21 the program during the fiscal year.

22 “(2) GAO ASSESSMENT AND REPORT.—Not
23 later than 3 years after the date of enactment of the
24 Surface Transportation Reauthorization Act of

1 2021, the Comptroller General of the United States
2 shall—

3 “(A) conduct an assessment of the admin-
4 istrative establishment, solicitation, selection,
5 and justification process with respect to the
6 funding of grants under the program; and

7 “(B) submit to the Committee on Trans-
8 portation and Infrastructure of the House of
9 Representatives and the Committee on Environ-
10 ment and Public Works of the Senate a report
11 that describes—

12 “(i) the adequacy and fairness of the
13 process under which each eligible project
14 that received a grant under the program
15 was selected; and

16 “(ii) the justification and criteria used
17 for the selection of each eligible project.

18 “(p) LIMITATION.—

19 “(1) LARGE PROJECTS.—Of the amounts made
20 available out of the Highway Trust Fund (other
21 than the Mass Transit Account) to carry out this
22 section for each of fiscal years 2022 through 2026,
23 not less than 50 percent, in aggregate, shall be used
24 for large projects.

1 “(2) UNUTILIZED AMOUNTS.—If, in fiscal year
2 2026, the Secretary determines that grants under
3 the program will not allow for the requirement under
4 paragraph (1) to be met, the Secretary shall use the
5 unutilized amounts to make other grants under the
6 program during that fiscal year.

7 “(q) TRIBAL TRANSPORTATION FACILITY BRIDGE
8 SET ASIDE.—

9 “(1) IN GENERAL.—Of the amounts made
10 available from the Highway Trust Fund (other than
11 the Mass Transit Account) for a fiscal year to carry
12 out this section, the Secretary shall use, to carry out
13 section 202(d)—

14 “(A) \$16,000,000 for fiscal year 2022;

15 “(B) \$18,000,000 for fiscal year 2023;

16 “(C) \$20,000,000 for fiscal year 2024;

17 “(D) \$22,000,000 for fiscal year 2025;

18 and

19 “(E) \$24,000,000 for fiscal year 2026.

20 “(2) TREATMENT.—For purposes of section
21 201, funds made available for section 202(d) under
22 paragraph (1) shall be considered to be part of the
23 tribal transportation program.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by insert-
3 ing after the item relating to section 123 the following:

“124. Bridge investment program.”.

4 **SEC. 11119. SAFE ROUTES TO SCHOOL.**

5 (a) IN GENERAL.—Chapter 2 of title 23, United
6 States Code, is amended by inserting after section 207 the
7 following:

8 **“§ 208. Safe routes to school**

9 “(a) DEFINITIONS.—In this section:

10 “(1) IN THE VICINITY OF SCHOOLS.—The term
11 ‘in the vicinity of schools’, with respect to a school,
12 means the approximately 2-mile area within bicy-
13 cling and walking distance of the school.

14 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
15 The term ‘primary, middle, and high schools’ means
16 schools providing education from kindergarten
17 through 12th grade.

18 “(b) ESTABLISHMENT.—Subject to the requirements
19 of this section, the Secretary shall establish and carry out
20 a safe routes to school program for the benefit of children
21 in primary, middle, and high schools.

22 “(c) PURPOSES.—The purposes of the program es-
23 tablished under subsection (b) shall be—

1 “(1) to enable and encourage children, includ-
2 ing those with disabilities, to walk and bicycle to
3 school;

4 “(2) to make bicycling and walking to school a
5 safer and more appealing transportation alternative,
6 thereby encouraging a healthy and active lifestyle
7 from an early age; and

8 “(3) to facilitate the planning, development,
9 and implementation of projects and activities that
10 will improve safety and reduce traffic, fuel consump-
11 tion, and air pollution in the vicinity of schools.

12 “(d) APPORTIONMENT OF FUNDS.—

13 “(1) IN GENERAL.—Subject to paragraphs (2),
14 (3), and (4), amounts made available to carry out
15 this section for a fiscal year shall be apportioned
16 among the States so that each State receives the
17 amount equal to the proportion that—

18 “(A) the total student enrollment in pri-
19 mary, middle, and high schools in each State;
20 bears to

21 “(B) the total student enrollment in pri-
22 mary, middle, and high schools in all States.

23 “(2) MINIMUM APPORTIONMENT.—No State
24 shall receive an apportionment under this section for
25 a fiscal year of less than \$1,000,000.

1 “(3) SET-ASIDE FOR ADMINISTRATIVE EX-
2 PENSES.—Before apportioning under this subsection
3 amounts made available to carry out this section for
4 a fiscal year, the Secretary shall set aside not more
5 than \$3,000,000 of those amounts for the adminis-
6 trative expenses of the Secretary in carrying out this
7 section.

8 “(4) DETERMINATION OF STUDENT ENROLL-
9 MENTS.—Determinations under this subsection re-
10 lating to student enrollments shall be made by the
11 Secretary.

12 “(e) ADMINISTRATION OF AMOUNTS.—Amounts ap-
13 portioned to a State under this section shall be adminis-
14 tered by the State department of transportation.

15 “(f) ELIGIBLE RECIPIENTS.—Amounts apportioned
16 to a State under this section shall be used by the State
17 to provide financial assistance to State, local, Tribal, and
18 regional agencies, including nonprofit organizations, that
19 demonstrate an ability to meet the requirements of this
20 section.

21 “(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

22 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

23 “(A) IN GENERAL.—Amounts apportioned
24 to a State under this section may be used for
25 the planning, design, and construction of infra-

1 structure-related projects that will substantially
2 improve the ability of students to walk and bi-
3 cycle to school, including sidewalk improve-
4 ments, traffic calming and speed reduction im-
5 provements, pedestrian and bicycle crossing im-
6 provements, on-street bicycle facilities, off-street
7 bicycle and pedestrian facilities, secure bicycle
8 parking facilities, and traffic diversion improve-
9 ments in the vicinity of schools.

10 “(B) LOCATION OF PROJECTS.—Infra-
11 structure-related projects under subparagraph
12 (A) may be carried out on any public road or
13 any bicycle or pedestrian pathway or trail in the
14 vicinity of schools.

15 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
16 TIES.—

17 “(A) IN GENERAL.—In addition to projects
18 described in paragraph (1), amounts appor-
19 tioned to a State under this section may be
20 used for noninfrastructure-related activities to
21 encourage walking and bicycling to school, in-
22 cluding public awareness campaigns and out-
23 reach to press and community leaders, traffic
24 education and enforcement in the vicinity of
25 schools, student sessions on bicycle and pedes-

1 trian safety, health, and environment, and fund-
2 ing for training, volunteers, and managers of
3 safe routes to school programs.

4 “(B) ALLOCATION.—Not less than 10 per-
5 cent and not more than 30 percent of the
6 amount apportioned to a State under this sec-
7 tion for a fiscal year shall be used for noninfra-
8 structure-related activities under this para-
9 graph.

10 “(3) SAFE ROUTES TO SCHOOL COORDI-
11 NATOR.—Each State shall use a sufficient amount of
12 the apportionment of the State for each fiscal year
13 to fund a full-time position of coordinator of the safe
14 routes to school program of the State.

15 “(h) CLEARINGHOUSE.—

16 “(1) IN GENERAL.—The Secretary shall make
17 grants to a national nonprofit organization engaged
18 in promoting safe routes to schools—

19 “(A) to operate a national safe routes to
20 school clearinghouse;

21 “(B) to develop information and edu-
22 cational programs on safe routes to school; and

23 “(C) to provide technical assistance and
24 disseminate techniques and strategies used for
25 successful safe routes to school programs.

1 “(2) FUNDING.—The Secretary shall carry out
2 this subsection using amounts set aside for adminis-
3 trative expenses under subsection (d)(3).

4 “(i) TREATMENT OF PROJECTS.—Notwithstanding
5 any other provision of law, a project assisted under this
6 section shall be treated as a project on a Federal-aid high-
7 way under chapter 1.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) The analysis for chapter 2 of title 23,
10 United States Code, is amended by inserting after
11 the item relating to section 207 the following:

 “208. Safe routes to school.”.

12 (2) Section 1404 of SAFETEA–LU (23 U.S.C.
13 402 note; Public Law 109–59) is repealed.

14 (3) The table of contents in section 1(b) of
15 SAFETEA–LU (Public Law 109–59; 119 Stat.
16 1144) is amended by striking the item relating to
17 section 1404.

18 **SEC. 11120. HIGHWAY USE TAX EVASION PROJECTS.**

19 Section 143(b)(2)(A) of title 23, United States Code,
20 is amended by striking “fiscal years 2016 through 2020”
21 and inserting “fiscal years 2022 through 2026”.

1 **SEC. 11121. CONSTRUCTION OF FERRY BOATS AND FERRY**
2 **TERMINAL FACILITIES.**

3 Section 147 of title 23, United States Code, is
4 amended by striking subsection (h) and inserting the fol-
5 lowing:

6 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated out of the Highway
8 Trust Fund (other than the Mass Transit Account) to
9 carry out this section—

10 “(1) \$110,000,000 for fiscal year 2022;

11 “(2) \$112,000,000 for fiscal year 2023;

12 “(3) \$114,000,000 for fiscal year 2024;

13 “(4) \$116,000,000 for fiscal year 2025; and

14 “(5) \$118,000,000 for fiscal year 2026.”.

15 **SEC. 11122. VULNERABLE ROAD USER RESEARCH.**

16 (a) DEFINITIONS.—In this subsection:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Secretary, acting through the Ad-
19 ministrator of the Federal Highway Administration.

20 (2) VULNERABLE ROAD USER.—The term “vul-
21 nerable road user” has the meaning given the term
22 in section 148(a) of title 23, United States Code.

23 (b) ESTABLISHMENT OF RESEARCH PLAN.—The Ad-
24 ministrator shall establish a research plan to prioritize re-
25 search on roadway designs, the development of safety
26 countermeasures to minimize fatalities and serious inju-

1 ries to vulnerable road users, and the promotion of bicy-
2 cling and walking, including research relating to—

3 (1) roadway safety improvements, including
4 traffic calming techniques and vulnerable road user
5 accommodations appropriate in a suburban arterial
6 context;

7 (2) the impacts of traffic speeds, and access to
8 low-traffic stress corridors, on safety and rates of bi-
9 cycling and walking;

10 (3) tools to evaluate the impact of transpor-
11 tation improvements on projected rates and safety of
12 bicycling and walking; and

13 (4) other research areas to be determined by
14 the Administrator.

15 (c) VULNERABLE ROAD USER ASSESSMENTS.—The
16 Administrator shall—

17 (1) review each vulnerable road user safety as-
18 sessment submitted by a State under section 148(l)
19 of title 23, United States Code, and other relevant
20 sources of data to determine what, if any, standard
21 definitions and methods should be developed through
22 guidance to enable a State to collect pedestrian in-
23 jury and fatality data; and

24 (2) in the first progress update under sub-
25 section (d)(2), provide—

1 (A) the results of the determination de-
2 scribed in paragraph (1); and

3 (B) the recommendations of the Secretary
4 with respect to the collection and reporting of
5 data on the safety of vulnerable road users.

6 (d) SUBMISSION; PUBLICATION.—

7 (1) SUBMISSION OF PLAN.—Not later than 180
8 days after the date of enactment of this Act, the Ad-
9 ministrator shall submit to the Committee on Envi-
10 ronment and Public Works of the Senate and the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives the research plan de-
13 scribed in subsection (b).

14 (2) PROGRESS UPDATES.—Not later than 2
15 years after the date of enactment of this Act, and
16 biannually thereafter, the Administrator shall submit
17 to the Committees described in paragraph (1)—

18 (A) updates on the progress and findings
19 of the research conducted pursuant to the plan
20 described in subsection (b); and

21 (B) in the first submission under this
22 paragraph, the results and recommendations
23 described in subsection (c)(2).

1 **SEC. 11123. WILDLIFE CROSSING SAFETY.**

2 (a) DECLARATION OF POLICY.—Section
3 101(b)(3)(D) of title 23, United States Code, is amended,
4 in the matter preceding clause (i), by inserting “resilient,”
5 after “efficient,”.

6 (b) WILDLIFE CROSSINGS PILOT PROGRAM.—

7 (1) IN GENERAL.—Chapter 1 of title 23, United
8 States Code, is amended by adding at the end the
9 following:

10 **“§ 171. Wildlife crossings pilot program**

11 “(a) FINDING.—Congress finds that greater adoption
12 of wildlife-vehicle collision safety countermeasures is in the
13 public interest because—

14 “(1) according to the report of the Federal
15 Highway Administration entitled ‘Wildlife-Vehicle
16 Collision Reduction Study’, there are more than
17 1,000,000 wildlife-vehicle collisions every year;

18 “(2) wildlife-vehicle collisions—

19 “(A) present a danger to—

20 “(i) human safety; and

21 “(ii) wildlife survival; and

22 “(B) represent a persistent concern that
23 results in tens of thousands of serious injuries
24 and hundreds of fatalities on the roadways of
25 the United States; and

1 “(3) the total annual cost associated with wild-
2 life-vehicle collisions has been estimated to be
3 \$8,388,000,000; and

4 “(4) wildlife-vehicle collisions are a major
5 threat to the survival of species, including birds, rep-
6 tiles, mammals, and amphibians.

7 “(b) ESTABLISHMENT.—The Secretary shall estab-
8 lish a competitive wildlife crossings pilot program (re-
9 ferred to in this section as the ‘pilot program’) to provide
10 grants for projects that seek to achieve—

11 “(1) a reduction in the number of wildlife-vehi-
12 cle collisions; and

13 “(2) in carrying out the purpose described in
14 paragraph (1), improved habitat connectivity for ter-
15 restrial and aquatic species.

16 “(c) ELIGIBLE ENTITIES.—An entity eligible to apply
17 for a grant under the pilot program is—

18 “(1) a State highway agency, or an equivalent
19 of that agency;

20 “(2) a metropolitan planning organization (as
21 defined in section 134(b));

22 “(3) a unit of local government;

23 “(4) a regional transportation authority;

1 “(5) a special purpose district or public author-
2 ity with a transportation function, including a port
3 authority;

4 “(6) an Indian tribe (as defined in section
5 207(m)(1)), including a Native village and a Native
6 Corporation (as those terms are defined in section 3
7 of the Alaska Native Claims Settlement Act (43
8 U.S.C. 1602));

9 “(7) a Federal land management agency; or

10 “(8) a group of any of the entities described in
11 paragraphs (1) through (7).

12 “(d) APPLICATIONS.—

13 “(1) IN GENERAL.—To be eligible to receive a
14 grant under the pilot program, an eligible entity
15 shall submit to the Secretary an application at such
16 time, in such manner, and containing such informa-
17 tion as the Secretary may require.

18 “(2) REQUIREMENT.—If an application under
19 paragraph (1) is submitted by an eligible entity
20 other than an eligible entity described in paragraph
21 (1) or (7) of subsection (c), the application shall in-
22 clude documentation that the State highway agency,
23 or an equivalent of that agency, of the State in
24 which the eligible entity is located was consulted
25 during the development of the application.

1 “(3) GUIDANCE.—To enhance consideration of
2 current and reliable data, eligible entities may obtain
3 guidance from an agency in the State with jurisdic-
4 tion over fish and wildlife.

5 “(e) CONSIDERATIONS.—In selecting grant recipients
6 under the pilot program, the Secretary shall take into con-
7 sideration the following:

8 “(1) Primarily, the extent to which the pro-
9 posed project of an eligible entity is likely to protect
10 motorists and wildlife by reducing the number of
11 wildlife-vehicle collisions and improve habitat
12 connectivity for terrestrial and aquatic species.

13 “(2) Secondly, the extent to which the pro-
14 posed project of an eligible entity is likely to accom-
15 plish the following:

16 “(A) Leveraging Federal investment by en-
17 couraging non-Federal contributions to the
18 project, including projects from public-private
19 partnerships.

20 “(B) Supporting local economic develop-
21 ment and improvement of visitation opportuni-
22 ties.

23 “(C) Incorporation of innovative tech-
24 nologies, including advanced design techniques
25 and other strategies to enhance efficiency and

1 effectiveness in reducing wildlife-vehicle colli-
2 sions and improving habitat connectivity for
3 terrestrial and aquatic species.

4 “(D) Provision of educational and outreach
5 opportunities.

6 “(E) Monitoring and research to evaluate,
7 compare effectiveness of, and identify best prac-
8 tices in, selected projects.

9 “(F) Any other criteria relevant to reduc-
10 ing the number of wildlife-vehicle collisions and
11 improving habitat connectivity for terrestrial
12 and aquatic species, as the Secretary deter-
13 mines to be appropriate, subject to the condi-
14 tion that the implementation of the pilot pro-
15 gram shall not be delayed in the absence of ac-
16 tion by the Secretary to identify additional cri-
17 teria under this subparagraph.

18 “(f) USE OF FUNDS.—

19 “(1) IN GENERAL.—The Secretary shall ensure
20 that a grant received under the pilot program is
21 used for a project to reduce wildlife-vehicle collisions.

22 “(2) GRANT ADMINISTRATION.—

23 “(A) IN GENERAL.—A grant received
24 under the pilot program shall be administered
25 by—

1 “(i) in the case of a grant to a Fed-
2 eral land management agency or an Indian
3 tribe (as defined in section 207(m)(1), in-
4 cluding a Native village and a Native Cor-
5 poration (as those terms are defined in
6 section 3 of the Alaska Native Claims Set-
7 tlement Act (43 U.S.C. 1602))), the Fed-
8 eral Highway Administration, through an
9 agreement; and

10 “(ii) in the case of a grant to an eligi-
11 ble entity other than an eligible entity de-
12 scribed in clause (i), the State highway
13 agency, or an equivalent of that agency,
14 for the State in which the project is to be
15 carried out.

16 “(B) PARTNERSHIPS.—

17 “(i) IN GENERAL.—A grant received
18 under the pilot program may be used to
19 provide funds to eligible partners of the
20 project for which the grant was received
21 described in clause (ii), in accordance with
22 the terms of the project agreement.

23 “(ii) ELIGIBLE PARTNERS DE-
24 SCRIBED.—The eligible partners referred
25 to in clause (i) include—

1 “(I) a metropolitan planning or-
2 ganization (as defined in section
3 134(b));

4 “(II) a unit of local government;

5 “(III) a regional transportation
6 authority;

7 “(IV) a special purpose district
8 or public authority with a transpor-
9 tation function, including a port au-
10 thority;

11 “(V) an Indian tribe (as defined
12 in section 207(m)(1)), including a Na-
13 tive village and a Native Corporation
14 (as those terms are defined in section
15 3 of the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1602));

17 “(VI) a Federal land manage-
18 ment agency;

19 “(VII) a foundation, nongovern-
20 mental organization, or institution of
21 higher education;

22 “(VIII) a Federal, Tribal, re-
23 gional, or State government entity;
24 and

1 “(B) an evaluation of the effectiveness of
2 the pilot program in meeting the purposes de-
3 scribed in subsection (b); and

4 “(C) policy recommendations to improve
5 the effectiveness of the pilot program.

6 “(i) TREATMENT OF PROJECTS.—Notwithstanding
7 any other provision of law, a project assisted under this
8 section shall be treated as a project on a Federal-aid high-
9 way under this chapter.”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 chapter 1 of title 23, United States Code, is amend-
12 ed by inserting after the item relating to section 170
13 the following:

“171. Wildlife crossings pilot program.”.

14 (c) WILDLIFE VEHICLE COLLISION REDUCTION AND
15 HABITAT CONNECTIVITY IMPROVEMENT.—

16 (1) IN GENERAL.—Chapter 1 of title 23, United
17 States Code (as amended by subsection (b)(1)), is
18 amended by adding at the end the following:

19 **“§ 172. Wildlife-vehicle collision reduction and habi-
20 tat connectivity improvement**

21 “(a) STUDY.—

22 “(1) IN GENERAL.—The Secretary shall con-
23 duct a study (referred to in this subsection as the
24 ‘study’) of the state, as of the date of the study, of
25 the practice of methods to reduce collisions between

1 motorists and wildlife (referred to in this section as
2 ‘wildlife-vehicle collisions’).

3 “(2) CONTENTS.—

4 “(A) AREAS OF STUDY.—The study
5 shall—

6 “(i) update and expand on, as appro-
7 priate—

8 “(I) the report entitled ‘Wildlife
9 Vehicle Collision Reduction Study:
10 2008 Report to Congress’; and

11 “(II) the document entitled
12 ‘Wildlife Vehicle Collision Reduction
13 Study: Best Practices Manual’ and
14 dated October 2008; and

15 “(ii) include—

16 “(I) an assessment, as of the
17 date of the study, of—

18 “(aa) the causes of wildlife-
19 vehicle collisions;

20 “(bb) the impact of wildlife-
21 vehicle collisions on motorists
22 and wildlife; and

23 “(cc) the impacts of roads
24 and traffic on habitat

185

1 connectivity for terrestrial and
2 aquatic species; and

3 “(II) solutions and best practices
4 for—

5 “(aa) reducing wildlife-vehi-
6 cle collisions; and

7 “(bb) improving habitat
8 connectivity for terrestrial and
9 aquatic species.

10 “(B) METHODS.—In carrying out the
11 study, the Secretary shall—

12 “(i) conduct a thorough review of re-
13 search and data relating to—

14 “(I) wildlife-vehicle collisions; and

15 “(II) habitat fragmentation that
16 results from transportation infrastruc-
17 ture;

18 “(ii) survey current practices of the
19 Department of Transportation and State
20 departments of transportation to reduce
21 wildlife-vehicle collisions; and

22 “(iii) consult with—

23 “(I) appropriate experts in the
24 field of wildlife-vehicle collisions; and

1 “(II) appropriate experts on the
2 effects of roads and traffic on habitat
3 connectivity for terrestrial and aquatic
4 species.

5 “(3) REPORT.—

6 “(A) IN GENERAL.—Not later than 18
7 months after the date of enactment of the Sur-
8 face Transportation Reauthorization Act of
9 2021, the Secretary shall submit to Congress a
10 report on the results of the study.

11 “(B) CONTENTS.—The report under sub-
12 paragraph (A) shall include—

13 “(i) a description of—

14 “(I) the causes of wildlife-vehicle
15 collisions;

16 “(II) the impacts of wildlife-vehi-
17 cle collisions; and

18 “(III) the impacts of roads and
19 traffic on—

20 “(aa) species listed as
21 threatened species or endangered
22 species under the Endangered
23 Species Act of 1973 (16 U.S.C.
24 1531 et seq.);

1 “(bb) species identified by
2 States as species of greatest con-
3 servation need;

4 “(cc) species identified in
5 State wildlife plans; and

6 “(dd) medium and small ter-
7 restrial and aquatic species;

8 “(ii) an economic evaluation of the
9 costs and benefits of installing highway in-
10 frastructure and other measures to miti-
11 gate damage to terrestrial and aquatic spe-
12 cies, including the effect on jobs, property
13 values, and economic growth to society, ad-
14 jacent communities, and landowners;

15 “(iii) recommendations for preventing
16 wildlife-vehicle collisions, including rec-
17 ommended best practices, funding re-
18 sources, or other recommendations for ad-
19 dressing wildlife-vehicle collisions; and

20 “(iv) guidance, developed in consulta-
21 tion with Federal land management agen-
22 cies and State departments of transpor-
23 tation, State fish and wildlife agencies, and
24 Tribal governments that agree to partici-
25 pate, for developing, for each State that

1 agrees to participate, a voluntary joint
2 statewide transportation and wildlife action
3 plan—

4 “(I) to address wildlife-vehicle
5 collisions; and

6 “(II) to improve habitat
7 connectivity for terrestrial and aquatic
8 species.

9 “(b) WORKFORCE DEVELOPMENT AND TECHNICAL
10 TRAINING.—

11 “(1) IN GENERAL.—Not later than 3 years
12 after the date of enactment of the Surface Transpor-
13 tation Reauthorization Act of 2021, the Secretary
14 shall, based on the study conducted under subsection
15 (a), develop a series of in-person and online work-
16 force development and technical training courses—

17 “(A) to reduce wildlife-vehicle collisions;
18 and

19 “(B) to improve habitat connectivity for
20 terrestrial and aquatic species.

21 “(2) AVAILABILITY.—The Secretary shall—

22 “(A) make the series of courses developed
23 under paragraph (1) available for transpor-
24 tation and fish and wildlife professionals; and

1 “(B) update the series of courses not less
2 frequently than once every 2 years.

3 “(c) STANDARDIZATION OF WILDLIFE COLLISION
4 AND CARCASS DATA.—

5 “(1) STANDARDIZED METHODOLOGY.—

6 “(A) IN GENERAL.—The Secretary, acting
7 through the Administrator of the Federal High-
8 way Administration (referred to in this sub-
9 section as the ‘Secretary’), shall develop a qual-
10 ity standardized methodology for collecting and
11 reporting spatially accurate wildlife collision
12 and carcass data for the National Highway Sys-
13 tem, considering the practicability of the meth-
14 odology with respect to technology and cost.

15 “(B) METHODOLOGY.—In developing the
16 standardized methodology under subparagraph
17 (A), the Secretary shall—

18 “(i) survey existing methodologies and
19 sources of data collection, including the
20 Fatality Analysis Reporting System, the
21 General Estimates System of the National
22 Automotive Sampling System, and the
23 Highway Safety Information System; and

24 “(ii) to the extent practicable, identify
25 and correct limitations of those existing

1 methodologies and sources of data collec-
2 tion.

3 “(C) CONSULTATION.—In developing the
4 standardized methodology under subparagraph
5 (A), the Secretary shall consult with—

6 “(i) the Secretary of the Interior;

7 “(ii) the Secretary of Agriculture, act-
8 ing through the Chief of the Forest Serv-
9 ice;

10 “(iii) Tribal, State, and local trans-
11 portation and wildlife authorities;

12 “(iv) metropolitan planning organiza-
13 tions (as defined in section 134(b));

14 “(v) members of the American Asso-
15 ciation of State Highway Transportation
16 Officials;

17 “(vi) members of the Association of
18 Fish and Wildlife Agencies;

19 “(vii) experts in the field of wildlife-
20 vehicle collisions;

21 “(viii) nongovernmental organizations;

22 and

23 “(ix) other interested stakeholders, as
24 appropriate.

1 “(2) STANDARDIZED NATIONAL DATA SYSTEM
2 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

3 The Secretary shall—

4 “(A) develop a template for State imple-
5 mentation of a standardized national wildlife
6 collision and carcass data system for the Na-
7 tional Highway System that is based on the
8 standardized methodology developed under
9 paragraph (1); and

10 “(B) encourage the voluntary implementa-
11 tion of the template developed under subpara-
12 graph (A).

13 “(3) REPORTS.—

14 “(A) METHODOLOGY.—The Secretary shall
15 submit to Congress a report describing the
16 standardized methodology developed under
17 paragraph (1) not later than the later of—

18 “(i) the date that is 18 months after
19 the date of enactment of the Surface
20 Transportation Reauthorization Act of
21 2021; and

22 “(ii) the date that is 180 days after
23 the date on which the Secretary completes
24 the development of the standardized meth-
25 odology.

1 “(B) IMPLEMENTATION.—Not later than 4
2 years after the date of enactment of the Surface
3 Transportation Reauthorization Act of 2021,
4 the Secretary shall submit to Congress a report
5 describing—

6 “(i) the status of the voluntary imple-
7 mentation of the standardized methodology
8 developed under paragraph (1) and the
9 template developed under paragraph
10 (2)(A);

11 “(ii) whether the implementation of
12 the standardized methodology developed
13 under paragraph (1) and the template de-
14 veloped under paragraph (2)(A) has im-
15 pacted efforts by States, units of local gov-
16 ernment, and other entities—

17 “(I) to reduce the number of
18 wildlife-vehicle collisions; and

19 “(II) to improve habitat
20 connectivity;

21 “(iii) the degree of the impact de-
22 scribed in clause (ii); and

23 “(iv) the recommendations of the Sec-
24 retary, including recommendations for fur-
25 ther study aimed at reducing motorist col-

1 “(iii) species identified in State wild-
2 life plans; and

3 “(iv) medium and small terrestrial
4 and aquatic species; and

5 “(C) habitat connectivity values for terres-
6 trial and aquatic species and the barrier effect
7 of the highway on the movements and migra-
8 tions of those species.”.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 chapter 1 of title 23, United States Code (as amend-
11 ed by subsection (b)(2)) is amended by inserting
12 after the item relating to section 171 the following:

“172. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

13 (d) WILDLIFE CROSSINGS STANDARDS.—Section
14 109(c)(2) of title 23, United States Code, is amended—

15 (1) in subparagraph (E), by striking “and” at
16 the end;

17 (2) by redesignating subparagraph (F) as sub-
18 paragraph (G); and

19 (3) by inserting after subparagraph (E) the fol-
20 lowing:

21 “(F) the publication of the Federal High-
22 way Administration entitled ‘Wildlife Crossing
23 Structure Handbook: Design and Evaluation in
24 North America’ and dated March 2011; and”.

1 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
2 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
3 TION STANDARDS.—Section 144 of title 23, United States
4 Code, is amended—

5 (1) in subsection (a)(2)—

6 (A) in subparagraph (B), by inserting “,
7 resilience,” after “safety”;

8 (B) in subparagraph (D), by striking
9 “and” at the end;

10 (C) in subparagraph (E), by striking the
11 period at the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(F) to ensure adequate passage of aquatic
14 and terrestrial species, where appropriate.”;

15 (2) in subsection (b)—

16 (A) in paragraph (4), by striking “and” at
17 the end;

18 (B) in paragraph (5), by striking the pe-
19 riod at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(6) determine if the replacement or rehabilita-
22 tion of bridges and tunnels should include measures
23 to enable safe and unimpeded movement for terres-
24 trial and aquatic species.”; and

1 (3) in subsection (i), by adding at the end the
2 following:

3 “(3) REQUIREMENT.—The first revision under
4 paragraph (2) after the date of enactment of the
5 Surface Transportation Reauthorization Act of 2021
6 shall include techniques to assess passage of aquatic
7 and terrestrial species and habitat restoration poten-
8 tial.”.

9 **SEC. 11124. CONSOLIDATION OF PROGRAMS.**

10 Section 1519(a) of MAP–21 (Public Law 112–141;
11 126 Stat. 574; 129 Stat. 1423) is amended, in the matter
12 preceding paragraph (1), by striking “fiscal years 2016
13 through 2020” and inserting “fiscal years 2022 through
14 2026”.

15 **SEC. 11125. GAO REPORT.**

16 (a) IN GENERAL.—Section 1433 of the FAST Act
17 (23 U.S.C. 101 note; Public Law 114–94) is repealed.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the FAST Act (Public Law 114–94; 129
20 Stat. 1312) is amended by striking the item relating to
21 section 1433.

22 **SEC. 11126. TERRITORIAL AND PUERTO RICO HIGHWAY**
23 **PROGRAM.**

24 Section 165 of title 23, United States Code, is
25 amended—

1 (1) in subsection (a), by striking paragraphs
2 (1) and (2) and inserting the following:

3 “(1) for the Puerto Rico highway program
4 under subsection (b)—

5 “(A) \$173,010,000 shall be for fiscal year
6 2022;

7 “(B) \$176,960,000 shall be for fiscal year
8 2023;

9 “(C) \$180,120,000 shall be for fiscal year
10 2024;

11 “(D) \$183,675,000 shall be for fiscal year
12 2025; and

13 “(E) \$187,230,000 shall be for fiscal year
14 2026; and

15 “(2) for the territorial highway program under
16 subsection (c)—

17 “(A) \$45,990,000 shall be for fiscal year
18 2022;

19 “(B) \$47,040,000 shall be for fiscal year
20 2023;

21 “(C) \$47,880,000 shall be for fiscal year
22 2024;

23 “(D) \$48,825,000 shall be for fiscal year
24 2025; and

1 “(E) \$49,770,000 shall be for fiscal year
2 2026.”;

3 (2) in subsection (b)(2)(C)(iii), by inserting
4 “and preventative maintenance on the National
5 Highway System” after “chapter 1”; and

6 (3) in subsection (c)(7), by striking “para-
7 graphs (1) through (4) of section 133(c) and section
8 133(b)(12)” and inserting “paragraphs (1), (2), (3),
9 and (5) of section 133(c) and section 133(b)(13)”.

10 **SEC. 11127. NATIONALLY SIGNIFICANT FEDERAL LANDS**
11 **AND TRIBAL PROJECTS PROGRAM.**

12 Section 1123 of the FAST Act (23 U.S.C. 201 note;
13 Public Law 114–94) is amended—

14 (1) in subsection (c)(3), by striking
15 “\$25,000,000” and all that follows through the pe-
16 riod at the end and inserting “\$12,500,000.”;

17 (2) in subsection (g)—

18 (A) by striking the subsection designation
19 and heading and all that follows through “The
20 Federal” in paragraph (1) and inserting the fol-
21 lowing:

22 “(g) COST SHARE.—

23 “(1) FEDERAL SHARE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the Federal”;

1 (B) in paragraph (1), by adding at the end
2 the following:

3 “(B) TRIBAL PROJECTS.—In the case of a
4 project on a tribal transportation facility (as de-
5 fined in section 101(a) of title 23, United
6 States Code), the Federal share of the cost of
7 the project shall be 100 percent.”; and

8 (C) in paragraph (2), by striking “other
9 than those made available under title 23 or title
10 49, United States Code,”; and

11 (3) by striking subsection (h) and inserting the
12 following:

13 “(h) USE OF FUNDS.—

14 “(1) IN GENERAL.—For each fiscal year, of the
15 amounts made available to carry out this section—

16 “(A) 50 percent shall be used for eligible
17 projects on Federal lands transportation facili-
18 ties and Federal lands access transportation fa-
19 cilities (as those terms are defined in section
20 101(a) of title 23, United States Code); and

21 “(B) 50 percent shall be used for eligible
22 projects on tribal transportation facilities (as
23 defined in section 101(a) of title 23, United
24 States Code).

1 “(2) REQUIREMENT.—Not less than 1 eligible
2 project carried out using the amount described in
3 paragraph (1)(A) shall be in a unit of the National
4 Park System with not less than 3,000,000 annual
5 visitors.

6 “(3) AVAILABILITY.—Amounts made available
7 to carry out this section shall remain available for
8 a period of 3 fiscal years following the fiscal year for
9 which the amounts are appropriated.”.

10 **SEC. 1128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

11 Section 1123(h) of MAP–21 (23 U.S.C. 202 note;
12 Public Law 112–141) is amended—

13 (1) by redesignating paragraph (2) as para-
14 graph (3);

15 (2) in paragraph (3) (as so redesignated), in
16 the matter preceding subparagraph (A), by striking
17 “paragraph (1)” and inserting “paragraphs (1) and
18 (2)”; and

19 (3) by striking the subsection designation and
20 heading and all that follows through the period at
21 the end of paragraph (1) and inserting the following:

22 “(h) FUNDING.—

23 “(1) SET-ASIDE.—For each of fiscal years 2022
24 through 2026, of the amounts made available to
25 carry out the tribal transportation program under

1 section 202 of title 23, United States Code, for that
2 fiscal year, the Secretary shall use \$9,000,000 to
3 carry out the program.

4 “(2) AUTHORIZATION OF APPROPRIATIONS.—In
5 addition to amounts made available under paragraph
6 (1), there is authorized to be appropriated
7 \$30,000,000 out of the general fund of the Treasury
8 to carry out the program for each of fiscal years
9 2022 through 2026.”.

10 **SEC. 11129. STANDARDS.**

11 Section 109 of title 23, United States Code, is
12 amended—

13 (1) in subsection (d)—

14 (A) by striking “(d) On any” and inserting
15 the following:

16 “(d) MANUAL ON UNIFORM TRAFFIC CONTROL DE-
17 VICES.—

18 “(1) IN GENERAL.—On any”;

19 (B) in paragraph (1) (as so designated), by
20 striking “promote the safe” and inserting “pro-
21 mote the safety, inclusion, and mobility of all
22 users”; and

23 (C) by adding at the end the following:

24 “(2) UPDATES.—Not later than 18 months
25 after the date of enactment of the Surface Transpor-

1 tation Reauthorization Act of 2021 and not less fre-
2 quently than every 4 years thereafter, the Secretary
3 shall update the Manual on Uniform Traffic Control
4 Devices.”;

5 (2) in subsection (o)—

6 (A) by striking “Projects” and inserting:

7 “(A) IN GENERAL.—Projects”; and

8 (B) by inserting at the end the following:

9 “(B) LOCAL JURISDICTIONS.—Notwith-
10 standing subparagraph (A), a local jurisdiction
11 may use a roadway design guide recognized by
12 the Federal Highway Administration and
13 adopted by the local jurisdiction that is dif-
14 ferent from the roadway design guide used by
15 the State in which the local jurisdiction is lo-
16 cated for the design of projects on all roadways
17 under the ownership of the local jurisdiction
18 (other than a highway on the National Highway
19 System) for which the local jurisdiction is the
20 project sponsor, provided that the design com-
21 plies with all other applicable Federal laws.”;

22 and

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

24 “(s) ELECTRIC VEHICLE CHARGING STATIONS.—

1 “(1) STANDARDS.—Electric vehicle charging in-
2 frastructure installed using funds provided under
3 this title shall provide, at a minimum—

4 “(A) non-proprietary charging connectors
5 that meet applicable industry safety standards;
6 and

7 “(B) open access to payment methods that
8 are available to all members of the public to en-
9 sure secure, convenient, and equal access to the
10 electric vehicle charging infrastructure that
11 shall not be limited by membership to a par-
12 ticular payment provider.

13 “(2) TREATMENT OF PROJECTS.—Notwith-
14 standing any other provision of law, a project to in-
15 stall electric vehicle charging infrastructure using
16 funds provided under this title shall be treated as if
17 the project is located on a Federal-aid highway.”.

18 **SEC. 11130. PUBLIC TRANSPORTATION.**

19 (a) IN GENERAL.—Section 142(a) of title 23, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 “(3) BUS CORRIDORS.—In addition to the
23 projects described in paragraphs (1) and (2), the
24 Secretary may approve payment from sums appor-
25 tioned under paragraph (2) or (7) of section 104(b)

1 for carrying out a capital project for the construc-
2 tion of a bus rapid transit corridor or dedicated bus
3 lanes, including the construction or installation of—

4 “(A) traffic signaling and prioritization
5 systems;

6 “(B) redesigned intersections that are nec-
7 essary for the establishment of a bus rapid
8 transit corridor;

9 “(C) on-street stations;

10 “(D) fare collection systems;

11 “(E) information and wayfinding systems;

12 and

13 “(F) depots.”.

14 (b) TECHNICAL CORRECTION.—Section 142 of title
15 23, United States Code, is amended by striking subsection
16 (i).

17 **SEC. 11131. RESERVATION OF CERTAIN FUNDS.**

18 (a) OPEN CONTAINER REQUIREMENTS.—Section
19 154(c)(2) of title 23, United States Code, is amended—

20 (1) in the paragraph heading, by striking
21 “2012” and inserting “2022”;

22 (2) by striking subparagraph (A) and inserting
23 the following:

24 “(A) RESERVATION OF FUNDS.—

1 “(i) IN GENERAL.—On October 1,
2 2021, and each October 1 thereafter, in
3 the case of a State described in clause (ii),
4 the Secretary shall reserve an amount
5 equal to 2.5 percent of the funds to be ap-
6 portioned to the State on that date under
7 each of paragraphs (1) and (2) of section
8 104(b) until the State certifies to the Sec-
9 retary the means by which the State will
10 use those reserved funds in accordance
11 with subparagraphs (A) and (B) of para-
12 graph (1), and paragraph (3).

13 “(ii) STATES DESCRIBED.—A State
14 referred to in clause (i) is a State—

15 “(I) that has not enacted or is
16 not enforcing an open container law
17 described in subsection (b); and

18 “(II) for which the Secretary de-
19 termined for the prior fiscal year that
20 the State had not enacted or was not
21 enforcing an open container law de-
22 scribed in subsection (b).”; and

23 (3) in subparagraph (B), in the matter pre-
24 ceding clause (i), by striking “subparagraph (A)”
25 and inserting “subparagraph (A)(i)”.

1 (b) REPEAT INTOXICATED DRIVER LAWS.—Section
2 164(b)(2) of title 23, United States Code, is amended—

3 (1) in the paragraph heading, by striking
4 “2012” and inserting “2022”;

5 (2) by striking subparagraph (A) and inserting
6 the following:

7 “(A) RESERVATION OF FUNDS.—

8 “(i) IN GENERAL.—On October 1,
9 2021, and each October 1 thereafter, in
10 the case of a State described in clause (ii),
11 the Secretary shall reserve an amount
12 equal to 2.5 percent of the funds to be ap-
13 portioned to the State on that date under
14 each of paragraphs (1) and (2) of section
15 104(b) until the State certifies to the Sec-
16 retary the means by which the State will
17 use those reserved funds in accordance
18 with subparagraphs (A) and (B) of para-
19 graph (1), and paragraph (3).

20 “(ii) STATES DESCRIBED.—A State
21 referred to in clause (i) is a State—

22 “(I) that has not enacted or is
23 not enforcing a repeat intoxicated
24 driver law; and

1 “(II) for which the Secretary de-
2 termined for the prior fiscal year that
3 the State had not enacted or was not
4 enforcing a repeat intoxicated driver
5 law.”; and

6 (3) in subparagraph (B), in the matter pre-
7 ceding clause (i), by striking “subparagraph (A)”
8 and inserting “subparagraph (A)(i)”.

9 **SEC. 11132. RURAL SURFACE TRANSPORTATION GRANT**
10 **PROGRAM.**

11 (a) IN GENERAL.—Chapter 1 of title 23, United
12 States Code (as amended by section 11123(c)(1)), is
13 amended by adding at the end the following:

14 **“§ 173. Rural surface transportation grant program**

15 “(a) DEFINITIONS.—In this section:

16 “(1) PROGRAM.—The term ‘program’ means
17 the program established under subsection (b)(1).

18 “(2) RURAL AREA.—The term ‘rural area’
19 means an area that is outside an urbanized area
20 with a population of over 200,000.

21 “(b) ESTABLISHMENT.—

22 “(1) IN GENERAL.—The Secretary shall estab-
23 lish a rural surface transportation grant program to
24 provide grants, on a competitive basis, to eligible en-

1 tities to improve and expand the surface transpor-
2 tation infrastructure in rural areas.

3 “(2) GOALS.—The goals of the program shall
4 be—

5 “(A) to increase connectivity;

6 “(B) to improve the safety and reliability
7 of the movement of people and freight; and

8 “(C) to generate regional economic growth
9 and improve quality of life.

10 “(3) GRANT ADMINISTRATION.—The Secretary
11 may—

12 “(A) retain not more than a total of 2 per-
13 cent of the funds made available to carry out
14 the program and to review applications for
15 grants under the program; and

16 “(B) transfer portions of the funds re-
17 tained under subparagraph (A) to the relevant
18 Administrators to fund the award and oversight
19 of grants provided under the program.

20 “(c) ELIGIBLE ENTITIES.—The Secretary may make
21 a grant under the program to—

22 “(1) a State;

23 “(2) a regional transportation planning organi-
24 zation;

25 “(3) a unit of local government;

1 “(4) a Tribal government or a consortium of
2 Tribal governments; and

3 “(5) a multijurisdictional group of entities de-
4 scribed in paragraphs (1) through (4).

5 “(d) APPLICATIONS.—To be eligible to receive a
6 grant under the program, an eligible entity shall submit
7 to the Secretary an application in such form, at such time,
8 and containing such information as the Secretary may re-
9 quire.

10 “(e) ELIGIBLE PROJECTS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), the Secretary may make a grant under
13 the program only for a project that is—

14 “(A) a highway, bridge, or tunnel project
15 eligible under section 119(d);

16 “(B) a highway, bridge, or tunnel project
17 eligible under section 133(b);

18 “(C) a project eligible under section
19 202(a);

20 “(D) a highway freight project eligible
21 under section 167(h)(5);

22 “(E) a highway safety improvement
23 project, including a project to improve a high
24 risk rural road (as those terms are defined in
25 section 148(a));

1 “(F) a project on a publicly-owned high-
2 way or bridge that provides or increases access
3 to an agricultural, commercial, energy, or inter-
4 modal facility that supports the economy of a
5 rural area; or

6 “(G) a project to develop, establish, or
7 maintain an integrated mobility management
8 system, a transportation demand management
9 system, or on-demand mobility services.

10 “(2) BUNDLING OF ELIGIBLE PROJECTS.—

11 “(A) IN GENERAL.—An eligible entity may
12 bundle 2 or more similar eligible projects under
13 the program that are—

14 “(i) included as a bundled project in
15 a statewide transportation improvement
16 program under section 135; and

17 “(ii) awarded to a single contractor or
18 consultant pursuant to a contract for engi-
19 neering and design or construction between
20 the contractor and the eligible entity.

21 “(B) ITEMIZATION.—Notwithstanding any
22 other provision of law (including regulations), a
23 bundling of eligible projects under this para-
24 graph may be considered to be a single project,
25 including for purposes of section 135.

1 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
2 may use funds from a grant under the program for—

3 “(1) development phase activities, including
4 planning, feasibility analysis, revenue forecasting,
5 environmental review, preliminary engineering and
6 design work, and other preconstruction activities;
7 and

8 “(2) construction, reconstruction, rehabilitation,
9 acquisition of real property (including land related
10 to the project and improvements to the land), envi-
11 ronmental mitigation, construction contingencies, ac-
12 quisition of equipment, and operational improve-
13 ments.

14 “(g) PROJECT REQUIREMENTS.—The Secretary may
15 provide a grant under the program to an eligible project
16 only if the Secretary determines that the project—

17 “(1) will generate regional economic, mobility,
18 or safety benefits;

19 “(2) will be cost effective;

20 “(3) will contribute to the accomplishment of 1
21 or more of the national goals under section 150;

22 “(4) is based on the results of preliminary engi-
23 neering; and

1 “(5) is reasonably expected to begin construc-
2 tion not later than 18 months after the date of obli-
3 gation of funds for the project.

4 “(h) ADDITIONAL CONSIDERATIONS.—In providing
5 grants under the program, the Secretary shall consider the
6 extent to which an eligible project will—

7 “(1) improve the state of good repair of existing
8 highway, bridge, and tunnel facilities;

9 “(2) increase the capacity or connectivity of the
10 surface transportation system and improve mobility
11 for residents of rural areas;

12 “(3) address economic development and job cre-
13 ation challenges, including energy sector job losses
14 in energy communities as identified in the report re-
15 leased in April 2021 by the interagency working
16 group established by section 218 of Executive Order
17 14008 (86 Fed. Reg. 7628 (February 1, 2021));

18 “(4) enhance recreational and tourism opportu-
19 nities by providing access to Federal land, national
20 parks, national forests, national recreation areas, na-
21 tional wildlife refuges, wilderness areas, or State
22 parks;

23 “(5) contribute to geographic diversity among
24 grant recipients;

1 “(6) utilize innovative project delivery ap-
2 proaches or incorporate transportation technologies;

3 “(7) coordinate with projects to address
4 broadband infrastructure needs; or

5 “(8) improve access to emergency care, essen-
6 tial services, healthcare providers, or drug and alco-
7 hol treatment and rehabilitation resources.

8 “(i) GRANT AMOUNT.—Except as provided in sub-
9 section (k)(1), a grant under the program shall be in an
10 amount that is not less than \$25,000,000.

11 “(j) FEDERAL SHARE.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), the Federal share of the cost of a project
14 carried out with a grant under the program may not
15 exceed 80 percent.

16 “(2) FEDERAL SHARE FOR CERTAIN
17 PROJECTS.—The Federal share of the cost of an eli-
18 gible project that furthers the completion of a des-
19 ignated segment of the Appalachian Development
20 Highway System under section 14501 of title 40, or
21 addresses a surface transportation infrastructure
22 need identified for the Denali access system program
23 under section 309 of the Denali Commission Act of
24 1998 (42 U.S.C. 3121 note; Public Law 105–277)

1 shall be up to 100 percent, as determined by the
2 State.

3 “(3) USE OF OTHER FEDERAL ASSISTANCE.—
4 Federal assistance other than a grant under the pro-
5 gram may be used to satisfy the non-Federal share
6 of the cost of a project carried out with a grant
7 under the program.

8 “(k) SET ASIDES.—

9 “(1) SMALL PROJECTS.—The Secretary shall
10 use not more than 10 percent of the amounts made
11 available for the program for each fiscal year to pro-
12 vide grants for eligible projects in an amount that
13 is less than \$25,000,000.

14 “(2) APPALACHIAN DEVELOPMENT HIGHWAY
15 SYSTEM.—The Secretary shall reserve 25 percent of
16 the amounts made available for the program for
17 each fiscal year for eligible projects that further the
18 completion of designated routes of the Appalachian
19 Development Highway System under section 14501
20 of title 40.

21 “(3) RURAL ROADWAY LANE DEPARTURES.—
22 The Secretary shall reserve 15 percent of the
23 amounts made available for the program for each
24 fiscal year to provide grants for eligible projects lo-
25 cated in States that have rural roadway fatalities as

1 a result of lane departures that are greater than the
2 average of rural roadway fatalities as a result of
3 lane departures in the United States, based on the
4 latest available data from the Secretary.

5 “(4) EXCESS FUNDING.—In any fiscal year in
6 which qualified applications for grants under this
7 subsection do not allow for the amounts reserved
8 under paragraphs (1), (2), or (3) to be fully utilized,
9 the Secretary shall use the unutilized amounts to
10 make other grants under the program.

11 “(1) CONGRESSIONAL REVIEW.—

12 “(1) NOTIFICATION.—Not less than 60 days be-
13 fore providing a grant under the program, the Sec-
14 retary shall submit to the Committee on Environ-
15 ment and Public Works of the Senate and the Com-
16 mittee on Transportation and Infrastructure of the
17 House of Representatives—

18 “(A) a list of all applications determined to
19 be eligible for a grant by the Secretary;

20 “(B) each application proposed to be se-
21 lected for a grant, including a justification for
22 the selection; and

23 “(C) proposed grant amounts.

24 “(2) COMMITTEE REVIEW.—Before the last day
25 of the 60-day period described in paragraph (1),

1 each Committee described in paragraph (1) shall re-
2 view the list of proposed projects submitted by the
3 Secretary.

4 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
5 retary may not make a grant or any other obligation
6 or commitment to fund a project under the program
7 if a joint resolution is enacted disapproving funding
8 for the project before the last day of the 60-day pe-
9 riod described in paragraph (1).

10 “(m) TRANSPARENCY.—

11 “(1) IN GENERAL.—Not later than 30 days
12 after providing a grant for a project under the pro-
13 gram, the Secretary shall provide to all applicants,
14 and publish on the website of the Department of
15 Transportation, the information described in sub-
16 section (l)(1).

17 “(2) BRIEFING.—The Secretary shall provide,
18 on the request of an eligible entity, the opportunity
19 to receive a briefing to explain any reasons the eligi-
20 ble entity was not selected to receive a grant under
21 the program.

22 “(n) REPORTS.—

23 “(1) ANNUAL REPORT.—The Secretary shall
24 make available on the website of the Department of
25 Transportation at the end of each fiscal year an an-

1 nual report that lists each project for which a grant
2 has been provided under the program during that
3 fiscal year.

4 “(2) COMPTROLLER GENERAL.—

5 “(A) ASSESSMENT.—The Comptroller Gen-
6 eral of the United States shall conduct an as-
7 sessment of the administrative establishment,
8 solicitation, selection, and justification process
9 with respect to the awarding of grants under
10 the program for each fiscal year.

11 “(B) REPORT.—Each fiscal year, the
12 Comptroller General shall submit to the Com-
13 mittee on Environment and Public Works of the
14 Senate and the Committee on Transportation
15 and Infrastructure of the House of Representa-
16 tives a report that describes, for the fiscal
17 year—

18 “(i) the adequacy and fairness of the
19 process by which each project was selected,
20 if applicable; and

21 “(ii) the justification and criteria used
22 for the selection of each project, if applica-
23 ble.

24 “(o) TREATMENT OF PROJECTS.—Notwithstanding
25 any other provision of law, a project assisted under this

1 section shall be treated as a project on a Federal-aid high-
2 way under this chapter.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 1 of title 23, United States Code (as amended by sec-
5 tion 11123(c)(2)), is amended by inserting after the item
6 relating to section 172 the following:

“173. Rural surface transportation grant program.”.

7 **SEC. 11133. BICYCLE TRANSPORTATION AND PEDESTRIAN**
8 **WALKWAYS.**

9 Section 217 of title 23, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) by striking “pedestrian walkways and
13 bicycle” and inserting “pedestrian walkways
14 and bicycle and shared micromobility”; and

15 (B) by striking “safe bicycle use” and in-
16 serting “safe access for bicyclists and pedes-
17 trians”;

18 (2) in subsection (d), by striking “a position”
19 and inserting “up to 2 positions”;

20 (3) in subsection (e), by striking “bicycles”
21 each place it appears and inserting “pedestrians or
22 bicyclists”;

23 (4) in subsection (f), by striking “and a bicy-
24 cle” and inserting “or a bicycle or shared micro-
25 mobility”; and

1 (5) in subsection (j), by striking paragraph (2)
2 and inserting the following:

3 “(2) ELECTRIC BICYCLE.—

4 “(A) IN GENERAL.—The term ‘electric bi-
5 cycle’ means a bicycle—

6 “(i) equipped with fully operable ped-
7 als, a saddle or seat for the rider, and an
8 electric motor of less than 750 watts;

9 “(ii) that can safely share a bicycle
10 transportation facility with other users of
11 such facility; and

12 “(iii) that is a class 1 electric bicycle,
13 class 2 electric bicycle, or class 3 electric
14 bicycle.

15 “(B) CLASSES OF ELECTRIC BICYCLES.—

16 “(i) CLASS 1 ELECTRIC BICYCLE.—
17 For purposes of subparagraph (A)(iii), the
18 term ‘class 1 electric bicycle’ means an
19 electric bicycle, other than a class 3 elec-
20 tric bicycle, equipped with a motor that—

21 “(I) provides assistance only
22 when the rider is pedaling; and

23 “(II) ceases to provide assistance
24 when the speed of the bicycle reaches
25 or exceeds 20 miles per hour.

1 “(ii) CLASS 2 ELECTRIC BICYCLE.—
2 For purposes of subparagraph (A)(iii), the
3 term ‘class 2 electric bicycle’ means an
4 electric bicycle equipped with a motor
5 that—

6 “(I) may be used exclusively to
7 propel the bicycle; and

8 “(II) is not capable of providing
9 assistance when the speed of the bicy-
10 cle reaches or exceeds 20 miles per
11 hour.

12 “(iii) CLASS 3 ELECTRIC BICYCLE.—
13 For purposes of subparagraph (A)(iii), the
14 term ‘class 3 electric bicycle’ means an
15 electric bicycle equipped with a motor
16 that—

17 “(I) provides assistance only
18 when the rider is pedaling; and

19 “(II) ceases to provide assistance
20 when the speed of the bicycle reaches
21 or exceeds 28 miles per hour.”.

22 **SEC. 11134. RECREATIONAL TRAILS PROGRAM.**

23 Section 206 of title 23, United States Code, is
24 amended by adding at the end the following:

1 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
2 appORTIONED to a State under section 104(b) that are obli-
3 gated for a recreational trail or a related project shall be
4 administered as if the funds were made available to carry
5 out this section.”.

6 **SEC. 11135. UPDATES TO MANUAL ON UNIFORM TRAFFIC**
7 **CONTROL DEVICES.**

8 In carrying out the first update to the Manual on
9 Uniform Traffic Control Devices under section 109(d)(2)
10 of title 23, United States Code, to the greatest extent
11 practicable, the Secretary shall include updates necessary
12 to provide for—

13 (1) the protection of vulnerable road users (as
14 defined in section 148(a) of title 23, United States
15 Code);

16 (2) supporting the safe testing of automated ve-
17 hicle technology and any preparation necessary for
18 the safe integration of automated vehicles onto pub-
19 lic streets;

20 (3) appropriate use of variable message signs to
21 enhance public safety;

22 (4) the minimum retroreflectivity of traffic con-
23 trol devices and pavement markings; and

24 (5) any additional recommendations made by
25 the National Committee on Uniform Traffic Control

1 Devices that have not been incorporated into the
2 Manual on Uniform Traffic Control Devices.

3 **Subtitle B—Planning and**
4 **Performance Management**

5 **SEC. 11201. TRANSPORTATION PLANNING.**

6 (a) METROPOLITAN TRANSPORTATION PLANNING.—

7 Section 134 of title 23, United States Code, is amended—

8 (1) in subsection (d)—

9 (A) in paragraph (3), by adding at the end
10 the following:

11 “(D) CONSIDERATIONS.—In designating
12 officials or representatives under paragraph (2)
13 for the first time, subject to the bylaws or ena-
14 bling statute of the metropolitan planning orga-
15 nization, the metropolitan planning organization
16 shall consider the equitable and proportional
17 representation of the population of the metro-
18 politan planning area.”; and

19 (B) in paragraph (7)—

20 (i) by striking “an existing metropoli-
21 tan planning area” and inserting “an ex-
22 isting urbanized area (as defined by the
23 Bureau of the Census)”; and

1 (ii) by striking “the existing metro-
2 politan planning area” and inserting “the
3 area”;

4 (2) in subsection (g)—

5 (A) in paragraph (1), by striking “a met-
6 ropolitan area” and inserting “an urbanized
7 area (as defined by the Bureau of the Census)”;
8 and

9 (B) by adding at the end the following:

10 “(4) COORDINATION BETWEEN MPOS.—If
11 more than 1 metropolitan planning organization is
12 designated within an urbanized area (as defined by
13 the Bureau of the Census) under subsection (d)(7),
14 the metropolitan planning organizations designated
15 within the area shall ensure, to the maximum extent
16 practicable, the consistency of any data used in the
17 planning process, including information used in fore-
18 casting travel demand.

19 “(5) SAVINGS CLAUSE.—Nothing in this sub-
20 section requires metropolitan planning organizations
21 designated within a single urbanized area to jointly
22 develop planning documents, including a unified
23 long-range transportation plan or unified TIP.”;

24 (3) in subsection (i)(6), by adding at the end
25 the following:

1 “(D) USE OF TECHNOLOGY.—A metropoli-
2 tan planning organization may use social media
3 and other web-based tools—

4 “(i) to further encourage public par-
5 ticipation; and

6 “(ii) to solicit public feedback during
7 the transportation planning process.”; and

8 (4) in subsection (p), by striking “paragraphs
9 (5)(D) and (6) of section 104(b) of this title” and
10 inserting “section 104(b)(6)”.

11 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
12 TATION PLANNING.—Section 135(f)(3) of title 23, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(C) USE OF TECHNOLOGY.—A State may
16 use social media and other web-based tools—

17 “(i) to further encourage public par-
18 ticipation; and

19 “(ii) to solicit public feedback during
20 the transportation planning process.”.

21 (c) CONFORMING AMENDMENT.—Section 135(i) of
22 title 23, United States Code, is amended by striking
23 “paragraphs (5)(D) and (6) of section 104(b) of this title”
24 and inserting “section 104(b)(6)”.

1 (d) HOUSING COORDINATION.—Section 134 of title
2 23, United States Code, is amended—

3 (1) in subsection (a)(1), by inserting “better
4 connect housing and employment,” after “urbanized
5 areas”;

6 (2) in subsection (g)(3)(A), by inserting “hous-
7 ing,” after “economic development,”;

8 (3) in subsection (h)(1)(E), by inserting “,
9 housing,” after “growth”;

10 (4) in subsection (i)—

11 (A) in paragraph (4)(B)—

12 (i) by redesignating clauses (iii)
13 through (vi) as clauses (iv) through (vii),
14 respectively; and

15 (ii) by inserting after clause (ii) the
16 following:

17 “(iii) assumed distribution of popu-
18 lation and housing;”; and

19 (B) in paragraph (6)(A), by inserting “af-
20 fordable housing organizations,” after “dis-
21 abled,”; and

22 (5) in subsection (k)—

23 (A) by redesignating paragraphs (4) and
24 (5) as paragraphs (5) and (6), respectively; and

1 (B) by inserting after paragraph (3) the
2 following:

3 “(4) HOUSING COORDINATION PROCESS.—

4 “(A) IN GENERAL.—Within a metropolitan
5 planning area serving a transportation manage-
6 ment area, the transportation planning process
7 under this section may address the integration
8 of housing, transportation, and economic devel-
9 opment strategies through a process that pro-
10 vides for effective integration, based on a coop-
11 eratively developed and implemented strategy,
12 of new and existing transportation facilities eli-
13 gible for funding under this title and chapter
14 53 of title 49.

15 “(B) COORDINATION IN INTEGRATED
16 PLANNING PROCESS.—In carrying out the proc-
17 ess described in subparagraph (A), a metropoli-
18 tan planning organization may—

19 “(i) consult with—

20 “(I) State and local entities re-
21 sponsible for land use, economic devel-
22 opment, housing, management of road
23 networks, or public transportation;
24 and

1 “(II) other appropriate public or
2 private entities; and

3 “(ii) coordinate, to the extent prac-
4 ticable, with applicable State and local en-
5 tities to align the goals of the process with
6 the goals of any comprehensive housing af-
7 fordability strategies established within the
8 metropolitan planning area pursuant to
9 section 105 of the Cranston-Gonzalez Na-
10 tional Affordable Housing Act (42 U.S.C.
11 12705) and plans developed under section
12 5A of the United States Housing Act of
13 1937 (42 U.S.C. 1437c-1).

14 “(C) HOUSING COORDINATION PLAN.—

15 “(i) IN GENERAL.—A metropolitan
16 planning organization serving a transpor-
17 tation management area may develop a
18 housing coordination plan that includes
19 projects and strategies that may be consid-
20 ered in the metropolitan transportation
21 plan of the metropolitan planning organi-
22 zation.

23 “(ii) CONTENTS.—A plan described in
24 clause (i) may—

1 “(I) develop regional goals for
2 the integration of housing, transpor-
3 tation, and economic development
4 strategies to—

5 “(aa) better connect housing
6 and employment while mitigating
7 commuting times;

8 “(bb) align transportation
9 improvements with housing
10 needs, such as housing supply
11 shortages, and proposed housing
12 development;

13 “(cc) align planning for
14 housing and transportation to ad-
15 dress needs in relationship to
16 household incomes within the
17 metropolitan planning area;

18 “(dd) expand housing and
19 economic development within the
20 catchment areas of existing
21 transportation facilities and pub-
22 lic transportation services when
23 appropriate, including higher-
24 density development, as locally
25 determined;

1 “(ee) manage effects of
2 growth of vehicle miles traveled
3 experienced in the metropolitan
4 planning area related to housing
5 development and economic devel-
6 opment;

7 “(ff) increase share of
8 households with sufficient and af-
9 fordable access to the transpor-
10 tation networks of the metropoli-
11 tan planning area;

12 “(II) identify the location of ex-
13 isting and planned housing and em-
14 ployment, and transportation options
15 that connect housing and employment;
16 and

17 “(III) include a comparison of
18 transportation plans to land use man-
19 agement plans, including zoning
20 plans, that may affect road use, public
21 transportation ridership, and housing
22 development.”.

1 **SEC. 11202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
2 **PORTATION PLANS.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary shall amend section
5 450.324(f)(11)(v) of title 23, Code of Federal Regulations,
6 to ensure that the outer years of a metropolitan transpor-
7 tation plan are defined as “beyond the first 4 years”.

8 **SEC. 11203. STATE HUMAN CAPITAL PLANS.**

9 (a) IN GENERAL.—Chapter 1 of title 23, United
10 States Code (as amended by section 11132(a)), is amend-
11 ed by adding at the end the following:

12 **“§ 174. State human capital plans**

13 “(a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this section, the Secretary shall
15 encourage each State to develop a voluntary plan, to be
16 known as a ‘human capital plan’, that provides for the
17 immediate and long-term personnel and workforce needs
18 of the State with respect to the capacity of the State to
19 deliver transportation and public infrastructure eligible
20 under this title.

21 “(b) PLAN CONTENTS.—

22 “(1) IN GENERAL.—A human capital plan de-
23 veloped by a State under subsection (a) shall, to the
24 maximum extent practicable, take into consider-
25 ation—

1 “(A) significant transportation workforce
2 trends, needs, issues, and challenges with re-
3 spect to the State;

4 “(B) the human capital policies, strategies,
5 and performance measures that will guide the
6 transportation-related workforce investment de-
7 cisions of the State;

8 “(C) coordination with educational institu-
9 tions, industry, organized labor, workforce
10 boards, and other agencies or organizations to
11 address the human capital transportation needs
12 of the State;

13 “(D) a workforce planning strategy that
14 identifies current and future human capital
15 needs, including the knowledge, skills, and abili-
16 ties needed to recruit and retain skilled workers
17 in the transportation industry;

18 “(E) a human capital management strat-
19 egy that is aligned with the transportation mis-
20 sion, goals, and organizational objectives of the
21 State;

22 “(F) an implementation system for work-
23 force goals focused on addressing continuity of
24 leadership and knowledge sharing across the
25 State;

1 “(G) an implementation system that ad-
2 dresses workforce competency gaps, particularly
3 in mission-critical occupations;

4 “(H) in the case of public-private partner-
5 ships or other alternative project delivery meth-
6 ods to carry out the transportation program of
7 the State, a description of workforce needs—

8 “(i) to ensure that the transportation
9 mission, goals, and organizational objec-
10 tives of the State are fully carried out; and

11 “(ii) to ensure that procurement
12 methods provide the best public value;

13 “(I) a system for analyzing and evaluating
14 the performance of the State department of
15 transportation with respect to all aspects of
16 human capital management policies, programs,
17 and activities; and

18 “(J) the manner in which the plan will im-
19 prove the ability of the State to meet the na-
20 tional policy in support of performance manage-
21 ment established under section 150.

22 “(2) PLANNING PERIOD.—If a State develops a
23 human capital plan under subsection (a), the plan
24 shall address a 5-year forecast period.

1 “(c) PLAN UPDATES.—If a State develops a human
2 capital plan under subsection (a), the State shall update
3 the plan not less frequently than once every 5 years.

4 “(d) RELATIONSHIP TO LONG-RANGE PLAN.—

5 “(1) IN GENERAL.—Subject to paragraph (2), a
6 human capital plan developed by a State under sub-
7 section (a) may be developed separately from, or in-
8 corporated into, the long-range statewide transpor-
9 tation plan required under section 135.

10 “(2) EFFECT OF SECTION.—Nothing in this
11 section requires a State, or authorizes the Secretary
12 to require a State, to incorporate a human capital
13 plan into the long-range statewide transportation
14 plan required under section 135.

15 “(e) PUBLIC AVAILABILITY.—Each State that devel-
16 ops a human capital plan under subsection (a) shall make
17 a copy of the plan available to the public in a user-friendly
18 format on the website of the State department of transpor-
19 tation.

20 “(f) SAVINGS PROVISION.—Nothing in this section
21 prevents a State from carrying out transportation work-
22 force planning—

23 “(1) not described in this section; or

24 “(2) not in accordance with this section.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code (as amended by sec-
3 tion 11132(b)), is amended by inserting after the item re-
4 lating to section 173 the following:

“174. State human capital plans.”.

5 **SEC. 11204. PRIORITIZATION PROCESS PILOT PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means any of the following:

9 (A) A metropolitan planning organization
10 that serves an area with a population of over
11 200,000.

12 (B) A State.

13 (2) METROPOLITAN PLANNING ORGANIZA-
14 TION.—The term “metropolitan planning organiza-
15 tion” has the meaning given the term in section
16 134(b) of title 23, United States Code.

17 (3) PRIORITIZATION PROCESS PILOT PRO-
18 GRAM.—The term “prioritization process pilot pro-
19 gram” means the pilot program established under
20 subsection (b)(1).

21 (b) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary shall establish
23 and solicit applications for a prioritization process
24 pilot program.

1 (2) PURPOSE.—The purpose of the
2 prioritization process pilot program shall be to sup-
3 port data-driven approaches to planning that, on
4 completion, can be evaluated for public benefit.

5 (c) PILOT PROGRAM ADMINISTRATION.—

6 (1) IN GENERAL.—An eligible entity partici-
7 pating in the prioritization process pilot program
8 shall—

9 (A) use priority objectives that are devel-
10 oped—

11 (i) in the case of an urbanized area
12 with a population of over 200,000, by the
13 metropolitan planning organization that
14 serves the area, in consultation with the
15 State;

16 (ii) in the case of an urbanized area
17 with a population of 200,000 or fewer, by
18 the State in consultation with all metro-
19 politan planning organizations in the
20 State; and

21 (iii) through a public process that pro-
22 vides an opportunity for public input;

23 (B) assess and score projects and strate-
24 gies on the basis of—

1 (i) the contribution and benefits of the
2 project or strategy to each priority objec-
3 tive developed under subparagraph (A);

4 (ii) the cost of the project or strategy
5 relative to the contribution and benefits as-
6 sessed and scored under clause (i); and

7 (iii) public support;

8 (C) use the scores assigned under subpara-
9 graph (B) to guide project selection in the de-
10 velopment of the transportation plan and trans-
11 portation improvement program; and

12 (D) ensure that the public—

13 (i) has opportunities to provide public
14 comment on projects before decisions are
15 made on the transportation plan and the
16 transportation improvement program; and

17 (ii) has access to clear reasons why
18 each project or strategy was selected or not
19 selected.

20 (2) REQUIREMENTS.—An eligible entity that re-
21 ceives a grant under the prioritization process pilot
22 program shall use the funds as described in each of
23 the following, as applicable:

24 (A) METROPOLITAN TRANSPORTATION
25 PLANNING.—In the case of a metropolitan plan-

1 ning organization that serves an area with a
2 population of over 200,000, the entity shall—

3 (i) develop and implement a publicly
4 accessible, transparent prioritization proc-
5 ess for the selection of projects for inclu-
6 sion on the transportation plan for the
7 metropolitan planning area under section
8 134(i) of title 23, United States Code, and
9 section 5303(i) of title 49, United States
10 Code, which shall—

11 (I) include criteria identified by
12 the metropolitan planning organiza-
13 tion, which may be weighted to reflect
14 the priority objectives developed under
15 paragraph (1)(A), that the metropoli-
16 tan planning organization has deter-
17 mined support—

18 (aa) factors described in sec-
19 tion 134(h) of title 23, United
20 States Code, and section 5303(h)
21 of title 49, United States Code;

22 (bb) targets for national
23 performance measures under sec-
24 tion 150(b) of title 23, United
25 States Code;

1 (cc) applicable transpor-
2 tation goals in the metropolitan
3 planning area or State set by the
4 applicable transportation agency;
5 and

6 (dd) priority objectives de-
7 veloped under paragraph (1)(A);

8 (II) evaluate the outcomes for
9 each proposed project on the basis of
10 the benefits of the proposed project
11 with respect to each of the criteria de-
12 scribed in subclause (I) relative to the
13 cost of the proposed project; and

14 (III) use the evaluation under
15 subclause (II) to create a ranked list
16 of proposed projects; and

17 (ii) with respect to the priority list
18 under section 134(j)(2)(A) of title 23 and
19 section 5303(j)(2)(A) of title 49, United
20 States Code, include projects according to
21 the rank of the project under clause
22 (i)(III), except as provided in subpara-
23 graph (D).

24 (B) STATEWIDE TRANSPORTATION PLAN-
25 NING.—In the case of a State, the State shall—

1 (i) develop and implement a publicly
2 accessible, transparent process for the se-
3 lection of projects for inclusion on the
4 long-range statewide transportation plan
5 under section 135(f) of title 23, United
6 States Code, which shall—

7 (I) include criteria identified by
8 the State, which may be weighted to
9 reflect statewide priorities, that the
10 State has determined support—

11 (aa) factors described in sec-
12 tion 135(d) of title 23, United
13 States Code, and section 5304(d)
14 of title 49, United States Code;

15 (bb) national transportation
16 goals under section 150(b) of
17 title 23, United States Code;

18 (cc) applicable transpor-
19 tation goals in the State; and

20 (dd) the priority objectives
21 developed under paragraph
22 (1)(A);

23 (II) evaluate the outcomes for
24 each proposed project on the basis of
25 the benefits of the proposed project

1 with respect to each of the criteria de-
2 scribed in subclause (I) relative to the
3 cost of the proposed project; and

4 (III) use the evaluation under
5 subclause (II) to create a ranked list
6 of proposed projects; and

7 (ii) with respect to the statewide
8 transportation improvement program
9 under section 135(g) of title 23, United
10 States Code, and section 5304(g) of title
11 49, United States Code, include projects
12 according to the rank of the project under
13 clause (i)(III), except as provided in sub-
14 paragraph (D).

15 (C) ADDITIONAL TRANSPORTATION PLAN-
16 NING.—If the eligible entity has implemented,
17 and has in effect, the requirements under sub-
18 paragraph (A) or (B), as applicable, the eligible
19 entity may use any remaining funds from a
20 grant provided under the pilot program for any
21 transportation planning purpose.

22 (D) EXCEPTIONS TO PRIORITY RANKING.—
23 In the case of any project that the eligible enti-
24 ty chooses to include or not include in the
25 transportation improvement program under sec-

1 tion 134(j) of title 23, United States Code, or
2 the statewide transportation improvement pro-
3 gram under section 135(g) of title 23, United
4 States Code, as applicable, in a manner that is
5 contrary to the priority ranking for that project
6 established under subparagraph (A)(i)(III) or
7 (B)(i)(III), the eligible entity shall make pub-
8 licly available an explanation for the decision,
9 including—

10 (i) a review of public comments re-
11 garding the project;

12 (ii) an evaluation of public support for
13 the project;

14 (iii) an assessment of geographic bal-
15 ance of projects of the eligible entity; and

16 (iv) the number of projects of the eli-
17 gible entity in economically distressed
18 areas.

19 (3) MAXIMUM AMOUNT.—The maximum
20 amount of a grant under the prioritization process
21 pilot program is \$2,000,000.

22 (d) APPLICATIONS.—To be eligible to participate in
23 the prioritization process pilot program, an eligible entity
24 shall submit to the Secretary an application at such time,

1 in such manner, and containing such information as the
2 Secretary may require.

3 **SEC. 11205. TRAVEL DEMAND DATA AND MODELING.**

4 (a) DEFINITION OF METROPOLITAN PLANNING OR-
5 GANIZATION.—In this section, the term “metropolitan
6 planning organization” has the meaning given the term
7 in section 134(b) of title 23, United States Code.

8 (b) STUDY.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, and not less fre-
11 quently than once every 5 years thereafter, the Sec-
12 retary shall carry out a study that—

13 (A) gathers travel data and travel demand
14 forecasts from a representative sample of States
15 and metropolitan planning organizations;

16 (B) uses the data and forecasts gathered
17 under subparagraph (A) to compare travel de-
18 mand forecasts with the observed data, includ-
19 ing—

20 (i) traffic counts;

21 (ii) travel mode share and public tran-
22 sit ridership; and

23 (iii) vehicle occupancy measures; and

24 (C) uses the information described in sub-
25 paragraphs (A) and (B)—

1 (i) to develop best practices or guid-
2 ance for States and metropolitan planning
3 organizations to use in forecasting travel
4 demand for future investments in transpor-
5 tation improvements;

6 (ii) to evaluate the impact of trans-
7 portation investments, including new road-
8 way capacity, on travel behavior and travel
9 demand, including public transportation
10 ridership, induced highway travel, and con-
11 gestion;

12 (iii) to support more accurate travel
13 demand forecasting by States and metro-
14 politan planning organizations; and

15 (iv) to enhance the capacity of States
16 and metropolitan planning organizations—

17 (I) to forecast travel demand;

18 and

19 (II) to track observed travel be-
20 havior responses, including induced
21 travel, to changes in transportation
22 capacity, pricing, and land use pat-
23 terns.

24 (2) SECRETARIAL SUPPORT.—The Secretary
25 shall seek opportunities to support the transpor-

1 tation planning processes under sections 134 and
2 135 of title 23, United States Code, through the
3 provision of data to States and metropolitan plan-
4 ning organizations to improve the quality of plans,
5 models, and forecasts described in this subsection.

6 (3) **EVALUATION TOOL.**—The Secretary shall
7 develop a publicly available multimodal web-based
8 tool for the purpose of enabling States and metro-
9 politan planning organizations to evaluate the effect
10 of investments in highway and public transportation
11 projects on the use and conditions of all transpor-
12 tation assets within the State or area served by the
13 metropolitan planning organization, as applicable.

14 **SEC. 11206. INCREASING SAFE AND ACCESSIBLE TRANS-**
15 **PORTATION OPTIONS.**

16 (a) **DEFINITION OF COMPLETE STREETS STAND-**
17 **ARDS OR POLICIES.**—In this section, the term “Complete
18 Streets standards or policies” means standards or policies
19 that ensure the safe and adequate accommodation of all
20 users of the transportation system, including pedestrians,
21 bicyclists, public transportation users, children, older indi-
22 viduals, individuals with disabilities, motorists, and freight
23 vehicles.

24 (b) **FUNDING REQUIREMENT.**—Notwithstanding any
25 other provision of law, each State and metropolitan plan-

1 ning organization shall use to carry out 1 or more activi-
2 ties described in subsection (c)—

3 (1) in the case of a State, not less than 2.5 per-
4 cent of the amounts made available to the State to
5 carry out section 505 of title 23, United States
6 Code; and

7 (2) in the case of a metropolitan planning orga-
8 nization, not less than 2.5 percent of the amounts
9 made available to the metropolitan planning organi-
10 zation under section 104(d) of title 23, United
11 States Code.

12 (c) ACTIVITIES DESCRIBED.—An activity referred to
13 in subsection (b) is an activity to increase safe and acces-
14 sible options for multiple travel modes for people of all
15 ages and abilities, which, if permissible under applicable
16 State and local laws, may include—

17 (1) adoption of Complete Streets standards or
18 policies;

19 (2) development of a Complete Streets
20 prioritization plan that identifies a specific list of
21 Complete Streets projects to improve the safety, mo-
22 bility, or accessibility of a street;

23 (3) development of transportation plans—

24 (A) to create a network of active transpor-
25 tation facilities, including sidewalks, bikeways,

1 or pedestrian and bicycle trails, to connect
2 neighborhoods with destinations such as work-
3 places, schools, residences, businesses, recre-
4 ation areas, healthcare and child care services,
5 or other community activity centers;

6 (B) to integrate active transportation fa-
7 cilities with public transportation service or im-
8 prove access to public transportation;

9 (C) to create multiuse active transpor-
10 tation infrastructure facilities, including bike-
11 ways or pedestrian and bicycle trails, that make
12 connections within or between communities;

13 (D) to increase public transportation rider-
14 ship; and

15 (E) to improve the safety of bicyclists and
16 pedestrians;

17 (4) regional and megaregional planning to ad-
18 dress travel demand and capacity constraints
19 through alternatives to new highway capacity, in-
20 cluding through intercity passenger rail; and

21 (5) development of transportation plans and
22 policies that support transit-oriented development.

23 (d) FEDERAL SHARE.—The Federal share of the cost
24 of an activity carried out under this section shall be 80
25 percent, unless the Secretary determines that the interests

1 of the Federal-aid highway program would be best served
2 by decreasing or eliminating the non-Federal share.

3 (e) STATE FLEXIBILITY.—A State or metropolitan
4 planning organization, with the approval of the Secretary,
5 may opt out of the requirements of this section if the State
6 or metropolitan planning organization demonstrates to the
7 Secretary, by not later than 30 days before the Secretary
8 apportions funds for a fiscal year under section 104, that
9 the State or metropolitan planning organization—

10 (1) has Complete Streets standards and policies
11 in place; and

12 (2) has developed an up-to-date Complete
13 Streets prioritization plan as described in subsection
14 (c)(2).

15 **Subtitle C—Project Delivery and** 16 **Process Improvement**

17 **SEC. 11301. CODIFICATION OF ONE FEDERAL DECISION.**

18 (a) IN GENERAL.—Section 139 of title 23, United
19 States Code, is amended—

20 (1) in the section heading, by striking “**deci-**
21 **sionmaking**” and inserting “**decisionmaking**
22 **and One Federal Decision**”;

23 (2) in subsection (a)—

1 (A) by redesignating paragraphs (2)
2 through (8) as paragraphs (4), (5), (6), (8),
3 (9), (10), and (11), respectively;

4 (B) by inserting after paragraph (1) the
5 following:

6 “(2) AUTHORIZATION.—The term ‘authoriza-
7 tion’ means any environmental license, permit, ap-
8 proval, finding, or other administrative decision re-
9 lated to the environmental review process that is re-
10 quired under Federal law to site, construct, or re-
11 construct a project.

12 “(3) ENVIRONMENTAL DOCUMENT.—The term
13 ‘environmental document’ includes an environmental
14 assessment, finding of no significant impact, notice
15 of intent, environmental impact statement, or record
16 of decision under the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.).”;

18 (C) in subparagraph (B) of paragraph (5)
19 (as so redesignated), by striking “process for
20 and completion of any environmental permit”
21 and inserting “process and schedule, including
22 a timetable for and completion of any environ-
23 mental permit”; and

24 (D) by inserting after paragraph (6) (as so
25 redesignated) the following:

1 “(7) MAJOR PROJECT.—

2 “(A) IN GENERAL.—The term ‘major
3 project’ means a project for which—

4 “(i) multiple permits, approvals, re-
5 views, or studies are required under a Fed-
6 eral law other than the National Environ-
7 mental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.);

9 “(ii) the project sponsor has identified
10 the reasonable availability of funds suffi-
11 cient to complete the project;

12 “(iii) the project is not a covered
13 project (as defined in section 41001 of the
14 FAST Act (42 U.S.C. 4370m)); and

15 “(iv)(I) the head of the lead agency
16 has determined that an environmental im-
17 pact statement is required; or

18 “(II) the head of the lead agency has
19 determined that an environmental assess-
20 ment is required, and the project sponsor
21 requests that the project be treated as a
22 major project.

23 “(B) CLARIFICATION.—In this section, the
24 term ‘major project’ does not have the same

1 meaning as the term ‘major project’ as de-
2 scribed in section 106(h).”;

3 (3) in subsection (b)(1)—

4 (A) by inserting “, including major
5 projects,” after “all projects”; and

6 (B) by inserting “as requested by a project
7 sponsor and” after “applied,”;

8 (4) in subsection (c)—

9 (A) in paragraph (6)—

10 (i) in subparagraph (B), by striking
11 “and” at the end;

12 (ii) in subparagraph (C), by striking
13 the period at the end and inserting “;
14 and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(D) to calculate annually the average
18 time taken by the lead agency to complete all
19 environmental documents for each project dur-
20 ing the previous fiscal year.”; and

21 (B) by adding at the end the following:

22 “(7) PROCESS IMPROVEMENTS FOR
23 PROJECTS.—

24 “(A) IN GENERAL.—The Secretary shall
25 review—

1 “(i) existing practices, procedures,
2 rules, regulations, and applicable laws to
3 identify impediments to meeting the re-
4 quirements applicable to projects under
5 this section; and

6 “(ii) best practices, programmatic
7 agreements, and potential changes to inter-
8 nal departmental procedures that would fa-
9 cilitate an efficient environmental review
10 process for projects.

11 “(B) CONSULTATION.—In conducting the
12 review under subparagraph (A), the Secretary
13 shall consult, as appropriate, with the heads of
14 other Federal agencies that participate in the
15 environmental review process.

16 “(C) REPORT.—Not later than 2 years
17 after the date of enactment of the Surface
18 Transportation Reauthorization Act of 2021,
19 the Secretary shall submit to the Committee on
20 Environment and Public Works of the Senate
21 and the Committee on Transportation and In-
22 frastructure of the House of Representatives a
23 report that includes—

24 “(i) the results of the review under
25 subparagraph (A); and

1 “(ii) an analysis of whether additional
2 funding would help the Secretary meet the
3 requirements applicable to projects under
4 this section.”;

5 (5) in subsection (d)—

6 (A) in paragraph (8)—

7 (i) in the paragraph heading, by strik-
8 ing “NEPA” and inserting “ENVIRON-
9 MENTAL”;

10 (ii) in subparagraph (A)—

11 (I) by inserting “and except as
12 provided in subparagraph (D)” after
13 “paragraph (7)”;

14 (II) by striking “permits” and in-
15 serting “authorizations”; and

16 (III) by striking “single environ-
17 ment document” and inserting “single
18 environmental document for each kind
19 of environmental document”;

20 (iii) in subparagraph (B)(i)—

21 (I) by striking “an environmental
22 document” and inserting “environ-
23 mental documents”; and

24 (II) by striking “permits issued”
25 and inserting “authorizations”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(D) EXCEPTIONS.—The lead agency may
4 waive the application of subparagraph (A) with
5 respect to a project if—

6 “(i) the project sponsor requests that
7 agencies issue separate environmental doc-
8 uments;

9 “(ii) the obligations of a cooperating
10 agency or participating agency under the
11 National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.) have al-
13 ready been satisfied with respect to the
14 project; or

15 “(iii) the lead agency determines that
16 reliance on a single environmental docu-
17 ment (as described in subparagraph (A))
18 would not facilitate timely completion of
19 the environmental review process for the
20 project.”; and

21 (B) by adding at the end the following:

22 “(10) TIMELY AUTHORIZATIONS FOR MAJOR
23 PROJECTS.—

24 “(A) DEADLINE.—Except as provided in
25 subparagraph (C), all authorization decisions

1 necessary for the construction of a major
2 project shall be completed by not later than 90
3 days after the date of the issuance of a record
4 of decision for the major project.

5 “(B) DETAIL.—The final environmental
6 impact statement for a major project shall in-
7 clude an adequate level of detail to inform deci-
8 sions necessary for the role of the participating
9 agencies and cooperating agencies in the envi-
10 ronmental review process.

11 “(C) EXTENSION OF DEADLINE.—The
12 head of the lead agency may extend the dead-
13 line under subparagraph (A) if—

14 “(i) Federal law prohibits the lead
15 agency or another agency from issuing an
16 approval or permit within the period de-
17 scribed in that subparagraph;

18 “(ii) the project sponsor requests that
19 the permit or approval follow a different
20 timeline; or

21 “(iii) an extension would facilitate
22 completion of the environmental review and
23 authorization process of the major
24 project.”;

25 (6) in subsection (g)(1)—

1 (A) in subparagraph (B)—

2 (i) in clause (ii)(IV), by striking
3 “schedule for and cost of” and inserting
4 “time required by an agency to conduct an
5 environmental review and make decisions
6 under applicable Federal law relating to a
7 project (including the issuance or denial of
8 a permit or license) and the cost of”; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(iii) MAJOR PROJECT SCHEDULE.—
12 To the maximum extent practicable and
13 consistent with applicable Federal law, in
14 the case of a major project, the lead agen-
15 cy shall develop, in concurrence with the
16 project sponsor, a schedule for the major
17 project that is consistent with an agency
18 average of not more than 2 years for the
19 completion of the environmental review
20 process for major projects, as measured
21 from, as applicable—

22 “(I) the date of publication of a
23 notice of intent to prepare an environ-
24 mental impact statement to the record
25 of decision; or

1 “(II) the date on which the head
2 of the lead agency determines that an
3 environmental assessment is required
4 to a finding of no significant impact.”;

5 (B) by striking subparagraph (D) and in-
6 serting the following:

7 “(D) MODIFICATION.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii), the lead agency may
10 lengthen or shorten a schedule established
11 under subparagraph (B) for good cause.

12 “(ii) EXCEPTIONS.—

13 “(I) MAJOR PROJECTS.—In the
14 case of a major project, the lead agen-
15 cy may lengthen a schedule under
16 clause (i) for a cooperating Federal
17 agency by not more than 1 year after
18 the latest deadline established for the
19 major project by the lead agency.

20 “(II) SHORTENED SCHED-
21 ULES.—The lead agency may not
22 shorten a schedule under clause (i) if
23 doing so would impair the ability of a
24 cooperating Federal agency to conduct
25 necessary analyses or otherwise carry

1 out relevant obligations of the Federal
2 agency for the project.”;

3 (C) by redesignating subparagraph (E) as
4 subparagraph (F); and

5 (D) by inserting after subparagraph (D)
6 the following:

7 “(E) FAILURE TO MEET DEADLINE.—If a
8 cooperating Federal agency fails to meet a
9 deadline established under subparagraph
10 (D)(ii)(I)—

11 “(i) the cooperating Federal agency
12 shall submit to the Secretary a report that
13 describes the reasons why the deadline was
14 not met; and

15 “(ii) the Secretary shall—

16 “(I) transmit to the Committee
17 on Environment and Public Works of
18 the Senate and the Committee on
19 Transportation and Infrastructure of
20 the House of Representatives a copy
21 of the report under clause (i); and

22 “(II) make the report under
23 clause (i) publicly available on the
24 internet.”;

1 (7) in subsection (n), by adding at the end the
2 following:

3 “(3) LENGTH OF ENVIRONMENTAL DOCU-
4 MENT.—

5 “(A) IN GENERAL.—Notwithstanding any
6 other provision of law and except as provided in
7 subparagraph (B), to the maximum extent
8 practicable, the text of the items described in
9 paragraphs (4) through (6) of section
10 1502.10(a) of title 40, Code of Federal Regula-
11 tions (or successor regulations), of an environ-
12 mental impact statement for a project shall be
13 200 pages or fewer.

14 “(B) EXEMPTION.—An environmental im-
15 pact statement for a project may exceed 200
16 pages, if the lead agency establishes a new page
17 limit for the environmental impact statement
18 for that project.”; and

19 (8) by adding at the end the following:

20 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
21 PROJECTS.—

22 “(1) IN GENERAL.—The Secretary shall estab-
23 lish a performance accountability system to track
24 each major project.

1 “(2) REQUIREMENTS.—The performance ac-
2 countability system under paragraph (1) shall, for
3 each major project, track, at a minimum—

4 “(A) the environmental review process for
5 the major project, including the project sched-
6 ule;

7 “(B) whether the lead agency, cooperating
8 agencies, and participating agencies are meet-
9 ing the schedule established for the environ-
10 mental review process; and

11 “(C) the time taken to complete the envi-
12 ronmental review process.

13 “(q) DEVELOPMENT OF CATEGORICAL EXCLU-
14 SIONS.—

15 “(1) IN GENERAL.—Not later than 60 days
16 after the date of enactment of this subsection, and
17 every 4 years thereafter, the Secretary shall—

18 “(A) in consultation with the agencies de-
19 scribed in paragraph (2), identify the categor-
20 ical exclusions described in section 771.117 of
21 title 23, Code of Federal Regulations (or suc-
22 cessor regulations), that would accelerate deliv-
23 ery of a project if those categorical exclusions
24 were available to those agencies;

1 “(B) collect existing documentation and
2 substantiating information on the categorical
3 exclusions described in subparagraph (A); and

4 “(C) provide to each agency described in
5 paragraph (2)—

6 “(i) a list of the categorical exclusions
7 identified under subparagraph (A); and

8 “(ii) the documentation and substan-
9 tiating information under subparagraph
10 (B).

11 “(2) AGENCIES DESCRIBED.—The agencies re-
12 ferred to in paragraph (1) are—

13 “(A) the Department of the Interior;

14 “(B) the Department of the Army;

15 “(C) the Department of Commerce;

16 “(D) the Department of Agriculture;

17 “(E) the Department of Energy;

18 “(F) the Department of Defense; and

19 “(G) any other Federal agency that has
20 participated in an environmental review process
21 for a project, as determined by the Secretary.

22 “(3) ADOPTION OF CATEGORICAL EXCLU-
23 SIONS.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date on which the Secretary provides

1 a list under paragraph (1)(C), an agency de-
2 scribed in paragraph (2) shall publish a notice
3 of proposed rulemaking to propose any categor-
4 ical exclusions from the list applicable to the
5 agency, subject to the condition that the cat-
6 egorical exclusion identified under paragraph
7 (1)(A) meets the criteria for a categorical exclu-
8 sion under section 1508.1 of title 40, Code of
9 Federal Regulations (or successor regulations).

10 “(B) PUBLIC COMMENT.—In a notice of
11 proposed rulemaking under subparagraph (A),
12 the applicable agency may solicit comments on
13 whether any of the proposed new categorical ex-
14 clusions meet the criteria for a categorical ex-
15 clusion under section 1508.1 of title 40, Code
16 of Federal Regulations (or successor regula-
17 tions).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 1 of title 23, United States Code, is amended by strik-
20 ing the item relating to section 139 and inserting the fol-
21 lowing:

“139. Efficient environmental reviews for project decisionmaking and One Fed-
eral Decision.”.

22 **SEC. 11302. WORK ZONE PROCESS REVIEWS.**

23 The Secretary shall amend section 630.1008(e) of
24 title 23, Code of Federal Regulations, to ensure that the

1 work zone process review under that subsection is required
2 not more frequently than once every 5 years.

3 **SEC. 11303. TRANSPORTATION MANAGEMENT PLANS.**

4 (a) IN GENERAL.—The Secretary shall amend sec-
5 tion 630.1010(e) of title 23, Code of Federal Regulations,
6 to ensure that only a project described in that subsection
7 with a lane closure for 3 or more consecutive days shall
8 be considered to be a significant project for purposes of
9 that section.

10 (b) NON-INTERSTATE PROJECTS.—Notwithstanding
11 any other provision of law, a State shall not be required
12 to develop or implement a transportation management
13 plan (as described in section 630.1012 of title 23, Code
14 of Federal Regulations (or successor regulations)) for a
15 highway project not on the Interstate System if the project
16 requires not more than 3 consecutive days of lane closures.

17 **SEC. 11304. INTELLIGENT TRANSPORTATION SYSTEMS.**

18 (a) IN GENERAL.—The Secretary shall develop guid-
19 ance for using existing flexibilities with respect to the sys-
20 tems engineering analysis described in part 940 of title
21 23, Code of Federal Regulations (or successor regula-
22 tions).

23 (b) IMPLEMENTATION.—The Secretary shall ensure
24 that any guidance developed under subsection (a)—

1 (1) clearly identifies criteria for low-risk and ex-
2 empt intelligent transportation systems projects,
3 with a goal of minimizing unnecessary delay or pa-
4 perwork burden;

5 (2) is consistently implemented by the Depart-
6 ment nationwide; and

7 (3) is disseminated to Federal-aid recipients.

8 (c) SAVINGS PROVISION.—Nothing in this section
9 prevents the Secretary from amending part 940 of title
10 23, Code of Federal Regulations (or successor regula-
11 tions), to reduce State administrative burdens.

12 **SEC. 11305. ALTERNATIVE CONTRACTING METHODS.**

13 (a) ALTERNATIVE CONTRACTING METHODS FOR
14 FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL
15 GOVERNMENTS.—Section 201 of title 23, United States
16 Code, is amended by adding at the end the following:

17 “(f) ALTERNATIVE CONTRACTING METHODS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law (including the Federal Acquisition
20 Regulation), a contracting method available to a
21 State under this title may be used by the Secretary,
22 on behalf of—

23 “(A) a Federal land management agency,
24 in using any funds pursuant to section 203,
25 204, or 308;

1 “(B) a Federal land management agency,
2 in using any funds pursuant to section 1535 of
3 title 31 for any of the eligible uses described in
4 sections 203(a)(1) and 204(a)(1) and para-
5 graphs (1) and (2) of section 308(a); or

6 “(C) a Tribal government, in using funds
7 pursuant to section 202(b)(7)(D).

8 “(2) METHODS DESCRIBED.—The contracting
9 methods referred to in paragraph (1) shall include,
10 at a minimum—

11 “(A) project bundling;

12 “(B) bridge bundling;

13 “(C) design-build contracting;

14 “(D) 2-phase contracting;

15 “(E) long-term concession agreements; and

16 “(F) any method tested, or that could be
17 tested, under an experimental program relating
18 to contracting methods carried out by the Sec-
19 retary.

20 “(3) EFFECT.—Nothing in this subsection—

21 “(A) affects the application of the Federal
22 share for the project carried out with a con-
23 tracting method under this subsection; or

24 “(B) modifies the point of obligation of
25 Federal salaries and expenses.”.

1 (b) COOPERATION WITH FEDERAL AND STATE
2 AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of
3 title 23, United States Code, is amended by adding at the
4 end the following:

5 “(4) ALTERNATIVE CONTRACTING METHODS.—

6 “(A) IN GENERAL.—Notwithstanding any
7 other provision of law (including the Federal
8 Acquisition Regulation), in performing services
9 under paragraph (1), the Secretary may use
10 any contracting method available to a State
11 under this title.

12 “(B) METHODS DESCRIBED.—The con-
13 tracting methods referred to in subparagraph
14 (A) shall include, at a minimum—

15 “(i) project bundling;

16 “(ii) bridge bundling;

17 “(iii) design-build contracting;

18 “(iv) 2-phase contracting;

19 “(v) long-term concession agreements;

20 and

21 “(vi) any method tested, or that could
22 be tested, under an experimental program
23 relating to contracting methods carried out
24 by the Secretary.”.

1 (c) USE OF ALTERNATIVE CONTRACTING METH-
2 ODS.—In carrying out an alternative contracting method
3 under section 201(f) or 308(a)(4) of title 23, United
4 States Code, the Secretary shall—

5 (1) in consultation with the applicable Federal
6 land management agencies, establish clear proce-
7 dures that are—

8 (A) applicable to the alternative con-
9 tracting method; and

10 (B) to the maximum extent practicable,
11 consistent with the requirements applicable to
12 Federal procurement transactions;

13 (2) solicit input on the use of the alternative
14 contracting method from the affected industry prior
15 to using the method; and

16 (3) analyze and prepare an evaluation of the
17 use of the alternative contracting method.

18 **SEC. 11306. FLEXIBILITY FOR PROJECTS.**

19 Section 1420 of the FAST Act (23 U.S.C. 101 note;
20 Public Law 114–94) is amended—

21 (1) in subsection (a), by striking “and on re-
22 quest by a State, the Secretary may” in the matter
23 preceding paragraph (1) and all that follows through
24 the period at the end of paragraph (2) and inserting
25 the following: “, on request by a State, and if in the

1 public interest (as determined by the Secretary), the
2 Secretary shall exercise all existing flexibilities
3 under—

4 “(1) the requirements of title 23, United States
5 Code; and

6 “(2) other requirements administered by the
7 Secretary, in whole or in part.”; and

8 (2) in subsection (b)(2)(A), by inserting “(in-
9 cluding regulations)” after “environmental law”.

10 **SEC. 11307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**
11 **OVERSIGHT AGREEMENTS.**

12 (a) **DEFINITION OF TEMPLATE.**—In this section, the
13 term “template” means a template created by the Sec-
14 retary for Federal-State stewardship and oversight agree-
15 ments that—

16 (1) includes all standard terms found in stew-
17 ardship and oversight agreements, including any
18 terms in an attachment to the agreement;

19 (2) is developed in accordance with section 106
20 of title 23, United States Code, or any other applica-
21 ble authority; and

22 (3) may be developed with consideration of rel-
23 evant regulations, guidance, or policies.

24 (b) **REQUEST FOR COMMENT.**—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary
3 shall publish in the Federal Register the template
4 and a notice requesting public comment on ways to
5 improve the template.

6 (2) COMMENT PERIOD.—The Secretary shall
7 provide a period of not less than 60 days for public
8 comment on the notice under paragraph (1).

9 (3) CERTAIN ISSUES.—The notice under para-
10 graph (1) shall allow comment on any aspect of the
11 template and shall specifically request public com-
12 ment on—

13 (A) whether the template should be revised
14 to delete standard terms requiring approval by
15 the Secretary of the policies, procedures, proc-
16 esses, or manuals of the States, or other State
17 actions, if Federal law (including regulations)
18 does not specifically require an approval;

19 (B) opportunities to modify the template to
20 allow adjustments to the review schedules for
21 State practices or actions, including through
22 risk-based approaches, program reviews, process
23 reviews, or other means; and

24 (C) any other matters that the Secretary
25 determines to be appropriate.

1 (c) NOTICE OF ACTION; UPDATES.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, after considering
4 the comments received in response to the Federal
5 Register notice under subsection (b), the Secretary
6 shall publish in the Federal Register a notice that—

7 (A) describes any proposed changes to be
8 made, and any alternatives to such changes, to
9 the template;

10 (B) addresses comments in response to
11 which changes were not made to the template;
12 and

13 (C) prescribes a schedule and a plan to
14 execute a process for implementing the changes
15 referred to in subparagraph (A).

16 (2) APPROVAL REQUIREMENTS.—In addressing
17 comments under paragraph (1)(B), the Secretary
18 shall include an explanation of the basis for retain-
19 ing any requirement for approval of State policies,
20 procedures, processes, or manuals, or other State ac-
21 tions, if Federal law (including regulations) does not
22 specifically require the approval.

23 (3) IMPLEMENTATION.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date on which the notice under para-

1 graph (1) is published, the Secretary shall make
2 changes to the template in accordance with—

3 (i) the changes described in the notice
4 under paragraph (1)(A); and

5 (ii) the schedule and plan described in
6 the notice under paragraph (1)(C).

7 (B) UPDATES.—Not later than 1 year
8 after the date on which the revised template
9 under subparagraph (A) is published, the Sec-
10 retary shall update existing agreements with
11 States according to the template updated under
12 subparagraph (A).

13 (d) INCLUSION OF NON-STANDARD TERMS.—Noth-
14 ing in this section precludes the inclusion in a Federal-
15 State stewardship and oversight agreement of non-stand-
16 ard terms to address a State-specific matter, including
17 risk-based stewardship and Department oversight involve-
18 ment in individual projects of division interest.

19 (e) COMPLIANCE WITH NON-STATUTORY TERMS.—

20 (1) IN GENERAL.—The Secretary shall not en-
21 force or otherwise require a State to comply with ap-
22 proval requirements that are not required by Federal
23 law (including regulations) in a Federal-State stew-
24 ardship and oversight agreement.

1 (2) APPROVAL AUTHORITY.—Notwithstanding
2 any other provision of law, the Secretary shall not
3 assert approval authority over any matter in a Fed-
4 eral-State stewardship and oversight agreement re-
5 served to States.

6 (f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of
7 title 23, United States Code, is amended—

8 (1) by striking “annual”;

9 (2) by striking “The Secretary” and inserting
10 the following:

11 “(A) IN GENERAL.—The Secretary”; and

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

13 “(B) FREQUENCY.—

14 “(i) IN GENERAL.—Except as pro-
15 vided in clauses (ii) and (iii), the Secretary
16 shall carry out a review under subpara-
17 graph (A) not less frequently than once
18 every 2 years.

19 “(ii) CONSULTATION WITH STATE.—

20 The Secretary, after consultation with a
21 State, may make a determination to carry
22 out a review under subparagraph (A) for
23 that State less frequently than provided
24 under clause (i).

1 “(iii) CAUSE.—If the Secretary deter-
2 mines that there is a specific reason to re-
3 quire a review more frequently than pro-
4 vided under clause (i) with respect to a
5 State, the Secretary may carry out a re-
6 view more frequently than provided under
7 that clause.”.

8 **SEC. 11308. GEOMATIC DATA.**

9 (a) IN GENERAL.—The Secretary shall develop guid-
10 ance for the acceptance and use of information obtained
11 from a non-Federal entity through geomatic techniques,
12 including remote sensing and land surveying, cartography,
13 geographic information systems, global navigation satellite
14 systems, photogrammetry, or other remote means.

15 (b) CONSIDERATIONS.—In carrying out this section,
16 the Secretary shall ensure that acceptance or use of infor-
17 mation described in subsection (a) meets the data quality
18 and operational requirements of the Secretary.

19 (c) PUBLIC COMMENT.—Before issuing any final
20 guidance under subsection (a), the Secretary shall provide
21 to the public—

22 (1) notice of the proposed guidance; and

23 (2) an opportunity to comment on the proposed
24 guidance.

25 (d) SAVINGS CLAUSE.—Nothing in this section—

1 “(I) a preventive maintenance,
2 preservation, or highway safety im-
3 provement project (as defined in sec-
4 tion 148(a)); or

5 “(II) a new turn lane that the
6 State advises in writing to the Sec-
7 retary would assist public safety; and
8 “(iii) that—

9 “(I) is classified as a categorical
10 exclusion under section 771.117 of
11 title 23, Code of Federal Regulations
12 (or successor regulations); or

13 “(II) if the project or activity
14 does not receive assistance described
15 in clause (i) would be considered a
16 categorical exclusion if the project or
17 activity received assistance described
18 in clause (i).

19 “(B) EXCLUSION.—The term ‘eligible
20 project or activity’ does not include a project to
21 create a new travel lane.

22 “(2) PRELIMINARY EVALUATION.—The term
23 ‘preliminary evaluation’, with respect to an applica-
24 tion described in subsection (b)(1), means an evalua-
25 tion that is customary or practicable for the relevant

1 agency to complete within a 45-day period for simi-
2 lar applications.

3 “(3) RELEVANT AGENCY.—The term ‘relevant
4 agency’ means a Federal agency, other than the
5 Federal Highway Administration, with responsibility
6 for review of an application from a State for a per-
7 mit, approval, or jurisdictional determination for an
8 eligible project or activity.

9 “(b) ACTION REQUIRED.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 not later than 45 days after the date of receipt of
12 an application by a State for a permit, approval, or
13 jurisdictional determination for an eligible project or
14 activity, the head of the relevant agency shall—

15 “(A) make at least a preliminary evalua-
16 tion of the application; and

17 “(B) notify the State of the results of the
18 preliminary evaluation under subparagraph (A).

19 “(2) EXTENSION.—The head of the relevant
20 agency may extend the review period under para-
21 graph (1) by not more than 30 days if the head of
22 the relevant agency provides to the State written no-
23 tice that includes an explanation of the need for the
24 extension.

1 “(3) FAILURE TO ACT.—If the head of the rel-
2 evant agency fails to meet a deadline under para-
3 graph (1) or (2), as applicable, the head of the rel-
4 evant agency shall—

5 “(A) not later than 30 days after the date
6 of the missed deadline, submit to the State, the
7 Committee on Environment and Public Works
8 of the Senate, and the Committee on Transpor-
9 tation and Infrastructure of the House of Rep-
10 resentatives a report that describes why the
11 deadline was missed; and

12 “(B) not later than 14 days after the date
13 on which a report is submitted under subpara-
14 graph (A), make publicly available, including on
15 the internet, a copy of that report.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 3 of title 23, United States Code, is amended by add-
18 ing at the end the following:

 “331. Evaluation of projects within an operational right-of-way.”.

19 **SEC. 11310. PRELIMINARY ENGINEERING.**

20 (a) IN GENERAL.—Section 102 of title 23, United
21 States Code, is amended—

22 (1) by striking subsection (b); and

23 (2) in subsection (a), in the second sentence, by
24 striking “Nothing in this subsection” and inserting
25 the following:

1 “(b) SAVINGS PROVISION.—Nothing in this section”.

2 (b) CONFORMING AMENDMENT.—Section 144(j) of
3 title 23, United States Code, is amended by striking para-
4 graph (6).

5 **SEC. 11311. EFFICIENT IMPLEMENTATION OF NEPA FOR**
6 **FEDERAL LAND MANAGEMENT PROJECTS.**

7 Section 203 of title 23, United States Code, is
8 amended by adding at the end the following:

9 “(e) EFFICIENT IMPLEMENTATION OF NEPA.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) ENVIRONMENTAL DOCUMENT.—The
12 term ‘environmental document’ means an envi-
13 ronmental impact statement, environmental as-
14 sessment, categorical exclusion, or other docu-
15 ment prepared under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.).

18 “(B) PROJECT.—The term ‘project’ means
19 a highway project, public transportation capital
20 project, or multimodal project that—

21 “(i) receives funds under this title;

22 and

23 “(ii) is authorized under this section
24 or section 204.

1 “(C) PROJECT SPONSOR.—The term
2 ‘project sponsor’ means the Federal land man-
3 agement agency that seeks or receives funds
4 under this title for a project.

5 “(2) ENVIRONMENTAL REVIEW TO BE COM-
6 PLETED BY FEDERAL HIGHWAY ADMINISTRATION.—
7 The Federal Highway Administration may prepare
8 an environmental document pursuant to the imple-
9 menting procedures of the Federal Highway Admin-
10 istration to comply with the requirements of the Na-
11 tional Environmental Policy Act of 1969 (42 U.S.C.
12 4321 et seq.) if—

13 “(A) requested by a project sponsor; and

14 “(B) all areas of analysis required by the
15 project sponsor can be addressed.

16 “(3) FEDERAL LAND MANAGEMENT AGENCIES
17 ADOPTION OF EXISTING ENVIRONMENTAL REVIEW
18 DOCUMENTS.—

19 “(A) IN GENERAL.—To the maximum ex-
20 tent practicable, if the Federal Highway Admin-
21 istration prepares an environmental document
22 pursuant to paragraph (2), that environmental
23 document shall address all areas of analysis re-
24 quired by a Federal land management agency.

1 “(B) INDEPENDENT EVALUATION.—Not-
2 withstanding any other provision of law, a Fed-
3 eral land management agency shall not be re-
4 quired to conduct an independent evaluation to
5 determine the adequacy of an environmental
6 document prepared by the Federal Highway
7 Administration pursuant to paragraph (2).

8 “(C) USE OF SAME DOCUMENT.—In au-
9 thorizing or implementing a project, a Federal
10 land management agency may use an environ-
11 mental document previously prepared by the
12 Federal Highway Administration for a project
13 addressing the same or substantially the same
14 action to the same extent that the Federal land
15 management agency could adopt or use a docu-
16 ment previously prepared by another Federal
17 agency.

18 “(4) APPLICATION BY FEDERAL LAND MANAGE-
19 MENT AGENCIES OF CATEGORICAL EXCLUSIONS ES-
20 TABLISHED BY FEDERAL HIGHWAY ADMINISTRA-
21 TION.—In carrying out requirements under the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.) for a project, the project sponsor may
24 use categorical exclusions designated under that Act
25 in the implementing regulations of the Federal

1 Highway Administration, subject to the conditions
2 that—

3 “(A) the project sponsor makes a deter-
4 mination, in consultation with the Federal
5 Highway Administration, that the categorical
6 exclusion applies to the project;

7 “(B) the project satisfies the conditions for
8 a categorical exclusion under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321
10 et seq.); and

11 “(C) the use of the categorical exclusion
12 does not otherwise conflict with the imple-
13 menting regulations of the project sponsor, ex-
14 cept any list of the project sponsor that des-
15 ignates categorical exclusions.

16 “(5) MITIGATION COMMITMENTS.—The Sec-
17 retary shall assist the Federal land management
18 agency with all design and mitigation commitments
19 made jointly by the Secretary and the project spon-
20 sor in any environmental document prepared by the
21 Secretary in accordance with this subsection.”.

1 **SEC. 11312. NATIONAL ENVIRONMENTAL POLICY ACT OF**
2 **1969 REPORTING PROGRAM.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by inserting after section 156 the
5 following:

6 **“§ 157. National Environmental Policy Act of 1969 re-**
7 **porting program**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CATEGORICAL EXCLUSION.—The term
10 ‘categorical exclusion’ has the meaning given the
11 term in section 771.117(c) of title 23, Code of Fed-
12 eral Regulations (or a successor regulation).

13 “(2) DOCUMENTED CATEGORICAL EXCLU-
14 SION.—The term ‘documented categorical exclusion’
15 has the meaning given the term in section
16 771.117(d) of title 23, Code of Federal Regulations
17 (or a successor regulation).

18 “(3) ENVIRONMENTAL ASSESSMENT.—The
19 term ‘environmental assessment’ has the meaning
20 given the term in section 1508.1 of title 40, Code of
21 Federal Regulations (or a successor regulation).

22 “(4) ENVIRONMENTAL IMPACT STATEMENT.—
23 The term ‘environmental impact statement’ means a
24 detailed statement required under section 102(2)(C)
25 of the National Environmental Policy Act of 1969
26 (42 U.S.C. 4332(2)(C)).

1 “(5) FEDERAL AGENCY.—The term ‘Federal
2 agency’ includes a State that has assumed responsi-
3 bility under section 327.

4 “(6) NEPA PROCESS.—The term ‘NEPA proc-
5 ess’ means the entirety of the development and docu-
6 mentation of the analysis required under the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.), including the assessment and analysis
9 of any impacts, alternatives, and mitigation of a pro-
10 posed action, and any interagency participation and
11 public involvement required to be carried out before
12 the Secretary undertakes a proposed action.

13 “(7) PROPOSED ACTION.—The term ‘proposed
14 action’ means an action (within the meaning of the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.)) under this title that the Sec-
17 retary proposes to carry out.

18 “(8) REPORTING PERIOD.—The term ‘reporting
19 period’ means the fiscal year prior to the fiscal year
20 in which a report is issued under subsection (b).

21 “(9) SECRETARY.—The term ‘Secretary’ in-
22 cludes the governor or head of an applicable State
23 agency of a State that has assumed responsibility
24 under section 327.

25 “(b) REPORT ON NEPA DATA.—

1 “(1) IN GENERAL.—The Secretary shall carry
2 out a process to track, and annually submit to the
3 Committee on Environment and Public Works of the
4 Senate and the Committee on Transportation and
5 Infrastructure of the House of Representatives a re-
6 port containing, the information described in para-
7 graph (3).

8 “(2) TIME TO COMPLETE.—For purposes of
9 paragraph (3), the NEPA process—

10 “(A) for an environmental impact state-
11 ment—

12 “(i) begins on the date on which the
13 Notice of Intent is published in the Fed-
14 eral Register; and

15 “(ii) ends on the date on which the
16 Secretary issues a record of decision, in-
17 cluding, if necessary, a revised record of
18 decision; and

19 “(B) for an environmental assessment—

20 “(i) begins on the date on which the
21 Secretary makes a determination to pre-
22 pare an environmental assessment; and

23 “(ii) ends on the date on which the
24 Secretary issues a finding of no significant
25 impact or determines that preparation of

1 an environmental impact statement is nec-
2 essary.

3 “(3) INFORMATION DESCRIBED.—The informa-
4 tion referred to in paragraph (1) is, with respect to
5 the Department of Transportation—

6 “(A) the number of proposed actions for
7 which a categorical exclusion was issued during
8 the reporting period;

9 “(B) the number of proposed actions for
10 which a documented categorical exclusion was
11 issued by the Department of Transportation
12 during the reporting period;

13 “(C) the number of proposed actions pend-
14 ing on the date on which the report is sub-
15 mitted for which the issuance of a documented
16 categorical exclusion by the Department of
17 Transportation is pending;

18 “(D) the number of proposed actions for
19 which an environmental assessment was issued
20 by the Department of Transportation during
21 the reporting period;

22 “(E) the length of time the Department of
23 Transportation took to complete each environ-
24 mental assessment described in subparagraph
25 (D);

1 “(F) the number of proposed actions pend-
2 ing on the date on which the report is sub-
3 mitted for which an environmental assessment
4 is being drafted by the Department of Trans-
5 portation;

6 “(G) the number of proposed actions for
7 which an environmental impact statement was
8 completed by the Department of Transportation
9 during the reporting period;

10 “(H) the length of time that the Depart-
11 ment of Transportation took to complete each
12 environmental impact statement described in
13 subparagraph (G);

14 “(I) the number of proposed actions pend-
15 ing on the date on which the report is sub-
16 mitted for which an environmental impact
17 statement is being drafted; and

18 “(J) for the proposed actions reported
19 under subparagraphs (F) and (I), the percent-
20 age of those proposed actions for which—

21 “(i) funding has been identified; and

22 “(ii) all other Federal, State, and
23 local activities that are required to allow
24 the proposed action to proceed are com-
25 pleted.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by insert-
3 ing after the item relating to section 156 the following:

“157. National Environmental Policy Act of 1969 reporting program.”.

4 **SEC. 11313. SURFACE TRANSPORTATION PROJECT DELIV-**
5 **ERY PROGRAM WRITTEN AGREEMENTS.**

6 Section 327 of title 23, United States Code, is
7 amended—

8 (1) in subsection (a)(2)(G), by inserting “, in-
9 cluding the payment of fees awarded under section
10 2412 of title 28” before the period at the end;

11 (2) in subsection (c)—

12 (A) by striking paragraph (5) and insert-
13 ing the following:

14 “(5) except as provided under paragraph (7),
15 have a term of not more than 5 years;”;

16 (B) in paragraph (6), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(7) for any State that has participated in a
20 program under this section (or under a predecessor
21 program) for at least 10 years, have a term of 10
22 years.”;

23 (3) in subsection (g)(1)—

24 (A) in subparagraph (B), by striking
25 “and” at the end;

1 (B) in subparagraph (C), by striking “an-
2 nual”;

3 (C) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (D) by inserting after subparagraph (B)
6 the following:

7 “(C) in the case of an agreement period of
8 greater than 5 years pursuant to subsection
9 (c)(7), conduct an audit covering the first 5
10 years of the agreement period; and”;

11 (4) by adding at the end the following:

12 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—
13 A State agency that is assigned a responsibility under an
14 agreement under this section shall be deemed to be an
15 agency for the purposes of section 2412 of title 28.”.

16 **SEC. 11314. STATE ASSUMPTION OF RESPONSIBILITY FOR**
17 **CATEGORICAL EXCLUSIONS.**

18 Section 326(c)(3) of title 23, United States Code, is
19 amended—

20 (1) by striking subparagraph (A) and inserting
21 the following:

22 “(A) except as provided under subpara-
23 graph (C), shall have a term of not more than
24 3 years;”;

1 (2) in subparagraph (B), by striking the period
2 at the end and inserting “; and”; and

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

4 “(C) shall have a term of 5 years, in the
5 case of a State that has assumed the responsi-
6 bility for categorical exclusions under this sec-
7 tion for not fewer than 10 years.”.

8 **SEC. 11315. EARLY UTILITY RELOCATION PRIOR TO TRANS-**
9 **PORTATION PROJECT ENVIRONMENTAL RE-**
10 **VIEW.**

11 Section 123 of title 23, United States Code, is
12 amended to read as follows:

13 **“§ 123. Relocation of utility facilities**

14 “(a) DEFINITIONS.—In this section:

15 “(1) COST OF RELOCATION.—The term ‘cost of
16 relocation’ includes the entire amount paid by a util-
17 ity properly attributable to the relocation of a utility
18 facility, minus any increase in the value of the new
19 facility and any salvage value derived from the old
20 facility.

21 “(2) EARLY UTILITY RELOCATION PROJECT.—
22 The term ‘early utility relocation project’ means util-
23 ity relocation activities identified by the State for
24 performance before completion of the environmental
25 review process for the transportation project.

1 “(3) ENVIRONMENTAL REVIEW PROCESS.—The
2 term ‘environmental review process’ has the meaning
3 given the term in section 139(a).

4 “(4) TRANSPORTATION PROJECT.—The term
5 ‘transportation project’ means a project.

6 “(5) UTILITY FACILITY.—The term ‘utility fa-
7 cility’ means any privately, publicly, or cooperatively
8 owned line, facility, or system for producing, trans-
9 mitting, or distributing communications, power, elec-
10 tricity, light, heat, gas, oil, crude products, water,
11 steam, waste, stormwater not connected with high-
12 way drainage, or any other similar commodity, in-
13 cluding any fire or police signal system or street
14 lighting system, that directly or indirectly serves the
15 public.

16 “(6) UTILITY RELOCATION ACTIVITY.—The
17 term ‘utility relocation activity’ means an activity
18 necessary for the relocation of a utility facility, in-
19 cluding preliminary and final design, surveys, real
20 property acquisition, materials acquisition, and con-
21 struction.

22 “(b) REIMBURSEMENT TO STATES.—

23 “(1) IN GENERAL.—If a State pays for the cost
24 of relocation of a utility facility necessitated by the
25 construction of a transportation project, Federal

1 funds may be used to reimburse the State for the
2 cost of relocation in the same proportion as Federal
3 funds are expended on the transportation project.

4 “(2) LIMITATION.—Federal funds shall not be
5 used to reimburse a State under this section if the
6 payment to the utility—

7 “(A) violates the law of the State; or

8 “(B) violates a legal contract between the
9 utility and the State.

10 “(3) REQUIREMENT.—A reimbursement under
11 paragraph (1) shall be made only if the State dem-
12 onstrates to the satisfaction of the Secretary that
13 the State paid the cost of the utility relocation activ-
14 ity from funds of the State with respect to transpor-
15 tation projects for which Federal funds are obligated
16 subsequent to April 16, 1958, for work, including
17 utility relocation activities.

18 “(4) REIMBURSEMENT ELIGIBILITY FOR EARLY
19 RELOCATION PRIOR TO TRANSPORTATION PROJECT
20 ENVIRONMENTAL REVIEW PROCESS.—

21 “(A) IN GENERAL.—In addition to the re-
22 quirements under paragraphs (1) through (3), a
23 State may carry out, at the expense of the
24 State, an early utility relocation project for a
25 transportation project before completion of the

1 environmental review process for the transpor-
2 tation project.

3 “(B) REQUIREMENTS FOR REIMBURSE-
4 MENT.—Funds apportioned to a State under
5 this title may be used to pay the costs incurred
6 by the State for an early utility relocation
7 project only if the State demonstrates to the
8 Secretary, and the Secretary finds that—

9 “(i) the early utility relocation project
10 is necessary to accommodate a transpor-
11 tation project;

12 “(ii) the State provides adequate doc-
13 umentation to the Secretary of eligible
14 costs incurred by the State for the early
15 utility relocation project;

16 “(iii) before the commencement of the
17 utility relocation activities, an environ-
18 mental review process was completed for
19 the early utility relocation project that re-
20 sulted in a finding that the early utility re-
21 location project—

22 “(I) would not result in signifi-
23 cant adverse environmental impacts;
24 and

1 “(II) would comply with other
2 applicable Federal environmental re-
3 quirements;

4 “(iv) the early utility relocation
5 project did not influence—

6 “(I) the environmental review
7 process for the transportation project;

8 “(II) the decision relating to the
9 need to construct the transportation
10 project; or

11 “(III) the selection of the trans-
12 portation project design or location;

13 “(v) the early utility relocation project
14 complies with all applicable provisions of
15 law, including regulations issued pursuant
16 to this title;

17 “(vi) the early utility relocation
18 project follows applicable financial proce-
19 dures and requirements, including docu-
20 mentation of eligible costs and the require-
21 ments under section 109(l), but not includ-
22 ing requirements applicable to authoriza-
23 tion and obligation of Federal funds;

24 “(vii) the transportation project for
25 which the early utility relocation project

1 was necessitated was included in the appli-
2 cable transportation improvement program
3 under section 134 or 135;

4 “(viii) before the cost incurred by a
5 State is approved for Federal participation,
6 environmental compliance pursuant to the
7 National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) has been
9 completed for the transportation project
10 for which the early utility relocation
11 project was necessitated; and

12 “(ix) the transportation project that
13 necessitated the utility relocation activity is
14 approved for construction.

15 “(C) SAVINGS PROVISION.—Nothing in
16 this paragraph affects other eligibility require-
17 ments or authorities for Federal participation
18 in payment of costs incurred for utility reloca-
19 tion activities.

20 “(c) APPLICABILITY OF OTHER PROVISIONS.—Noth-
21 ing in this section affects the applicability of other require-
22 ments that would otherwise apply to an early utility relo-
23 cation project, including any applicable requirements
24 under—

25 “(1) section 138;

1 “(2) the Uniform Relocation Assistance and
2 Real Property Acquisition Policies Act of 1970 (42
3 U.S.C. 4601 et seq.), including regulations under
4 part 24 of title 49, Code of Federal Regulations (or
5 successor regulations);

6 “(3) title VI of the Civil Rights Act of 1964 (42
7 U.S.C. 2000d et seq.); or

8 “(4) an environmental review process.”.

9 **SEC. 11316. STREAMLINING OF SECTION 4(F) REVIEWS.**

10 Section 138(a) of title 23, United States Code, is
11 amended—

12 (1) in the fourth sentence, by striking “In car-
13 rying out” and inserting the following:

14 “(4) STUDIES.—In carrying out”;

15 (2) in the third sentence—

16 (A) by striking “such land, and (2) such
17 program” and inserting the following: “the
18 land; and

19 “(B) the program”;

20 (B) by striking “unless (1) there is” and
21 inserting the following: “unless—

22 “(A) there is”; and

23 (C) by striking “After the” and inserting
24 the following:

25 “(3) REQUIREMENT.—After the”;

1 (3) in the second sentence—

2 (A) by striking “The Secretary of Trans-
3 portation” and inserting the following:

4 “(2) COOPERATION AND CONSULTATION.—

5 “(A) IN GENERAL.—The Secretary”; and

6 (B) by adding at the end the following:

7 “(B) TIMELINE FOR APPROVALS.—

8 “(i) IN GENERAL.—The Secretary
9 shall—

10 “(I) provide an evaluation under
11 this section to the Secretaries de-
12 scribed in subparagraph (A); and

13 “(II) provide a period of 30 days
14 for receipt of comments.

15 “(ii) ASSUMED ACCEPTANCE.—If the
16 Secretary does not receive comments by 15
17 days after the deadline under clause
18 (i)(II), the Secretary shall assume a lack
19 of objection and proceed with the action.

20 “(C) EFFECT.—Nothing in subparagraph
21 (B) affects—

22 “(i) the requirements under—

23 “(I) subsections (b) through (f);

24 or

1 “(II) the consultation process
2 under section 306108 of title 54; or

3 “(ii) programmatic section 4(f) eval-
4 uations, as described in regulations issued
5 by the Secretary.”; and

6 (4) in the first sentence, by striking “It is de-
7 clared to be” and inserting the following:

8 “(1) IN GENERAL.—It is”.

9 **SEC. 11317. CATEGORICAL EXCLUSION FOR PROJECTS OF**
10 **LIMITED FEDERAL ASSISTANCE.**

11 Section 1317(1) of MAP–21 (23 U.S.C. 109 note;
12 Public Law 112–141) is amended—

13 (1) in subparagraph (A), by striking
14 “\$5,000,000” and inserting “\$6,000,000”; and

15 (2) in subparagraph (B), by striking
16 “\$30,000,000” and inserting “\$35,000,000”.

17 **SEC. 11318. CERTAIN GATHERING LINES LOCATED ON FED-**
18 **ERAL LAND AND INDIAN LAND.**

19 (a) DEFINITIONS.—In this section:

20 (1) FEDERAL LAND.—

21 (A) IN GENERAL.—The term “Federal
22 land” means land the title to which is held by
23 the United States.

24 (B) EXCLUSIONS.—The term “Federal
25 land” does not include—

- 1 (i) a unit of the National Park Sys-
2 tem;
3 (ii) a unit of the National Wildlife
4 Refuge System;
5 (iii) a component of the National Wil-
6 derness Preservation System;
7 (iv) a wilderness study area within the
8 National Forest System; or
9 (v) Indian land.

10 (2) GATHERING LINE AND ASSOCIATED FIELD
11 COMPRESSION OR PUMPING UNIT.—

12 (A) IN GENERAL.—The term “gathering
13 line and associated field compression or pump-
14 ing unit” means—

15 (i) a pipeline that is installed to trans-
16 port oil, natural gas and related constitu-
17 ents, or produced water from 1 or more
18 wells drilled and completed to produce oil
19 or gas; and

20 (ii) if necessary, 1 or more compres-
21 sors or pumps to raise the pressure of the
22 transported oil, natural gas and related
23 constituents, or produced water to higher
24 pressures necessary to enable the oil, nat-
25 ural gas and related constituents, or pro-

1 duced water to flow into pipelines and
2 other facilities.

3 (B) INCLUSIONS.—The term “gathering
4 line and associated field compression or pump-
5 ing unit” includes a pipeline or associated com-
6 pression or pumping unit that is installed to
7 transport oil or natural gas from a processing
8 plant to a common carrier pipeline or facility.

9 (C) EXCLUSIONS.—The term “gathering
10 line and associated field compression or pump-
11 ing unit” does not include a common carrier
12 pipeline.

13 (3) INDIAN LAND.—The term “Indian land”
14 means land the title to which is held by—

15 (A) the United States in trust for an In-
16 dian Tribe or an individual Indian; or

17 (B) an Indian Tribe or an individual In-
18 dian subject to a restriction by the United
19 States against alienation.

20 (4) PRODUCED WATER.—The term “produced
21 water” means water produced from an oil or gas
22 well bore that is not a fluid prepared at, or trans-
23 ported to, the well site to resolve a specific oil or gas
24 well bore or reservoir condition.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) CERTAIN GATHERING LINES.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the issuance of a sundry notice or right-of-way for
6 a gathering line and associated field compression or
7 pumping unit that is located on Federal land or In-
8 dian land and that services any oil or gas well may
9 be considered by the Secretary to be an action that
10 is categorically excluded (as defined in section
11 1508.1 of title 40, Code of Federal Regulations (as
12 in effect on the date of enactment of this Act)) for
13 purposes of the National Environmental Policy Act
14 of 1969 (42 U.S.C. 4321 et seq.) if the gathering
15 line and associated field compression or pumping
16 unit—

17 (A) are within a field or unit for which an
18 approved land use plan or an environmental
19 document prepared pursuant to the National
20 Environmental Policy Act of 1969 (42 U.S.C.
21 4321 et seq.) analyzed transportation of oil,
22 natural gas, or produced water from 1 or more
23 oil or gas wells in the field or unit as a reason-
24 ably foreseeable activity;

25 (B) are located adjacent to or within—

- 1 (i) any existing disturbed area; or
2 (ii) an existing corridor for a right-of-
3 way; and

4 (C) would reduce—

- 5 (i) in the case of a gathering line and
6 associated field compression or pumping
7 unit transporting methane, the total quan-
8 tity of methane that would otherwise be
9 vented, flared, or unintentionally emitted
10 from the field or unit; or

- 11 (ii) in the case of a gathering line and
12 associated field compression or pumping
13 unit not transporting methane, the vehic-
14 ular traffic that would otherwise service
15 the field or unit.

16 (2) APPLICABILITY.—Paragraph (1) shall apply
17 to Indian land, or a portion of Indian land—

18 (A) to which the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-
20 plies; and

21 (B) for which the Indian Tribe with juris-
22 diction over the Indian land submits to the Sec-
23 retary a written request that paragraph (1)
24 apply to that Indian land (or portion of Indian
25 land).

1 (c) EFFECT ON OTHER LAW.—Nothing in this sec-
2 tion—

3 (1) affects or alters any requirement—

4 (A) relating to prior consent under—

5 (i) section 2 of the Act of February 5,
6 1948 (62 Stat. 18, chapter 45; 25 U.S.C.
7 324); or

8 (ii) section 16(e) of the Act of June
9 18, 1934 (48 Stat. 987, chapter 576; 102
10 Stat. 2939; 114 Stat. 47; 25 U.S.C.
11 5123(e)) (commonly known as the “Indian
12 Reorganization Act”);

13 (B) under section 306108 of title 54,
14 United States Code; or

15 (C) under any other Federal law (including
16 regulations) relating to Tribal consent for
17 rights-of-way across Indian land; or

18 (2) makes the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) applicable to
20 land to which that Act otherwise would not apply.

21 **SEC. 11319. ANNUAL REPORT.**

22 (a) DEFINITION OF COVERED PROJECT.—In this sec-
23 tion, the term “covered project” means a project or activ-
24 ity carried out with funds provided by the Department,

1 including a project carried out under title 23 or 49, United
2 States Code—

3 (1) that is more than 5 years behind schedule;

4 or

5 (2) for which the total amount spent on the
6 project or activity is not less than \$1,000,000,000
7 more than the original cost estimate for the project
8 or activity.

9 (b) REQUIREMENT.—Not later than 1 year after the
10 date of enactment of this Act, and annually thereafter,
11 the Secretary shall submit to Congress a report on covered
12 projects of the Department, which shall include, for each
13 covered project—

14 (1) a brief description of the covered project,
15 including—

16 (A) the purpose of the covered project;

17 (B) each location in which the covered
18 project is carried out;

19 (C) the contract or award number of the
20 covered project, if applicable;

21 (D) the year in which the covered project
22 was initiated;

23 (E) the Federal share of the total cost of
24 the covered project; and

1 (F) each primary contractor, subcon-
2 tractor, grant recipient, and subgrantee recipi-
3 ent of the covered project;

4 (2) an explanation of any change to the original
5 scope of the covered project, including by the addi-
6 tion or narrowing of the initial requirements of the
7 covered project;

8 (3) the original expected date for completion of
9 the covered project;

10 (4) the current expected date for completion of
11 the covered project;

12 (5) the original cost estimate for the covered
13 project, as adjusted to reflect increases in the Con-
14 sumer Price Index for All Urban Consumers, as
15 published by the Bureau of Labor Statistics;

16 (6) the current cost estimate for the covered
17 project, as adjusted to reflect increases in the Con-
18 sumer Price Index for All Urban Consumers, as
19 published by the Bureau of Labor Statistics;

20 (7) an explanation for a delay in completion or
21 an increase in the original cost estimate for the cov-
22 ered project, including, where applicable, any impact
23 of insufficient or delayed appropriations; and

1 (8) the amount of and rationale for any award,
2 incentive fee, or other type of bonus, if any, awarded
3 for the covered project.

4 **Subtitle D—Climate Change**

5 **SEC. 11401. GRANTS FOR CHARGING AND FUELING INFRA-** 6 **STRUCTURE.**

7 (a) PURPOSE.—The purpose of this section is to es-
8 tablish a grant program to strategically deploy publicly ac-
9 cessible electric vehicle charging infrastructure, hydrogen
10 fueling infrastructure, propane fueling infrastructure, and
11 natural gas fueling infrastructure along designated alter-
12 native fuel corridors or in certain other locations that will
13 be accessible to all drivers of electric vehicles, hydrogen
14 vehicles, propane vehicles, and natural gas vehicles.

15 (b) GRANT PROGRAM.—Section 151 of title 23,
16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking “Not later than 1 year
19 after the date of enactment of the FAST Act,
20 the Secretary shall” and inserting “The Sec-
21 retary shall periodically”; and

22 (B) by striking “to improve the mobility”
23 and inserting “to support changes in the trans-
24 portation sector that help achieve a reduction in

1 greenhouse gas emissions and improve the mo-
2 bility”;

3 (2) in subsection (b)(2), by inserting “pre-
4 viously designated by the Federal Highway Adminis-
5 tration or” before “designated by”;

6 (3) by striking subsection (d) and inserting the
7 following:

8 “(d) REDESIGNATION.—

9 “(1) INITIAL REDESIGNATION.—Not later than
10 180 days after the date of enactment of the Surface
11 Transportation Reauthorization Act of 2021, the
12 Secretary shall update and redesignate the corridors
13 under subsection (a).

14 “(2) SUBSEQUENT REDESIGNATION.—The Sec-
15 retary shall establish a recurring process to regularly
16 update and redesignate the corridors under sub-
17 section (a).”;

18 (4) in subsection (e)—

19 (A) in paragraph (1), by striking “and” at
20 the end;

21 (B) in paragraph (2)—

22 (i) by striking “establishes an aspira-
23 tional goal of achieving” and inserting “de-
24 scribes efforts, including through funds
25 awarded through the grant program under

1 subsection (f), that will aid efforts to
2 achieve”; and

3 (ii) by striking “by the end of fiscal
4 year 2020.” and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(3) summarizes best practices and provides
7 guidance, developed through consultation with the
8 Secretary of Energy, for project development of elec-
9 tric vehicle charging infrastructure, hydrogen fueling
10 infrastructure, propane fueling infrastructure and
11 natural gas fueling infrastructure at the State, Trib-
12 al, and local level to allow for the predictable deploy-
13 ment of that infrastructure.”; and

14 (5) by adding at the end the following:

15 “(f) GRANT PROGRAM.—

16 “(1) DEFINITION OF PRIVATE ENTITY.—In this
17 subsection, the term ‘private entity’ means a cor-
18 poration, partnership, company, or nonprofit organi-
19 zation.

20 “(2) ESTABLISHMENT.—Not later than 1 year
21 after the date of enactment of the Surface Transpor-
22 tation Reauthorization Act of 2021, the Secretary
23 shall establish a grant program to award grants to
24 eligible entities to carry out the activities described
25 in paragraph (6).

1 “(3) ELIGIBLE ENTITIES.—An entity eligible to
2 receive a grant under this subsection is—

3 “(A) a State or political subdivision of a
4 State;

5 “(B) a metropolitan planning organization;

6 “(C) a unit of local government;

7 “(D) a special purpose district or public
8 authority with a transportation function, includ-
9 ing a port authority;

10 “(E) an Indian tribe (as defined in section
11 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 5304));

13 “(F) a territory of the United States;

14 “(G) an authority, agency, or instrumen-
15 tality of, or an entity owned by, 1 or more enti-
16 ties described in subparagraphs (A) through
17 (F); or

18 “(H) a group of entities described in sub-
19 paragraphs (A) through (G).

20 “(4) APPLICATIONS.—To be eligible to receive a
21 grant under this subsection, an eligible entity shall
22 submit to the Secretary an application at such time,
23 in such manner, and containing such information as
24 the Secretary shall require, including—

1 “(A) a description of how the eligible enti-
2 ty has considered—

3 “(i) public accessibility of charging or
4 fueling infrastructure proposed to be fund-
5 ed with a grant under this subsection, in-
6 cluding—

7 “(I) charging or fueling con-
8 nector types and publicly available in-
9 formation on real-time availability;
10 and

11 “(II) payment methods to ensure
12 secure, convenient, fair, and equal ac-
13 cess;

14 “(ii) collaborative engagement with
15 stakeholders (including automobile manu-
16 facturers, utilities, infrastructure pro-
17 viders, technology providers, electric charg-
18 ing, hydrogen, propane, and natural gas
19 fuel providers, metropolitan planning orga-
20 nizations, States, Indian tribes, and units
21 of local governments, fleet owners, fleet
22 managers, fuel station owners and opera-
23 tors, labor organizations, infrastructure
24 construction and component parts sup-

1 pliers, and multi-State and regional enti-
2 ties)—

3 “(I) to foster enhanced, coordi-
4 nated, public-private or private invest-
5 ment in electric vehicle charging infra-
6 structure, hydrogen fueling infrastruc-
7 ture, propane fueling infrastructure,
8 or natural gas fueling infrastructure;

9 “(II) to expand deployment of
10 electric vehicle charging infrastruc-
11 ture, hydrogen fueling infrastructure,
12 propane fueling infrastructure, or nat-
13 ural gas fueling infrastructure;

14 “(III) to protect personal privacy
15 and ensure cybersecurity; and

16 “(IV) to ensure that a properly
17 trained workforce is available to con-
18 struct and install electric vehicle
19 charging infrastructure, hydrogen
20 fueling infrastructure, propane fueling
21 infrastructure, or natural gas fueling
22 infrastructure;

23 “(iii) the location of the station or
24 fueling site, such as consideration of—

1 “(I) the availability of onsite
2 amenities for vehicle operators, such
3 as restrooms or food facilities;

4 “(II) access in compliance with
5 the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.);

7 “(III) height and fueling capacity
8 requirements for facilities that charge
9 or refuel large vehicles, such as semi-
10 trailer trucks; and

11 “(IV) appropriate distribution to
12 avoid redundancy and fill charging or
13 fueling gaps;

14 “(iv) infrastructure installation that
15 can be responsive to technology advance-
16 ments, such as accommodating autono-
17 mous vehicles, vehicle-to-grid technology,
18 and future charging methods; and

19 “(v) the long-term operation and
20 maintenance of the electric vehicle charg-
21 ing infrastructure, hydrogen fueling infra-
22 structure, propane fueling infrastructure,
23 or natural gas fueling infrastructure, to
24 avoid stranded assets and protect the in-

1 vestment of public funds in that infrastruc-
2 ture; and

3 “(B) an assessment of the estimated emis-
4 sions that will be reduced through the use of
5 electric vehicle charging infrastructure, hydro-
6 gen fueling infrastructure, propane fueling in-
7 frastructure, or natural gas fueling infrastruc-
8 ture, which shall be conducted using the Alter-
9 native Fuel Life-Cycle Environmental and Eco-
10 nomic Transportation (AFLEET) tool devel-
11 oped by Argonne National Laboratory (or a
12 successor tool).

13 “(5) CONSIDERATIONS.—In selecting eligible
14 entities to receive a grant under this subsection, the
15 Secretary shall—

16 “(A) consider the extent to which the ap-
17 plication of the eligible entity would—

18 “(i) improve alternative fueling cor-
19 ridor networks by—

20 “(I) converting corridor-pending
21 corridors to corridor-ready corridors;
22 or

23 “(II) in the case of corridor-
24 ready corridors, providing redun-
25 dancy—

1 “(aa) to meet excess demand
2 for charging or fueling infra-
3 structure; or

4 “(bb) to reduce congestion
5 at existing charging or fueling in-
6 frastructure in high-traffic loca-
7 tions;

8 “(ii) meet current or anticipated mar-
9 ket demands for charging or fueling infra-
10 structure;

11 “(iii) enable or accelerate the con-
12 struction of charging or fueling infrastruc-
13 ture that would be unlikely to be completed
14 without Federal assistance;

15 “(iv) support a long-term competitive
16 market for electric vehicle charging infra-
17 structure, hydrogen fueling infrastructure,
18 propane fueling infrastructure, or natural
19 gas fueling infrastructure that does not
20 significantly impair existing electric vehicle
21 charging infrastructure, hydrogen fueling
22 infrastructure, propane fueling infrastruc-
23 ture, or natural gas fueling infrastructure
24 providers;

1 “(v) provide access to electric vehicle
2 charging infrastructure, hydrogen fueling
3 infrastructure, propane fueling infrastruc-
4 ture, or natural gas fueling infrastructure
5 in areas with a current or forecasted need;
6 and

7 “(vi) deploy electric vehicle charging
8 infrastructure, hydrogen fueling infrastruc-
9 ture, propane fueling infrastructure, or
10 natural gas fueling infrastructure for
11 medium- and heavy-duty vehicles (includ-
12 ing along the National Highway Freight
13 Network established under section 167(e))
14 and in proximity to intermodal transfer
15 stations;

16 “(B) ensure, to the maximum extent prac-
17 ticable, geographic diversity among grant recipi-
18 ents to ensure that electric vehicle charging in-
19 frastructure, hydrogen fueling infrastructure,
20 propane fueling infrastructure, or natural gas
21 fueling infrastructure is available throughout
22 the United States;

23 “(C) consider whether the private entity
24 that the eligible entity contracts with under
25 paragraph (6)—

1 “(i) submits to the Secretary the most
2 recent year of audited financial statements;
3 and

4 “(ii) has experience in installing and
5 operating electric vehicle charging infra-
6 structure, hydrogen fueling infrastructure,
7 propane fueling infrastructure, or natural
8 gas fueling infrastructure; and

9 “(D) consider whether, to the maximum
10 extent practicable, the eligible entity and the
11 private entity that the eligible entity contracts
12 with under paragraph (6) enter into an agree-
13 ment—

14 “(i) to operate and maintain publicly
15 available electric vehicle charging infra-
16 structure, hydrogen fueling infrastructure,
17 propane fueling infrastructure, or natural
18 gas infrastructure; and

19 “(ii) that provides a remedy and an
20 opportunity to cure if the requirements de-
21 scribed in clause (i) are not met.

22 “(6) USE OF FUNDS.—

23 “(A) IN GENERAL.—An eligible entity re-
24 ceiving a grant under this subsection shall only
25 use the funds in accordance with this paragraph

1 to contract with a private entity for acquisition
2 and installation of publicly accessible electric
3 vehicle charging infrastructure, hydrogen fuel-
4 ing infrastructure, propane fueling infrastruc-
5 ture, or natural gas fueling infrastructure that
6 is directly related to the charging or fueling of
7 a vehicle.

8 “(B) LOCATION OF INFRASTRUCTURE.—
9 Any publicly accessible electric vehicle charging
10 infrastructure, hydrogen fueling infrastructure,
11 propane fueling infrastructure, or natural gas
12 fueling infrastructure acquired and installed
13 with a grant under this subsection shall be lo-
14 cated along an alternative fuel corridor des-
15 ignated under this section, on the condition that
16 any affected Indian tribes are consulted before
17 the designation.

18 “(C) OPERATING ASSISTANCE.—

19 “(i) IN GENERAL.—Subject to clauses
20 (ii) and (iii), an eligible entity that receives
21 a grant under this subsection may use a
22 portion of the funds to provide to a private
23 entity operating assistance for the first 5
24 years of operations after the installation of
25 publicly available electric vehicle charging

1 infrastructure, hydrogen fueling infrastruc-
2 ture, propane fueling infrastructure, or
3 natural gas fueling infrastructure while the
4 facility transitions to independent system
5 operations.

6 “(ii) INCLUSIONS.—Operating assist-
7 ance under this subparagraph shall be lim-
8 ited to costs allocable to operating and
9 maintaining the electric vehicle charging
10 infrastructure, hydrogen fueling infrastruc-
11 ture, propane fueling infrastructure, or
12 natural gas fueling infrastructure and
13 service.

14 “(iii) LIMITATION.—Operating assist-
15 ance under this subparagraph may not ex-
16 ceed the amount of a contract under sub-
17 paragraph (A) to acquire and install pub-
18 licly accessible electric vehicle charging in-
19 frastructure, hydrogen fueling infrastruc-
20 ture, propane fueling infrastructure, or
21 natural gas fueling infrastructure.

22 “(D) TRAFFIC CONTROL DEVICES.—

23 “(i) IN GENERAL.—Subject to this
24 paragraph, an eligible entity that receives
25 a grant under this subsection may use a

1 portion of the funds to acquire and install
2 traffic control devices located in the right-
3 of-way to provide directional information to
4 publicly accessible electric vehicle charging
5 infrastructure, hydrogen fueling infrastruc-
6 ture, propane fueling infrastructure, or
7 natural gas fueling infrastructure acquired,
8 installed, or operated with the grant.

9 “(ii) APPLICABILITY.—Clause (i) shall
10 apply only to an eligible entity that—

11 “(I) receives a grant under this
12 subsection; and

13 “(II) is using that grant for the
14 acquisition and installation of publicly
15 accessible electric vehicle charging in-
16 frastructure, hydrogen fueling infra-
17 structure, propane fueling infrastruc-
18 ture, or natural gas fueling infrastruc-
19 ture.

20 “(iii) LIMITATION ON AMOUNT.—The
21 amount of funds used to acquire and in-
22 stall traffic control devices under clause (i)
23 may not exceed the amount of a contract
24 under subparagraph (A) to acquire and in-

1 stall publicly accessible charging or fueling
2 infrastructure.

3 “(iv) NO NEW AUTHORITY CRE-
4 ATED.—Nothing in this subparagraph au-
5 thorizes an eligible entity that receives a
6 grant under this subsection to acquire and
7 install traffic control devices if the entity is
8 not otherwise authorized to do so.

9 “(E) REVENUE.—

10 “(i) IN GENERAL.—An eligible entity
11 receiving a grant under this subsection and
12 a private entity referred to in subpara-
13 graph (A) may enter into a cost-sharing
14 agreement under which the private entity
15 submits to the eligible entity a portion of
16 the revenue from the electric vehicle charg-
17 ing infrastructure, hydrogen fueling infra-
18 structure, propane fueling infrastructure,
19 or natural gas fueling infrastructure.

20 “(ii) USES OF REVENUE.—An eligible
21 entity that receives revenue from a cost-
22 sharing agreement under clause (i) may
23 only use that revenue for a project that is
24 eligible under this title.

1 “(7) CERTAIN FUELS.—The use of grants for
2 propane fueling infrastructure under this subsection
3 shall be limited to infrastructure for medium- and
4 heavy-duty vehicles.

5 “(8) COMMUNITY GRANTS.—

6 “(A) IN GENERAL.—Notwithstanding
7 paragraphs (4), (5), and (6), the Secretary
8 shall reserve 50 percent of the amounts made
9 available each fiscal year to carry out this sec-
10 tion to provide grants to eligible entities in ac-
11 cordance with this paragraph.

12 “(B) APPLICATIONS.—To be eligible to re-
13 ceive a grant under this paragraph, an eligible
14 entity shall submit to the Secretary an applica-
15 tion at such time, in such manner, and con-
16 taining such information as the Secretary may
17 require.

18 “(C) ELIGIBLE ENTITIES.—An entity eligi-
19 ble to receive a grant under this paragraph is—

20 “(i) an entity described in paragraph
21 (3); and

22 “(ii) a State or local authority with
23 ownership of publicly accessible transpor-
24 tation facilities.

1 “(D) ELIGIBLE PROJECTS.—The Secretary
2 may provide a grant under this paragraph for
3 a project that is expected to reduce greenhouse
4 gas emissions and to expand or fill gaps in ac-
5 cess to publicly accessible electric vehicle charg-
6 ing infrastructure, hydrogen fueling infrastruc-
7 ture, propane fueling infrastructure, or natural
8 gas fueling infrastructure, including—

9 “(i) development phase activities, in-
10 cluding planning, feasibility analysis, rev-
11 enue forecasting, environmental review,
12 preliminary engineering and design work,
13 and other preconstruction activities; and

14 “(ii) the acquisition and installation of
15 electric vehicle charging infrastructure, hy-
16 drogen fueling infrastructure, propane
17 fueling infrastructure, or natural gas fuel-
18 ing infrastructure that is directly related to
19 the charging or fueling of a vehicle, includ-
20 ing any related construction or reconstruc-
21 tion and the acquisition of real property di-
22 rectly related to the project, such as loca-
23 tions described in subparagraph (E), to ex-
24 pand access to electric vehicle charging in-
25 frastructure, hydrogen fueling infrastruc-

1 ture, propane fueling infrastructure, or
2 natural gas fueling infrastructure.

3 “(E) PROJECT LOCATIONS.—A project re-
4 ceiving a grant under this paragraph may be lo-
5 cated on any public road or in other publicly ac-
6 cessible locations, such as parking facilities at
7 public buildings, public schools, and public
8 parks, or in publicly accessible parking facilities
9 owned or managed by a private entity.

10 “(F) PRIORITY.—In providing grants
11 under this paragraph, the Secretary shall give
12 priority to projects that expand access to elec-
13 tric vehicle charging infrastructure, hydrogen
14 fueling infrastructure, propane fueling infra-
15 structure, or natural gas fueling infrastructure
16 within—

17 “(i) rural areas;

18 “(ii) low- and moderate-income neigh-
19 borhoods; and

20 “(iii) communities with a low ratio of
21 private parking spaces to households or a
22 high ratio of multiunit dwellings to single
23 family homes, as determined by the Sec-
24 retary.

1 “(G) ADDITIONAL CONSIDERATIONS.—In
2 providing grants under this paragraph, the Sec-
3 retary shall consider the extent to which the
4 project—

5 “(i) contributes to geographic diver-
6 sity among eligible entities, including
7 achieving a balance between urban and
8 rural communities; and

9 “(ii) meets current or anticipated
10 market demands for charging or fueling in-
11 frastructure, including faster charging
12 speeds with high-powered capabilities nec-
13 essary to minimize the time to charge or
14 refuel current and anticipated vehicles.

15 “(H) PARTNERING WITH PRIVATE ENTI-
16 TIES.—An eligible entity that receives a grant
17 under this paragraph may use the grant funds
18 to contract with a private entity for the acquisi-
19 tion, construction, installation, maintenance, or
20 operation of electric vehicle charging infrastruc-
21 ture, hydrogen fueling infrastructure, propane
22 fueling infrastructure, or natural gas fueling in-
23 frastructure that is directly related to the
24 charging or fueling of a vehicle.

1 “(I) MAXIMUM GRANT AMOUNT.—The
2 amount of a grant under this paragraph shall
3 not be more than \$15,000,000.

4 “(J) TECHNICAL ASSISTANCE.—Of the
5 amounts reserved under subparagraph (A), the
6 Secretary may use not more than 1 percent to
7 provide technical assistance to eligible entities.

8 “(K) ADDITIONAL ACTIVITIES.—The re-
9 cipient of a grant under this paragraph may
10 use not more than 5 percent of the grant funds
11 on educational and community engagement ac-
12 tivities to develop and implement education pro-
13 grams through partnerships with schools, com-
14 munity organizations, and vehicle dealerships to
15 support the use of zero-emission vehicles and
16 associated infrastructure.

17 “(9) REQUIREMENTS.—

18 “(A) PROJECT TREATMENT.—Notwith-
19 standing any other provision of law, any project
20 funded by a grant under this subsection shall
21 be treated as a project on a Federal-aid high-
22 way under this chapter.

23 “(B) SIGNS.—Any traffic control device or
24 on-premises sign acquired, installed, or operated

1 with a grant under this subsection shall comply
2 with—

3 “(i) the Manual on Uniform Traffic
4 Control Devices, if located in the right-of-
5 way; and

6 “(ii) other provisions of Federal,
7 State, and local law, as applicable.

8 “(10) FEDERAL SHARE.—

9 “(A) IN GENERAL.—The Federal share of
10 the cost of a project carried out with a grant
11 under this subsection shall not exceed 80 per-
12 cent of the total project cost.

13 “(B) RESPONSIBILITY OF PRIVATE ENTI-
14 TY.—As a condition of contracting with an eli-
15 gible entity under paragraph (6) or (8), a pri-
16 vate entity shall agree to pay the share of the
17 cost of a project carried out with a grant under
18 this subsection that is not paid by the Federal
19 Government under subparagraph (A).

20 “(11) REPORT.—Not later than 3 years after
21 the date of enactment of this subsection, the Sec-
22 retary shall submit to the Committee on Environ-
23 ment and Public Works of the Senate and the Com-
24 mittee on Transportation and Infrastructure of the
25 House of Representatives and make publicly avail-

1 sult with the Secretary of Energy and the Adminis-
2 trator of the Environmental Protection Agency.

3 (b) GRANTS.—

4 (1) IN GENERAL.—In carrying out subsection
5 (a)(1)(C), the Secretary shall award grants to fund
6 projects that reduce emissions at ports, including
7 through the advancement of port electrification.

8 (2) COST SHARE.—A grant awarded under
9 paragraph (1) shall not exceed 80 percent of the
10 total cost of the project funded by the grant.

11 (3) COORDINATION.—In carrying out the grant
12 program under this subsection, the Secretary shall—

13 (A) to the maximum extent practicable, le-
14 verage existing resources and programs of the
15 Department and other relevant Federal agen-
16 cies; and

17 (B) coordinate with other Federal agen-
18 cies, as the Secretary determines to be appro-
19 priate.

20 (4) APPLICATION; SELECTION.—

21 (A) APPLICATION.—The Secretary shall
22 solicit applications for grants under paragraph
23 (1) at such time, in such manner, and con-
24 taining such information as the Secretary deter-
25 mines to be necessary.

1 (B) SELECTION.—The Secretary shall
2 make grants under paragraph (1) by not later
3 than April 1 of each fiscal year for which fund-
4 ing is made available.

5 (5) REQUIREMENT.—Notwithstanding any
6 other provision of law, any project funded by a grant
7 under this subsection shall be treated as a project on
8 a Federal-aid highway under chapter 1 of title 23,
9 United States Code.

10 (c) REPORT.—Not later than 1 year after the date
11 on which all of the projects funded with a grant under
12 subsection (b) are completed, the Secretary shall submit
13 to Congress a report that includes—

14 (1) the findings of the studies described in sub-
15 paragraphs (A) and (B) of subsection (a)(1);

16 (2) the results of the projects that received a
17 grant under subsection (b);

18 (3) any recommendations for workforce develop-
19 ment and training opportunities with respect to port
20 electrification; and

21 (4) any policy recommendations based on the
22 findings and results described in paragraphs (1) and
23 (2).

1 **SEC. 11403. CARBON REDUCTION PROGRAM.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code (as amended by section 11203(a)), is amend-
4 ed by adding at the end the following:

5 **“§ 175. Carbon reduction program**

6 “(a) DEFINITIONS.—In this section:

7 “(1) METROPOLITAN PLANNING ORGANIZATION;
8 URBANIZED AREA.—The terms ‘metropolitan plan-
9 ning organization’ and ‘urbanized area’ have the
10 meaning given those terms in section 134(b).

11 “(2) TRANSPORTATION EMISSIONS.—The term
12 ‘transportation emissions’ means carbon dioxide
13 emissions from on-road highway sources of those
14 emissions within a State.

15 “(3) TRANSPORTATION MANAGEMENT AREA.—
16 The term ‘transportation management area’ means
17 a transportation management area identified or des-
18 ignated by the Secretary under section 134(k)(1).

19 “(b) ESTABLISHMENT.—The Secretary shall estab-
20 lish a carbon reduction program to reduce transportation
21 emissions.

22 “(c) ELIGIBLE PROJECTS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 funds apportioned to a State under section
25 104(b)(7) may be obligated for projects to support

1 the reduction of transportation emissions, includ-
2 ing—

3 “(A) a project described in section
4 149(b)(4) to establish or operate a traffic moni-
5 toring, management, and control facility or pro-
6 gram, including advanced truck stop electrifica-
7 tion systems;

8 “(B) a public transportation project that is
9 eligible for assistance under section 142;

10 “(C) a project described in section
11 101(a)(29) (as in effect on the day before the
12 date of enactment of the FAST Act (Public
13 Law 114–94; 129 Stat. 1312)), including the
14 construction, planning, and design of on-road
15 and off-road trail facilities for pedestrians,
16 bicyclists, and other nonmotorized forms of
17 transportation;

18 “(D) a project described in section
19 503(c)(4)(E) for advanced transportation and
20 congestion management technologies;

21 “(E) a project for the deployment of infra-
22 structure-based intelligent transportation sys-
23 tems capital improvements and the installation
24 of vehicle-to-infrastructure communications
25 equipment, including retrofitting dedicated

1 short-range communications (DSRC) tech-
2 nology deployed as part of an existing pilot pro-
3 gram to cellular vehicle-to-everything (C-V2X)
4 technology;

5 “(F) a project to replace street lighting
6 and traffic control devices with energy-efficient
7 alternatives;

8 “(G) the development of a carbon reduc-
9 tion strategy in accordance with subsection (d);

10 “(H) a project or strategy that is designed
11 to support congestion pricing, shifting transpor-
12 tation demand to nonpeak hours or other trans-
13 portation modes, increasing vehicle occupancy
14 rates, or otherwise reducing demand for roads,
15 including electronic toll collection, and travel
16 demand management strategies and programs;

17 “(I) efforts to reduce the environmental
18 and community impacts of freight movement;

19 “(J) a project to support deployment of al-
20 ternative fuel vehicles, including—

21 “(i) the acquisition, installation, or
22 operation of publicly accessible electric ve-
23 hicle charging infrastructure or hydrogen,
24 natural gas, or propane vehicle fueling in-
25 frastructure; and

1 “(ii) the purchase or lease of zero-
2 emission construction equipment and vehi-
3 cles, including the acquisition, construc-
4 tion, or leasing of required supporting fa-
5 cilities;

6 “(K) a project described in section
7 149(b)(8) for a diesel engine retrofit;

8 “(L) a project described in section
9 149(b)(5) that does not result in the construc-
10 tion of new capacity; and

11 “(M) a project that reduces transportation
12 emissions at port facilities, including through
13 the advancement of port electrification.

14 “(2) FLEXIBILITY.—In addition to the eligible
15 projects under paragraph (1), a State may use funds
16 apportioned under section 104(b)(7) for a project el-
17 igible under section 133(b) if the Secretary certifies
18 that the State has demonstrated a reduction in
19 transportation emissions—

20 “(A) as estimated on a per capita basis;
21 and

22 “(B) as estimated on a per unit of eco-
23 nomic output basis.

24 “(d) CARBON REDUCTION STRATEGY.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of enactment of the Surface Transpor-
3 tation Reauthorization Act of 2021, a State, in con-
4 sultation with any metropolitan planning organiza-
5 tion designated within the State, shall develop a car-
6 bon reduction strategy in accordance with this sub-
7 section.

8 “(2) REQUIREMENTS.—The carbon reduction
9 strategy of a State developed under paragraph (1)
10 shall—

11 “(A) support efforts to reduce transpor-
12 tation emissions;

13 “(B) identify projects and strategies to re-
14 duce transportation emissions, which may in-
15 clude projects and strategies for safe, reliable,
16 and cost-effective options—

17 “(i) to reduce traffic congestion by fa-
18 cilitating the use of alternatives to single-
19 occupant vehicle trips, including public
20 transportation facilities, pedestrian facili-
21 ties, bicycle facilities, and shared or pooled
22 vehicle trips within the State or an area
23 served by the applicable metropolitan plan-
24 ning organization, if any;

1 “(ii) to facilitate the use of vehicles or
2 modes of travel that result in lower trans-
3 portation emissions per person-mile trav-
4 eled as compared to existing vehicles and
5 modes; and

6 “(iii) to facilitate approaches to the
7 construction of transportation assets that
8 result in lower transportation emissions as
9 compared to existing approaches;

10 “(C) support the reduction of transpor-
11 tation emissions of the State;

12 “(D) at the discretion of the State, quan-
13 tify the total carbon emissions from the produc-
14 tion, transport, and use of materials used in the
15 construction of transportation facilities within
16 the State; and

17 “(E) be appropriate to the population den-
18 sity and context of the State, including any
19 metropolitan planning organization designated
20 within the State.

21 “(3) UPDATES.—The carbon reduction strategy
22 of a State developed under paragraph (1) shall be
23 updated not less frequently than once every 4 years.

24 “(4) REVIEW.—Not later than 90 days after
25 the date on which a State submits a request for the

1 approval of a carbon reduction strategy developed by
2 the State under paragraph (1), the Secretary shall—

3 “(A) review the process used to develop the
4 carbon reduction strategy; and

5 “(B)(i) certify that the carbon reduction
6 strategy meets the requirements of paragraph
7 (2); or

8 “(ii) deny certification of the carbon reduc-
9 tion strategy and specify the actions necessary
10 for the State to take to correct the deficiencies
11 in the process of the State in developing the
12 carbon reduction strategy.

13 “(5) TECHNICAL ASSISTANCE.—At the request
14 of a State, the Secretary shall provide technical as-
15 sistance in the development of the carbon reduction
16 strategy under paragraph (1).

17 “(e) SUBALLOCATION.—

18 “(1) IN GENERAL.—For each fiscal year, of the
19 funds apportioned to the State under section
20 104(b)(7)—

21 “(A) 65 percent shall be obligated, in pro-
22 portion to their relative shares of the population
23 of the State—

1 “(i) in urbanized areas of the State
2 with an urbanized area population of more
3 than 200,000;

4 “(ii) in urbanized areas of the State
5 with an urbanized population of not less
6 than 50,000 and not more than 200,000;

7 “(iii) in urban areas of the State with
8 a population of not less than 5,000 and
9 not more than 49,999; and

10 “(iv) in other areas of the State with
11 a population of less than 5,000; and

12 “(B) the remainder may be obligated in
13 any area of the State.

14 “(2) METROPOLITAN AREAS.—Funds attributed
15 to an urbanized area under paragraph (1)(A)(i) may
16 be obligated in the metropolitan area established
17 under section 134 that encompasses the urbanized
18 area.

19 “(3) DISTRIBUTION AMONG URBANIZED AREAS
20 OF OVER 50,000 POPULATION.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the amounts that a State is
23 required to obligate under clauses (i) and (ii) of
24 paragraph (1)(A) shall be obligated in urban-

1 ized areas described in those clauses based on
2 the relative population of the areas.

3 “(B) OTHER FACTORS.—The State may
4 obligate the funds described in subparagraph
5 (A) based on other factors if—

6 “(i) the State and the relevant metro-
7 politan planning organizations jointly apply
8 to the Secretary for the permission to base
9 the obligation on other factors; and

10 “(ii) the Secretary grants the request.

11 “(4) COORDINATION IN URBANIZED AREAS.—
12 Before obligating funds for an eligible project under
13 subsection (c) in an urbanized area that is not a
14 transportation management area, a State shall co-
15 ordinate with any metropolitan planning organiza-
16 tion that represents the urbanized area prior to de-
17 termining which activities should be carried out
18 under the project.

19 “(5) CONSULTATION IN RURAL AREAS.—Before
20 obligating funds for an eligible project under sub-
21 section (c) in a rural area, a State shall consult with
22 any regional transportation planning organization or
23 metropolitan planning organization that represents
24 the rural area prior to determining which activities
25 should be carried out under the project.

1 “(6) OBLIGATION AUTHORITY.—

2 “(A) IN GENERAL.—A State that is re-
3 quired to obligate in an urbanized area with an
4 urbanized area population of 50,000 or more
5 under this subsection funds apportioned to the
6 State under section 104(b)(7) shall make avail-
7 able during the period of fiscal years 2022
8 through 2026 an amount of obligation authority
9 distributed to the State for Federal-aid high-
10 ways and highway safety construction programs
11 for use in the area that is equal to the amount
12 obtained by multiplying—

13 “(i) the aggregate amount of funds
14 that the State is required to obligate in the
15 area under this subsection during the pe-
16 riod; and

17 “(ii) the ratio that—

18 “(I) the aggregate amount of ob-
19 ligation authority distributed to the
20 State for Federal-aid highways and
21 highway safety construction programs
22 during the period; bears to

23 “(II) the total of the sums appor-
24 tioned to the State for Federal-aid
25 highways and highway safety con-

1 construction programs (excluding sums
2 not subject to an obligation limitation)
3 during the period.

4 “(B) JOINT RESPONSIBILITY.—Each
5 State, each affected metropolitan planning or-
6 ganization, and the Secretary shall jointly en-
7 sure compliance with subparagraph (A).

8 “(f) FEDERAL SHARE.—The Federal share of the
9 cost of a project carried out using funds apportioned to
10 a State under section 104(b)(7) shall be determined in ac-
11 cordance with section 120.

12 “(g) TREATMENT OF PROJECTS.—Notwithstanding
13 any other provision of law, a project assisted under this
14 section shall be treated as a project on a Federal-aid high-
15 way under this chapter.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 1 of title 23, United States Code (as amended by sec-
18 tion 11203(b)) is amended by inserting after the item re-
19 lating to section 174 the following:

“175. Carbon reduction program.”.

20 **SEC. 11404. CONGESTION RELIEF PROGRAM.**

21 (a) IN GENERAL.—Section 129 of title 23, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

24 “(d) CONGESTION RELIEF PROGRAM.—

25 “(1) DEFINITIONS.—In this subsection:

1 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means any of the following:

3 “(i) A State, for the purpose of car-
4 rying out a project in an urbanized area
5 with a population of more than 1,000,000.

6 “(ii) A metropolitan planning organi-
7 zation, city, or municipality, for the pur-
8 pose of carrying out a project in an urban-
9 ized area with a population of more than
10 1,000,000.

11 “(B) INTEGRATED CONGESTION MANAGE-
12 MENT SYSTEM.—The term ‘integrated conges-
13 tion management system’ means a system for
14 the integration of management and operations
15 of a regional transportation system that in-
16 cludes, at a minimum, traffic incident manage-
17 ment, work zone management, traffic signal
18 timing, managed lanes, real-time traveler infor-
19 mation, and active traffic management, in order
20 to maximize the capacity of all facilities and
21 modes across the applicable region.

22 “(C) PROGRAM.—The term ‘program’
23 means the congestion relief program established
24 under paragraph (2).

1 “(2) ESTABLISHMENT.—The Secretary shall es-
2 tablish a congestion relief program to provide discre-
3 tionary grants to eligible entities to advance innova-
4 tive, integrated, and multimodal solutions to conges-
5 tion relief in the most congested metropolitan areas
6 of the United States.

7 “(3) PROGRAM GOALS.—The goals of the pro-
8 gram are to reduce highway congestion, reduce eco-
9 nomic and environmental costs associated with that
10 congestion, including transportation emissions, and
11 optimize existing highway capacity and usage of
12 highway and transit systems through—

13 “(A) improving intermodal integration with
14 highways, highway operations, and highway
15 performance;

16 “(B) reducing or shifting highway users to
17 off-peak travel times or to nonhighway travel
18 modes during peak travel times; and

19 “(C) pricing of, or based on, as applica-
20 ble—

21 “(i) parking;

22 “(ii) use of roadways, including in
23 designated geographic zones; or

24 “(iii) congestion.

1 “(4) ELIGIBLE PROJECTS.—Funds from a
2 grant under the program may be used for a project
3 or an integrated collection of projects, including
4 planning, design, implementation, and construction
5 activities, to achieve the program goals under para-
6 graph (3), including—

7 “(A) deployment and operation of an inte-
8 grated congestion management system;

9 “(B) deployment and operation of a system
10 that implements or enforces high occupancy ve-
11 hicle toll lanes, cordon pricing, parking pricing,
12 or congestion pricing;

13 “(C) deployment and operation of mobility
14 services, including establishing account-based fi-
15 nancial systems, commuter buses, commuter
16 vans, express operations, paratransit, and on-
17 demand microtransit; and

18 “(D) incentive programs that encourage
19 travelers to carpool, use nonhighway travel
20 modes during peak period, or travel during
21 nonpeak periods.

22 “(5) APPLICATION; SELECTION.—

23 “(A) APPLICATION.—To be eligible to re-
24 ceive a grant under the program, an eligible en-
25 tity shall submit to the Secretary an application

1 at such time, in such manner, and containing
2 such information as the Secretary may require.

3 “(B) PRIORITY.—In providing grants
4 under the program, the Secretary shall give pri-
5 ority to projects in urbanized areas that are ex-
6 perienceing a high degree of recurrent conges-
7 tion.

8 “(C) FEDERAL SHARE.—The Federal
9 share of the cost of a project carried out with
10 a grant under the program shall not exceed 80
11 percent of the total project cost.

12 “(D) MINIMUM AWARD.—A grant provided
13 under the program shall be not less than
14 \$10,000,000.

15 “(6) USE OF TOLLING.—

16 “(A) IN GENERAL.—Notwithstanding sub-
17 section (a)(1) and section 301 and subject to
18 subparagraphs (B) and (C), the Secretary shall
19 allow the use of tolls on the Interstate System
20 as part of a project carried out with a grant
21 under the program.

22 “(B) REQUIREMENTS.—The Secretary
23 may only approve the use of tolls under sub-
24 paragraph (A) if—

1 “(i) the eligible entity has authority
2 under State, and if applicable, local, law to
3 assess the applicable toll;

4 “(ii) the maximum toll rate for any
5 vehicle class is not greater than the prod-
6 uct obtained by multiplying—

7 “(I) the toll rate for any other
8 vehicle class; and

9 “(II) 5;

10 “(iii) the toll rates are not charged or
11 varied on the basis of State residency;

12 “(iv) the Secretary determines that
13 the use of tolls will enable the eligible enti-
14 ty to achieve the program goals under
15 paragraph (3) without a significant impact
16 to safety or mobility within the urbanized
17 area in which the project is located; and

18 “(v) the use of toll revenues complies
19 with subsection (a)(3).

20 “(C) LIMITATION.—The Secretary may not
21 approve the use of tolls on the Interstate Sys-
22 tem under the program in more than 10 urban-
23 ized areas.

24 “(7) FINANCIAL EFFECTS ON LOW-INCOME
25 DRIVERS.—A project under the program—

1 “(A) shall include, if appropriate, an anal-
2 ysis of the potential effects of the project on
3 low-income drivers; and

4 “(B) may include mitigation measures to
5 deal with any potential adverse financial effects
6 on low-income drivers.”.

7 (b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN
8 TOLL FACILITIES.—Section 129(a) of title 23, United
9 States Code, is amended—

10 (1) by redesignating paragraph (10) as para-
11 graph (11); and

12 (2) by inserting after paragraph (9) the fol-
13 lowing:

14 “(10) HIGH OCCUPANCY VEHICLE USE OF CER-
15 TAIN TOLL FACILITIES.—Notwithstanding section
16 102(a), in the case of a toll facility that is on the
17 Interstate System and that is constructed or con-
18 verted after the date of enactment of the Surface
19 Transportation Reauthorization Act of 2021, the
20 public authority with jurisdiction over the toll facil-
21 ity shall allow high occupancy vehicles, transit, and
22 paratransit vehicles to use the facility at a discount
23 rate or without charge, unless the public authority,
24 in consultation with the Secretary, determines that

1 the number of those vehicles using the facility re-
2 duces the travel time reliability of the facility.”.

3 **SEC. 11405. PROMOTING RESILIENT OPERATIONS FOR**
4 **TRANSFORMATIVE, EFFICIENT, AND COST-**
5 **SAVING TRANSPORTATION (PROTECT) PRO-**
6 **GRAM.**

7 (a) IN GENERAL.—Chapter 1 of title 23, United
8 States Code (as amended by section 11403(a)), is amend-
9 ed by adding at the end the following:

10 **“§ 176. Promoting Resilient Operations for Trans-**
11 **formative, Efficient, and Cost-saving**
12 **Transportation (PROTECT) program**

13 “(a) DEFINITIONS.—In this section:

14 “(1) EMERGENCY EVENT.—The term ‘emer-
15 gency event’ means a natural disaster or cata-
16 strophic failure resulting in—

17 “(A) an emergency declared by the Gov-
18 ernor of the State in which the disaster or fail-
19 ure occurred; or

20 “(B) an emergency or disaster declared by
21 the President.

22 “(2) EVACUATION ROUTE.—The term ‘evacu-
23 ation route’ means a transportation route or system
24 that—

1 “(A) is owned, operated, or maintained by
2 a Federal, State, Tribal, or local government;

3 “(B) is used—

4 “(i) to transport the public away from
5 emergency events; or

6 “(ii) to transport emergency respond-
7 ers and recovery resources; and

8 “(C) is designated by the eligible entity
9 with jurisdiction over the area in which the
10 route is located for the purposes described in
11 subparagraph (B).

12 “(3) PROGRAM.—The term ‘program’ means
13 the program established under subsection (b)(1).

14 “(4) RESILIENCE IMPROVEMENT.—The term
15 ‘resilience improvement’ means the use of materials
16 or structural or nonstructural techniques, including
17 natural infrastructure—

18 “(A) that allow a project—

19 “(i) to better anticipate, prepare for,
20 and adapt to changing conditions and to
21 withstand and respond to disruptions; and

22 “(ii) to be better able to continue to
23 serve the primary function of the project
24 during and after weather events and nat-

1 ural disasters for the expected life of the
2 project; or

3 “(B) that—

4 “(i) reduce the magnitude and dura-
5 tion of impacts of current and future
6 weather events and natural disasters to a
7 project; or

8 “(ii) have the absorptive capacity,
9 adaptive capacity, and recoverability to de-
10 crease project vulnerability to current and
11 future weather events or natural disasters.

12 “(b) ESTABLISHMENT.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish a program, to be known as the ‘Promoting Re-
15 silient Operations for Transformative, Efficient, and
16 Cost-saving Transportation program’ or the ‘PRO-
17 TECT program’.

18 “(2) PURPOSE.—The purpose of the program is
19 to provide grants for resilience improvements
20 through—

21 “(A) formula funding distributed to States
22 to carry out subsection (c);

23 “(B) competitive planning grants to enable
24 communities to assess vulnerabilities to current
25 and future weather events and natural disasters

1 and changing conditions, including sea level
2 rise, and plan transportation improvements and
3 emergency response strategies to address those
4 vulnerabilities; and

5 “(C) competitive resilience improvement
6 grants to protect—

7 “(i) surface transportation assets by
8 making the assets more resilient to current
9 and future weather events and natural dis-
10 asters, such as severe storms, flooding,
11 drought, levee and dam failures, wildfire,
12 rockslides, mudslides, sea level rise, ex-
13 treme weather, including extreme tempera-
14 ture, and earthquakes;

15 “(ii) communities through resilience
16 improvements and strategies that allow for
17 the continued operation or rapid recovery
18 of surface transportation systems that—

19 “(I) serve critical local, regional,
20 and national needs, including evacu-
21 ation routes; and

22 “(II) provide access or service to
23 hospitals and other medical or emer-
24 gency service facilities, major employ-
25 ers, critical manufacturing centers,

1 ports and intermodal facilities, utili-
2 ties, and Federal facilities;

3 “(iii) coastal infrastructure, such as a
4 tide gate to protect highways, that is at
5 long-term risk to sea level rise; and

6 “(iv) natural infrastructure that pro-
7 tects and enhances surface transportation
8 assets while improving ecosystem condi-
9 tions, including culverts that ensure ade-
10 quate flows in rivers and estuarine sys-
11 tems.

12 “(c) ELIGIBLE ACTIVITIES FOR APPORTIONED
13 FUNDING.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), funds apportioned to the State under sec-
16 tion 104(b)(8) shall be obligated for activities eligi-
17 ble under subparagraph (A), (B), or (C) of sub-
18 section (d)(4).

19 “(2) PLANNING SET-ASIDE.—Of the funds ap-
20 portioned to a State under section 104(b)(8) for
21 each fiscal year, not less than 2 percent shall be for
22 activities described in subsection (d)(3).

23 “(3) REQUIREMENTS.—

24 “(A) PROJECTS IN CERTAIN AREAS.—If a
25 project under this subsection is carried out, in

1 whole or in part, within a base floodplain, the
2 State shall—

3 “(i) identify the base floodplain in
4 which the project is to be located and dis-
5 close that information to the Secretary;
6 and

7 “(ii) indicate to the Secretary whether
8 the State plans to implement 1 or more
9 components of the risk mitigation plan
10 under section 322 of the Robert T. Staf-
11 ford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5165) with respect to
13 the area.

14 “(B) ELIGIBILITIES.—A State shall use
15 funds apportioned to the State under section
16 104(b)(8) for—

17 “(i) a highway project eligible for as-
18 sistance under this title;

19 “(ii) a public transportation facility or
20 service eligible for assistance under chapter
21 53 of title 49; or

22 “(iii) a port facility, including a facil-
23 ity that—

24 “(I) connects a port to other
25 modes of transportation;

1 “(II) improves the efficiency of
2 evacuations and disaster relief; or

3 “(III) aids transportation.

4 “(C) SYSTEM RESILIENCE.—A project car-
5 ried out by a State with funds apportioned to
6 the State under section 104(b)(8) may include
7 the use of natural infrastructure or the con-
8 struction or modification of storm surge, flood
9 protection, or aquatic ecosystem restoration ele-
10 ments that are functionally connected to a
11 transportation improvement, such as—

12 “(i) increasing marsh health and total
13 area adjacent to a highway right-of-way to
14 promote additional flood storage;

15 “(ii) upgrades to and installation of
16 culverts designed to withstand 100-year
17 flood events;

18 “(iii) upgrades to and installation of
19 tide gates to protect highways;

20 “(iv) upgrades to and installation of
21 flood gates to protect tunnel entrances;
22 and

23 “(v) improving functionality and resil-
24 iency of stormwater controls, including in-
25 ventory inspections, upgrades to, and pres-

1 mental review, preliminary engineer-
2 ing and design work, and other
3 preconstruction activities; and

4 “(II) construction, reconstruc-
5 tion, rehabilitation, and acquisition of
6 real property (including land related
7 to the project and improvements to
8 land), environmental mitigation, con-
9 struction contingencies, acquisition of
10 equipment directly related to improv-
11 ing system performance, and oper-
12 ational improvements.

13 “(ii) ELIGIBLE PLANNING COSTS.—In
14 the case of a planning activity described in
15 subsection (d)(3) that is carried out by a
16 State with funds apportioned to the State
17 under section 104(b)(8), eligible costs may
18 include development phase activities, in-
19 cluding planning, feasibility analysis, rev-
20 enue forecasting, environmental review,
21 preliminary engineering and design work,
22 other preconstruction activities, and other
23 activities consistent with carrying out the
24 purposes of subsection (d)(3).

25 “(F) LIMITATIONS.—A State—

1 “(i) may use not more than 40 per-
2 cent of the amounts apportioned to the
3 State under section 104(b)(8) for the con-
4 struction of new capacity; and

5 “(ii) may use not more than 10 per-
6 cent of the amounts apportioned to the
7 State under section 104(b)(8) for activities
8 described in subparagraph (E)(i)(I).

9 “(d) COMPETITIVE AWARDS.—

10 “(1) IN GENERAL.—In addition to funds appor-
11 tioned to States under section 104(b)(8) to carry out
12 activities under subsection (c), the Secretary shall
13 provide grants on a competitive basis under this sub-
14 section to eligible entities described in paragraph
15 (2).

16 “(2) ELIGIBLE ENTITIES.—Except as provided
17 in paragraph (4)(C), the Secretary may make a
18 grant under this subsection to any of the following:

19 “(A) A State or political subdivision of a
20 State.

21 “(B) A metropolitan planning organiza-
22 tion.

23 “(C) A unit of local government.

1 “(D) A special purpose district or public
2 authority with a transportation function, includ-
3 ing a port authority.

4 “(E) An Indian tribe (as defined in section
5 207(m)(1)).

6 “(F) A Federal land management agency
7 that applies jointly with a State or group of
8 States.

9 “(G) A multi-State or multijurisdictional
10 group of entities described in subparagraphs
11 (A) through (F).

12 “(3) PLANNING GRANTS.—Using funds made
13 available under this subsection, the Secretary shall
14 provide planning grants to eligible entities for the
15 purpose of—

16 “(A) in the case of a State or metropolitan
17 planning organization, developing a resilience
18 improvement plan under subsection (e)(2);

19 “(B) resilience planning, predesign, design,
20 or the development of data tools to simulate
21 transportation disruption scenarios, including
22 vulnerability assessments;

23 “(C) technical capacity building by the eli-
24 gible entity to facilitate the ability of the eligi-
25 ble entity to assess the vulnerabilities of the

1 surface transportation assets and community
2 response strategies of the eligible entity under
3 current conditions and a range of potential fu-
4 ture conditions; or

5 “(D) evacuation planning and preparation.

6 “(4) RESILIENCE GRANTS.—

7 “(A) RESILIENCE IMPROVEMENT
8 GRANTS.—

9 “(i) IN GENERAL.—Using funds made
10 available under this subsection, the Sec-
11 retary shall provide resilience improvement
12 grants to eligible entities to carry out 1 or
13 more eligible activities under clause (ii).

14 “(ii) ELIGIBLE ACTIVITIES.—

15 “(I) IN GENERAL.—An eligible
16 entity may use a resilience improve-
17 ment grant under this subparagraph
18 for 1 or more construction activities
19 to improve the ability of an existing
20 surface transportation asset to with-
21 stand 1 or more elements of a weather
22 event or natural disaster, or to in-
23 crease the resilience of surface trans-
24 portation infrastructure from the im-
25 pacts of changing conditions, such as

1 sea level rise, flooding, wildfires, ex-
2 tremе weather events, and other nat-
3 ural disasters.

4 “(II) INCLUSIONS.—An activity
5 eligible to be carried out under this
6 subparagraph includes—

7 “(aa) resurfacing, restora-
8 tion, rehabilitation, reconstruc-
9 tion, replacement, improvement,
10 or realignment of an existing sur-
11 face transportation facility eligi-
12 ble for assistance under this title;

13 “(bb) the incorporation of
14 natural infrastructure;

15 “(cc) the upgrade of an ex-
16 isting surface transportation fa-
17 cility to meet or exceed a design
18 standard adopted by the Federal
19 Highway Administration;

20 “(dd) the installation of
21 mitigation measures that prevent
22 the intrusion of floodwaters into
23 surface transportation systems;

358

1 “(ee) strengthening systems
2 that remove rainwater from sur-
3 face transportation facilities;

4 “(ff) upgrades to and instal-
5 lation of structural stormwater
6 controls;

7 “(gg) a resilience project
8 that addresses identified
9 vulnerabilities described in the
10 resilience improvement plan of
11 the eligible entity, if applicable;

12 “(hh) relocating roadways in
13 a base floodplain to higher
14 ground above projected flood ele-
15 vation levels, or away from slide
16 prone areas;

17 “(ii) stabilizing slide areas
18 or slopes;

19 “(jj) installing riprap;

20 “(kk) lengthening or raising
21 bridges to increase waterway
22 openings, including to respond to
23 extreme weather;

24 “(ll) increasing the size or
25 number of drainage structures;

1 ried out by the eligible entity ex-
2 ceed the costs of the activity; and

3 “(bb) there is a need to ad-
4 dress the vulnerabilities of sur-
5 face transportation assets of the
6 eligible entity with a high risk of,
7 and impacts associated with, fail-
8 ure due to the impacts of weath-
9 er events, natural disasters, or
10 changing conditions, such as sea
11 level rise, wildfires, and increased
12 flood risk; or

13 “(II) the eligible activity pro-
14 posed to be carried out by the eligible
15 entity is included in the applicable re-
16 silience improvement plan under sub-
17 section (e)(2).

18 “(B) COMMUNITY RESILIENCE AND EVAC-
19 UATION ROUTE GRANTS.—

20 “(i) IN GENERAL.—Using funds made
21 available under this subsection, the Sec-
22 retary shall provide community resilience
23 and evacuation route grants to eligible en-
24 tities to carry out 1 or more eligible activi-
25 ties under clause (ii).

1 “(ii) ELIGIBLE ACTIVITIES.—An eligi-
2 ble entity may use a community resilience
3 and evacuation route grant under this sub-
4 paragraph for 1 or more projects that
5 strengthen and protect evacuation routes
6 that are essential for providing and sup-
7 porting evacuations caused by emergency
8 events, including a project that—

9 “(I) is an eligible activity under
10 subparagraph (A)(ii), if that eligible
11 activity will improve an evacuation
12 route;

13 “(II) ensures the ability of the
14 evacuation route to provide safe pas-
15 sage during an evacuation and re-
16 duces the risk of damage to evacu-
17 ation routes as a result of future
18 emergency events, including restoring
19 or replacing existing evacuation routes
20 that are in poor condition or not de-
21 signed to meet the anticipated de-
22 mand during an emergency event, and
23 including steps to protect routes from
24 mud, rock, or other debris slides;

1 “(III) if the eligible entity noti-
2 fies the Secretary that existing evacu-
3 ation routes are not sufficient to ade-
4 quately facilitate evacuations, includ-
5 ing the transportation of emergency
6 responders and recovery resources, ex-
7 pands the capacity of evacuation
8 routes to swiftly and safely accommo-
9 date evacuations, including installa-
10 tion of—

11 “(aa) communications and
12 intelligent transportation system
13 equipment and infrastructure;

14 “(bb) counterflow measures;
15 or

16 “(cc) shoulders;

17 “(IV) is for the construction of
18 new or redundant evacuation routes,
19 if the eligible entity notifies the Sec-
20 retary that existing evacuation routes
21 are not sufficient to adequately facili-
22 tate evacuations, including the trans-
23 portation of emergency responders
24 and recovery resources;

1 “(V) is for the acquisition of
2 evacuation route or traffic incident
3 management equipment or signage; or

4 “(VI) will ensure access or serv-
5 ice to critical destinations, including
6 hospitals and other medical or emer-
7 gency service facilities, major employ-
8 ers, critical manufacturing centers,
9 ports and intermodal facilities, utili-
10 ties, and Federal facilities.

11 “(iii) PRIORITY.—The Secretary shall
12 prioritize community resilience and evacu-
13 ation route grants under this subpara-
14 graph for eligible activities that are cost-ef-
15 fective, as determined by the Secretary,
16 taking into account—

17 “(I) current and future
18 vulnerabilities to an evacuation route
19 due to future occurrence or recurrence
20 of emergency events that are likely to
21 occur in the geographic area in which
22 the evacuation route is located; and

23 “(II) projected changes in devel-
24 opment patterns, demographics, and

1 extreme weather events based on the
2 best available evidence and analysis.

3 “(iv) CONSULTATION.—In providing
4 grants for community resilience and evacu-
5 ation routes under this subparagraph, the
6 Secretary may consult with the Adminis-
7 trator of the Federal Emergency Manage-
8 ment Agency, who may provide technical
9 assistance to the Secretary and to eligible
10 entities.

11 “(C) AT-RISK COASTAL INFRASTRUCTURE
12 GRANTS.—

13 “(i) DEFINITION OF ELIGIBLE ENTI-
14 TY.—In this subparagraph, the term ‘eligi-
15 ble entity’ means any of the following:

16 “(I) A State (including the
17 United States Virgin Islands, Guam,
18 American Samoa, and the Common-
19 wealth of the Northern Mariana Is-
20 lands) in, or bordering on, the Atlan-
21 tic, Pacific, or Arctic Ocean, the Gulf
22 of Mexico, Long Island Sound, or 1 or
23 more of the Great Lakes.

24 “(II) A political subdivision of a
25 State described in subclause (I).

1 “(III) A metropolitan planning
2 organization in a State described in
3 subclause (I).

4 “(IV) A unit of local government
5 in a State described in subclause (I).

6 “(V) A special purpose district or
7 public authority with a transportation
8 function, including a port authority,
9 in a State described in subclause (I).

10 “(VI) An Indian tribe in a State
11 described in subclause (I).

12 “(VII) A Federal land manage-
13 ment agency that applies jointly with
14 a State or group of States described
15 in subclause (I).

16 “(VIII) A multi-State or multi-
17 jurisdictional group of entities de-
18 scribed in subclauses (I) through
19 (VII).

20 “(ii) GRANTS.—Using funds made
21 available under this subsection, the Sec-
22 retary shall provide at-risk coastal infra-
23 structure grants to eligible entities to carry
24 out 1 or more eligible activities under
25 clause (iii).

1 event or natural disaster, including
2 coastal flooding, coastal erosion, wave
3 action, storm surge, or sea level
4 change; and

5 “(II) that reduces long-term in-
6 frastructure costs by avoiding larger
7 future maintenance or rebuilding
8 costs.

9 “(v) COASTAL BENEFITS.—In addi-
10 tion to the criteria under clause (iv), for
11 the purpose of providing at-risk coastal in-
12 frastructure grants under this subpara-
13 graph, the Secretary shall evaluate the ex-
14 tent to which a project will provide—

15 “(I) access to coastal homes,
16 businesses, communities, and other
17 critical infrastructure, including ac-
18 cess by first responders and other
19 emergency personnel; or

20 “(II) access to a designated evac-
21 uation route.

22 “(5) GRANT REQUIREMENTS.—

23 “(A) SOLICITATIONS FOR GRANTS.—In
24 providing grants under this subsection, the Sec-
25 retary shall conduct a transparent and competi-

1 tive national solicitation process to select eligi-
2 ble projects to receive grants under paragraph
3 (3) and subparagraphs (A), (B), and (C) of
4 paragraph (4).

5 “(B) APPLICATIONS.—

6 “(i) IN GENERAL.—To be eligible to
7 receive a grant under paragraph (3) or
8 subparagraph (A), (B), or (C) of para-
9 graph (4), an eligible entity shall submit to
10 the Secretary an application in such form,
11 at such time, and containing such informa-
12 tion as the Secretary determines to be nec-
13 essary.

14 “(ii) PROJECTS IN CERTAIN AREAS.—
15 If a project is proposed to be carried out
16 by the eligible entity, in whole or in part,
17 within a base floodplain, the eligible entity
18 shall—

19 “(I) as part of the application,
20 identify the floodplain in which the
21 project is to be located and disclose
22 that information to the Secretary; and

23 “(II) indicate in the application
24 whether, if selected, the eligible entity
25 will implement 1 or more components

1 of the risk mitigation plan under sec-
2 tion 322 of the Robert T. Stafford
3 Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5165) with re-
5 spect to the area.

6 “(C) ELIGIBILITIES.—The Secretary may
7 make a grant under paragraph (3) or subpara-
8 graph (A), (B), or (C) of paragraph (4) only
9 for—

10 “(i) a highway project eligible for as-
11 sistance under this title;

12 “(ii) a public transportation facility or
13 service eligible for assistance under chapter
14 53 of title 49;

15 “(iii) a facility or service for intercity
16 rail passenger transportation (as defined in
17 section 24102 of title 49); or

18 “(iv) a port facility, including a facil-
19 ity that—

20 “(I) connects a port to other
21 modes of transportation;

22 “(II) improves the efficiency of
23 evacuations and disaster relief; or

24 “(III) aids transportation.

1 “(D) SYSTEM RESILIENCE.—A project for
2 which a grant is provided under paragraph (3)
3 or subparagraph (A), (B), or (C) of paragraph
4 (4) may include the use of natural infrastruc-
5 ture or the construction or modification of
6 storm surge, flood protection, or aquatic eco-
7 system restoration elements that the Secretary
8 determines are functionally connected to a
9 transportation improvement, such as—

10 “(i) increasing marsh health and total
11 area adjacent to a highway right-of-way to
12 promote additional flood storage;

13 “(ii) upgrades to and installing of cul-
14 verts designed to withstand 100-year flood
15 events;

16 “(iii) upgrades to and installation of
17 tide gates to protect highways; and

18 “(iv) upgrades to and installation of
19 flood gates to protect tunnel entrances.

20 “(E) FEDERAL COST SHARE.—

21 “(i) PLANNING GRANT.—The Federal
22 share of the cost of a planning activity car-
23 ried out using a planning grant under
24 paragraph (3) shall be 100 percent.

25 “(ii) RESILIENCE GRANTS.—

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II) and sub-
3 section (e)(1), the Federal share of
4 the cost of a project carried out using
5 a grant under subparagraph (A), (B),
6 or (C) of paragraph (4) shall not ex-
7 ceed 80 percent of the total project
8 cost.

9 “(II) TRIBAL PROJECTS.—On
10 the determination of the Secretary,
11 the Federal share of the cost of a
12 project carried out using a grant
13 under subparagraph (A), (B), or (C)
14 of paragraph (4) by an Indian tribe
15 (as defined in section 207(m)(1)) may
16 be up to 100 percent.

17 “(iii) NON-FEDERAL SHARE.—The eli-
18 gible entity may use Federal funds other
19 than Federal funds provided under this
20 subsection to meet the non-Federal cost
21 share requirement for a project carried out
22 with a grant under this subsection.

23 “(F) ELIGIBLE PROJECT COSTS.—

24 “(i) RESILIENCE GRANT PROJECTS.—
25 Eligible project costs for activities funded

1 with a grant under subparagraph (A), (B),
2 or (C) of paragraph (4) may include the
3 costs of—

4 “(I) development phase activities,
5 including planning, feasibility anal-
6 ysis, revenue forecasting, environ-
7 mental review, preliminary engineer-
8 ing and design work, and other
9 preconstruction activities; and

10 “(II) construction, reconstruc-
11 tion, rehabilitation, and acquisition of
12 real property (including land related
13 to the project and improvements to
14 land), environmental mitigation, con-
15 struction contingencies, acquisition of
16 equipment directly related to improv-
17 ing system performance, and oper-
18 ational improvements.

19 “(ii) PLANNING GRANTS.—Eligible
20 project costs for activities funded with a
21 grant under paragraph (3) may include the
22 costs of development phase activities, in-
23 cluding planning, feasibility analysis, rev-
24 enue forecasting, environmental review,
25 preliminary engineering and design work,

1 other preconstruction activities, and other
2 activities consistent with carrying out the
3 purposes of that paragraph.

4 “(G) LIMITATIONS.—

5 “(i) IN GENERAL.—An eligible entity
6 that receives a grant under subparagraph
7 (A), (B), or (C) of paragraph (4)—

8 “(I) may use not more than 40
9 percent of the amount of the grant for
10 the construction of new capacity; and

11 “(II) may use not more than 10
12 percent of the amount of the grant for
13 activities described in subparagraph
14 (F)(i)(I).

15 “(ii) LIMIT ON CERTAIN ACTIVI-
16 TIES.—For each fiscal year, not more than
17 25 percent of the total amount provided
18 under this subsection may be used for
19 projects described in subparagraph (C)(iii).

20 “(H) DISTRIBUTION OF GRANTS.—

21 “(i) IN GENERAL.—Subject to the
22 availability of funds, an eligible entity may
23 request and the Secretary may distribute
24 funds for a grant under this subsection on

1 a multiyear basis, as the Secretary deter-
2 mines to be necessary.

3 “(ii) RURAL SET-ASIDE.—Of the
4 amounts made available to carry out this
5 subsection for each fiscal year, the Sec-
6 retary shall use not less than 25 percent
7 for grants for projects located in areas
8 that are outside an urbanized area with a
9 population of over 200,000.

10 “(iii) TRIBAL SET-ASIDE.—Of the
11 amounts made available to carry out this
12 subsection for each fiscal year, the Sec-
13 retary shall use not less than 2 percent for
14 grants to Indian tribes (as defined in sec-
15 tion 207(m)(1)).

16 “(iv) REALLOCATION.—For any fiscal
17 year, if the Secretary determines that the
18 amount described in clause (ii) or (iii) will
19 not be fully utilized for the grant described
20 in that clause, the Secretary may reallocate
21 the unutilized funds to provide grants to
22 other eligible entities under this subsection.

23 “(6) CONSULTATION.—In carrying out this sub-
24 section, the Secretary shall—

1 “(A) consult with the Assistant Secretary
2 of the Army for Civil Works, the Administrator
3 of the Environmental Protection Agency, the
4 Secretary of the Interior, and the Secretary of
5 Commerce; and

6 “(B) solicit technical support from the Ad-
7 ministrator of the Federal Emergency Manage-
8 ment Agency.

9 “(7) GRANT ADMINISTRATION.—The Secretary
10 may—

11 “(A) retain not more than a total of 5 per-
12 cent of the funds made available to carry out
13 this subsection and to review applications for
14 grants under this subsection; and

15 “(B) transfer portions of the funds re-
16 tained under subparagraph (A) to the relevant
17 Administrators to fund the award and oversight
18 of grants provided under this subsection.

19 “(e) RESILIENCE IMPROVEMENT PLAN AND LOWER
20 NON-FEDERAL SHARE.—

21 “(1) FEDERAL SHARE REDUCTIONS.—

22 “(A) IN GENERAL.—A State that receives
23 funds apportioned to the State under section
24 104(b)(8) or an eligible entity that receives a
25 grant under subsection (d) shall have the non-

1 Federal share of a project carried out with the
2 funds or grant, as applicable, reduced by an
3 amount described in subparagraph (B) if the
4 State or eligible entity meets the applicable re-
5 quirements under that subparagraph.

6 “(B) AMOUNT OF REDUCTIONS.—

7 “(i) RESILIENCE IMPROVEMENT
8 PLAN.—Subject to clause (iii), the amount
9 of the non-Federal share of the costs of a
10 project carried out with funds apportioned
11 to a State under section 104(b)(8) or a
12 grant under subsection (d) shall be re-
13 duced by 7 percentage points if—

14 “(I) in the case of a State or an
15 eligible entity that is a State or a
16 metropolitan planning organization,
17 the State or eligible entity has—

18 “(aa) developed a resilience
19 improvement plan in accordance
20 with this subsection; and

21 “(bb) prioritized the project
22 on that resilience improvement
23 plan; and

24 “(II) in the case of an eligible en-
25 tity not described in subclause (I), the

1 eligible entity is located in a State or
2 an area served by a metropolitan
3 planning organization that has—

4 “(aa) developed a resilience
5 improvement plan in accordance
6 with this subsection; and

7 “(bb) prioritized the project
8 on that resilience improvement
9 plan.

10 “(ii) INCORPORATION OF RESILIENCE
11 IMPROVEMENT PLAN IN OTHER PLAN-
12 NING.—Subject to clause (iii), the amount
13 of the non-Federal share of the cost of a
14 project carried out with funds under sub-
15 section (c) or a grant under subsection (d)
16 shall be reduced by 3 percentage points
17 if—

18 “(I) in the case of a State or an
19 eligible entity that is a State or a
20 metropolitan planning organization,
21 the resilience improvement plan devel-
22 oped in accordance with this sub-
23 section has been incorporated into the
24 metropolitan transportation plan
25 under section 134 or the long-range

1 statewide transportation plan under
2 section 135, as applicable; and

3 “(II) in the case of an eligible en-
4 tity not described in subclause (I), the
5 eligible entity is located in a State or
6 an area served by a metropolitan
7 planning organization that incor-
8 porated a resilience improvement plan
9 into the metropolitan transportation
10 plan under section 134 or the long-
11 range statewide transportation plan
12 under section 135, as applicable.

13 “(iii) LIMITATIONS.—

14 “(I) MAXIMUM REDUCTION.—A
15 State or eligible entity may not receive
16 a reduction under this paragraph of
17 more than 10 percentage points for
18 any single project carried out with
19 funds under subsection (c) or a grant
20 under subsection (d).

21 “(II) NO NEGATIVE NON-FED-
22 ERAL SHARE.—A reduction under this
23 paragraph shall not reduce the non-
24 Federal share of the costs of a project
25 carried out with funds under sub-

1 section (c) or a grant under sub-
2 section (d) to an amount that is less
3 than zero.

4 “(2) PLAN CONTENTS.—A resilience improve-
5 ment plan referred to in paragraph (1)—

6 “(A) shall be for the immediate and long-
7 range planning activities and investments of the
8 State or metropolitan planning organization
9 with respect to resilience of the surface trans-
10 portation system within the boundaries of the
11 State or metropolitan planning organization, as
12 applicable;

13 “(B) shall demonstrate a systemic ap-
14 proach to surface transportation system resil-
15 ience and be consistent with and complementary
16 of the State and local mitigation plans required
17 under section 322 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5165);

20 “(C) shall include a risk-based assessment
21 of vulnerabilities of transportation assets and
22 systems to current and future weather events
23 and natural disasters, such as severe storms,
24 flooding, drought, levee and dam failures, wild-
25 fire, rockslides, mudslides, sea level rise, ex-

1 treme weather, including extreme temperatures,
2 and earthquakes;

3 “(D) may—

4 “(i) designate evacuation routes and
5 strategies, including multimodal facilities,
6 designated with consideration for individ-
7 uals without access to personal vehicles;

8 “(ii) plan for response to anticipated
9 emergencies, including plans for the mobil-
10 ity of—

11 “(I) emergency response per-
12 sonnel and equipment; and

13 “(II) access to emergency serv-
14 ices, including for vulnerable or dis-
15 advantaged populations;

16 “(iii) describe the resilience improve-
17 ment policies, including strategies, land-use
18 and zoning changes, investments in natural
19 infrastructure, or performance measures
20 that will inform the transportation invest-
21 ment decisions of the State or metropolitan
22 planning organization with the goal of in-
23 creasing resilience;

24 “(iv) include an investment plan
25 that—

1 “(I) includes a list of priority
2 projects; and

3 “(II) describes how funds appor-
4 tioned to the State under section
5 104(b)(8) or provided by a grant
6 under the program would be invested
7 and matched, which shall not be sub-
8 ject to fiscal constraint requirements;
9 and

10 “(v) use science and data and indicate
11 the source of data and methodologies; and

12 “(E) shall, as appropriate—

13 “(i) include a description of how the
14 plan will improve the ability of the State or
15 metropolitan planning organization—

16 “(I) to respond promptly to the
17 impacts of weather events and natural
18 disasters; and

19 “(II) to be prepared for changing
20 conditions, such as sea level rise and
21 increased flood risk;

22 “(ii) describe the codes, standards,
23 and regulatory framework, if any, adopted
24 and enforced to ensure resilience improve-
25 ments within the impacted area of pro-

1 posed projects included in the resilience
2 improvement plan;

3 “(iii) consider the benefits of com-
4 bining hard surface transportation assets,
5 and natural infrastructure, through coordi-
6 nated efforts by the Federal Government
7 and the States;

8 “(iv) assess the resilience of other
9 community assets, including buildings and
10 housing, emergency management assets,
11 and energy, water, and communication in-
12 frastructure;

13 “(v) use a long-term planning period;
14 and

15 “(vi) include such other information
16 as the State or metropolitan planning or-
17 ganization considers appropriate.

18 “(3) NO NEW PLANNING REQUIREMENTS.—
19 Nothing in this section requires a metropolitan plan-
20 ning organization or a State to develop a resilience
21 improvement plan or to include a resilience improve-
22 ment plan under the metropolitan transportation
23 plan under section 134 or the long-range statewide
24 transportation plan under section 135, as applicable,
25 of the metropolitan planning organization or State.

1 “(f) MONITORING.—

2 “(1) IN GENERAL.—Not later than 18 months
3 after the date of enactment of this section, the Sec-
4 retary shall—

5 “(A) establish, for the purpose of evalu-
6 ating the effectiveness and impacts of projects
7 carried out with a grant under subsection (d)—

8 “(i) subject to paragraph (2), trans-
9 portation and any other metrics as the
10 Secretary determines to be necessary; and

11 “(ii) procedures for monitoring and
12 evaluating projects based on those metrics;
13 and

14 “(B) select a representative sample of
15 projects to evaluate based on the metrics and
16 procedures established under subparagraph (A).

17 “(2) NOTICE.—Before adopting any metrics de-
18 scribed in paragraph (1), the Secretary shall—

19 “(A) publish the proposed metrics in the
20 Federal Register; and

21 “(B) provide to the public an opportunity
22 for comment on the proposed metrics.

23 “(g) REPORTS.—

24 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not
25 later than 1 year after the date on which a project

1 carried out with a grant under subsection (d) is
2 completed, the eligible entity that carried out the
3 project shall submit to the Secretary a report on the
4 results of the project and the use of the funds
5 awarded.

6 “(2) REPORTS TO CONGRESS.—

7 “(A) ANNUAL REPORTS.—The Secretary
8 shall submit to the Committee on Environment
9 and Public Works of the Senate and the Com-
10 mittee on Transportation and Infrastructure of
11 the House of Representatives, and publish on
12 the website of the Department of Transpor-
13 tation, an annual report that describes the im-
14 plementation of the program during the pre-
15 ceding calendar year, including—

16 “(i) each project for which a grant
17 was provided under subsection (d);

18 “(ii) information relating to project
19 applications received;

20 “(iii) the manner in which the con-
21 sultation requirements were implemented
22 under subsection (d);

23 “(iv) recommendations to improve the
24 administration of subsection (d), including
25 whether assistance from additional or

1 fewer agencies to carry out the program is
2 appropriate;

3 “(v) the period required to disburse
4 grant funds to eligible entities based on
5 applicable Federal coordination require-
6 ments; and

7 “(vi) a list of facilities that repeatedly
8 require repair or reconstruction due to
9 emergency events.

10 “(B) FINAL REPORT.—Not later than 5
11 years after the date of enactment of the Surface
12 Transportation Reauthorization Act of 2021,
13 the Secretary shall submit to Congress a report
14 that includes the results of the reports sub-
15 mitted under subparagraph (A).

16 “(h) TREATMENT OF PROJECTS.—Notwithstanding
17 any other provision of law, a project assisted under this
18 section shall be treated as a project on a Federal-aid high-
19 way under this chapter.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 1 of title 23, United States Code (as amended by sec-
22 tion 11403(b)), is amended by inserting after the item re-
23 lating to section 175 the following:

“176. Promoting Resilient Operations for Transformative, Efficient, and Cost-
saving Transportation (PROTECT) program.”.

1 **SEC. 11406. HEALTHY STREETS PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) COOL PAVEMENT.—The term “cool pave-
4 ment” means a pavement with reflective surfaces
5 with higher albedo to decrease the surface tempera-
6 ture of that pavement.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State;

10 (B) a metropolitan planning organization;

11 (C) a unit of local government;

12 (D) a Tribal government; and

13 (E) a nonprofit organization working in co-
14 ordination with an entity described in subpara-
15 graphs (A) through (D).

16 (3) LOW-INCOME COMMUNITY.—The term “low-
17 income community” means a census block group in
18 which not less than 30 percent of the population
19 lives below the poverty line (as defined in section
20 673 of the Community Services Block Grant Act (42
21 U.S.C. 9902)).

22 (4) POROUS PAVEMENT.—The term “porous
23 pavement” means a paved surface with a higher
24 than normal percentage of air voids to allow water
25 to pass through the surface and infiltrate into the
26 subsoil.

1 (5) PROGRAM.—The term “program” means
2 the Healthy Streets program established under sub-
3 section (b).

4 (6) STATE.—The term “State” has the mean-
5 ing given the term in section 101(a) of title 23,
6 United States Code.

7 (7) TRIBAL GOVERNMENT.—The term “Tribal
8 government” means the recognized governing body
9 of any Indian or Alaska Native tribe, band, nation,
10 pueblo, village, community, component band, or com-
11 ponent reservation, individually identified (including
12 parenthetically) in the list published most recently as
13 of the date of enactment of this Act pursuant to sec-
14 tion 104 of the Federally Recognized Indian Tribe
15 List Act of 1994 (25 U.S.C. 5131).

16 (b) ESTABLISHMENT.—The Secretary shall establish
17 a discretionary grant program, to be known as the
18 “Healthy Streets program”, to provide grants to eligible
19 entities—

20 (1) to deploy cool pavements and porous pave-
21 ments; and

22 (2) to expand tree cover.

23 (c) GOALS.—The goals of the program are—

24 (1) to mitigate urban heat islands;

25 (2) to improve air quality; and

1 (3) to reduce—

2 (A) the extent of impervious surfaces;

3 (B) stormwater runoff and flood risks; and

4 (C) heat impacts to infrastructure and
5 road users.

6 (d) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a
8 grant under the program, an eligible entity shall
9 submit to the Secretary an application at such time,
10 in such manner, and containing such information as
11 the Secretary may require.

12 (2) REQUIREMENTS.—The application sub-
13 mitted by an eligible entity under paragraph (1)
14 shall include a description of—

15 (A) how the eligible entity would use the
16 grant funds; and

17 (B) the contribution that the projects in-
18 tended to be carried out with grant funds would
19 make to improving the safety, health outcomes,
20 natural environment, and quality of life in low-
21 income communities and disadvantaged commu-
22 nities.

23 (e) USE OF FUNDS.—An eligible entity that receives
24 a grant under the program may use the grant funds for
25 1 or more of the following activities:

1 (1) Conducting an assessment of urban heat is-
2 lands to identify hot spot areas of extreme heat or
3 elevated air pollution.

4 (2) Conducting a comprehensive tree canopy as-
5 sessment, which shall assess the current tree loca-
6 tions and canopy, including—

7 (A) an inventory of the location, species,
8 condition, and health of existing tree canopies
9 and trees on public facilities; and

10 (B) an identification of—

11 (i) the locations where trees need to
12 be replaced;

13 (ii) empty tree boxes or other loca-
14 tions where trees could be added; and

15 (iii) flood-prone locations where trees
16 or other natural infrastructure could miti-
17 gate flooding.

18 (3) Conducting an equity assessment by map-
19 ping tree canopy gaps, flood-prone locations, and
20 urban heat island hot spots as compared to—

21 (A) pedestrian walkways and public trans-
22 portation stop locations;

23 (B) low-income communities; and

24 (C) disadvantaged communities.

1 (4) Planning activities, including developing an
2 investment plan based on the results of the assess-
3 ments carried out under paragraphs (1), (2), and
4 (3).

5 (5) Purchasing and deploying cool pavements to
6 mitigate urban heat island hot spots.

7 (6) Purchasing and deploying porous pavement
8 to mitigate flooding and stormwater runoff in—

9 (A) pedestrian-only areas; and

10 (B) areas of low-volume, low-speed vehic-
11 ular use.

12 (7) Purchasing of trees, site preparation, plant-
13 ing of trees, ongoing maintenance and monitoring of
14 trees, and repairing of storm damage to trees, with
15 priority given to—

16 (A) to the extent practicable, the planting
17 of native species; and

18 (B) projects located in a neighborhood with
19 lower tree cover or higher maximum daytime
20 summer temperatures compared to surrounding
21 neighborhoods.

22 (8) Assessing underground infrastructure and
23 coordinating with local transportation and utility
24 providers.

1 (9) Hiring staff to conduct any of the activities
2 described in paragraphs (1) through (8).

3 (f) PRIORITY.—In awarding grants to eligible entities
4 under the program, the Secretary shall give priority to an
5 eligible entity—

6 (1) proposing to carry out an activity or project
7 in a low-income community or a disadvantaged com-
8 munity;

9 (2) that has entered into a community benefits
10 agreement with representatives of the community; or

11 (3) that is partnering with a qualified youth or
12 conservation corps (as defined in section 203 of the
13 Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

14 (g) DISTRIBUTION REQUIREMENT.—Of the amounts
15 made available to carry out the program for each fiscal
16 year, not less than 80 percent shall be provided for
17 projects in urbanized areas (as defined in section 101(a)
18 of title 23, United States Code).

19 (h) FEDERAL SHARE.—

20 (1) IN GENERAL.—Except as provided under
21 paragraph (2), the Federal share of the cost of a
22 project carried out under the program shall be 80
23 percent.

24 (2) WAIVER.—The Secretary may increase the
25 Federal share requirement under paragraph (1) to

1 100 percent for projects carried out by an eligible
2 entity that demonstrates economic hardship, as de-
3 termined by the Secretary.

4 (i) **MAXIMUM GRANT AMOUNT.**—An individual grant
5 under this section shall not exceed \$15,000,000.

6 (j) **TREATMENT OF PROJECTS.**—Notwithstanding
7 any other provision of law, a project assisted under this
8 section shall be treated as a project on a Federal-aid high-
9 way under chapter 1 of title 23, United States Code.

10 **Subtitle E—Miscellaneous**

11 **SEC. 11501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**

12 **FUND.**

13 (a) **IN GENERAL.**—Section 105 of title 23, United
14 States Code, is repealed.

15 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
16 ter 1 of title 23, United States Code, is amended by strik-
17 ing the item relating to section 105.

18 **SEC. 11502. STOPPING THREATS ON PEDESTRIANS.**

19 (a) **DEFINITION OF BOLLARD INSTALLATION**
20 **PROJECT.**—In this section, the term “bollard installation
21 project” means a project to install raised concrete or metal
22 posts on a sidewalk adjacent to a roadway that are de-
23 signed to slow or stop a motor vehicle.

24 (b) **ESTABLISHMENT.**—Not later than 1 year after
25 the date of enactment of this Act and subject to the avail-

1 ability of appropriations, the Secretary shall establish and
2 carry out a competitive grant pilot program to provide as-
3 sistance to State departments of transportation and local
4 government entities for bollard installation projects de-
5 signed to prevent pedestrian injuries and acts of terrorism
6 in areas used by large numbers of pedestrians.

7 (c) APPLICATION.—To be eligible to receive a grant
8 under this section, a State department of transportation
9 or local government entity shall submit to the Secretary
10 an application at such time, in such form, and containing
11 such information as the Secretary determines to be appro-
12 priate, which shall include, at a minimum—

13 (1) a description of the proposed bollard instal-
14 lation project to be carried out;

15 (2) a description of the pedestrian injury or ter-
16 rorism risks with respect to the proposed installation
17 area; and

18 (3) an analysis of how the proposed bollard in-
19 stallation project will mitigate those risks.

20 (d) USE OF FUNDS.—A recipient of a grant under
21 this section may only use the grant funds for a bollard
22 installation project.

23 (e) FEDERAL SHARE.—The Federal share of the
24 costs of a bollard installation project carried out with a
25 grant under this section may be up to 100 percent.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section \$5,000,000 for each of fiscal years 2022
4 through 2026.

5 (g) TREATMENT OF PROJECTS.—Notwithstanding
6 any other provision of law, a project assisted under this
7 section shall be treated as a project on a Federal-aid high-
8 way under chapter 1 of title 23, United States Code.

9 **SEC. 11503. TRANSFER AND SALE OF TOLL CREDITS.**

10 (a) DEFINITIONS.—In this section:

11 (1) ORIGINATING STATE.—The term “origi-
12 nating State” means a State that—

13 (A) is eligible to use a credit under section
14 120(i) of title 23, United States Code; and

15 (B) has been selected by the Secretary
16 under subsection (d)(2).

17 (2) PILOT PROGRAM.—The term “pilot pro-
18 gram” means the pilot program established under
19 subsection (b).

20 (3) RECIPIENT STATE.—The term “recipient
21 State” means a State that receives a credit by trans-
22 fer or by sale under this section from an originating
23 State.

1 (4) STATE.—The term “State” has the mean-
2 ing given the term in section 101(a) of title 23,
3 United States Code.

4 (b) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
5 retary shall establish and implement a toll credit exchange
6 pilot program in accordance with this section.

7 (c) PURPOSES.—The purposes of the pilot program
8 are—

9 (1) to identify the extent of the demand to pur-
10 chase toll credits;

11 (2) to identify the cash price of toll credits
12 through bilateral transactions between States;

13 (3) to analyze the impact of the purchase or
14 sale of toll credits on transportation expenditures;

15 (4) to test the feasibility of expanding the pilot
16 program to allow all States to participate on a per-
17 manent basis; and

18 (5) to identify any other repercussions of the
19 toll credit exchange.

20 (d) SELECTION OF ORIGINATING STATES.—

21 (1) APPLICATION.—In order to participate in
22 the pilot program as an originating State, a State
23 shall submit to the Secretary an application at such
24 time, in such manner, and containing such informa-
25 tion as the Secretary may require, including, at a

1 minimum, such information as is required for the
2 Secretary to verify—

3 (A) the amount of unused toll credits for
4 which the State has submitted certification to
5 the Secretary that are available to be sold or
6 transferred under the pilot program, includ-
7 ing—

8 (i) toll revenue generated and the
9 sources of that revenue;

10 (ii) toll revenue used by public, quasi-
11 public, and private agencies to build, im-
12 prove, or maintain highways, bridges, or
13 tunnels that serve the public purpose of
14 interstate commerce; and

15 (iii) an accounting of any Federal
16 funds used by the public, quasi-public, or
17 private agency to build, improve, or main-
18 tain the toll facility, to validate that the
19 credit has been reduced by a percentage
20 equal to the percentage of the total cost of
21 building, improving, or maintaining the fa-
22 cility that was derived from Federal funds;

23 (B) the documentation of maintenance of
24 effort for toll credits earned by the originating
25 State; and

1 (C) the accuracy of the accounting system
2 of the State to earn and track toll credits.

3 (2) SELECTION.—Of the States that submit an
4 application under paragraph (1), the Secretary may
5 select not more than 10 States to be designated as
6 an originating State.

7 (3) LIMITATION ON SALES.—At any time, the
8 Secretary may limit the amount of unused toll cred-
9 its that may be offered for sale under the pilot pro-
10 gram.

11 (e) TRANSFER OR SALE OF CREDITS.—

12 (1) IN GENERAL.—In carrying out the pilot
13 program, the Secretary shall provide that an origi-
14 nating State may transfer or sell to a recipient State
15 a credit not previously used by the originating State
16 under section 120(i) of title 23, United States Code.

17 (2) WEBSITE SUPPORT.—The Secretary shall
18 make available a publicly accessible website on which
19 originating States shall post the amount of toll cred-
20 its, verified under subsection (d)(1)(A), that are
21 available for sale or transfer to a recipient State.

22 (3) BILATERAL TRANSACTIONS.—An origi-
23 nating State and a recipient State may enter into a
24 bilateral transaction to sell or transfer verified toll
25 credits.

1 (4) NOTIFICATION.—Not later than 30 days
2 after the date on which a credit is transferred or
3 sold, the originating State and the recipient State
4 shall jointly submit to the Secretary a written notifi-
5 cation of the transfer or sale, including details on—

6 (A) the amount of toll credits that have
7 been sold or transferred;

8 (B) the price paid or other value trans-
9 ferred in exchange for the toll credits;

10 (C) the intended use by the recipient State
11 of the toll credits, if known;

12 (D) the intended use by the originating
13 State of the cash or other value transferred;

14 (E) an update on the toll credit balance of
15 the originating State and the recipient State;
16 and

17 (F) any other information about the trans-
18 action that the Secretary may require.

19 (5) USE OF CREDITS BY TRANSFEREE OR PUR-
20 CHASER.—A recipient State may use a credit re-
21 ceived under paragraph (1) toward the non-Federal
22 share requirement for any funds made available to
23 carry out title 23 or chapter 53 of title 49, United
24 States Code, in accordance with section 120(i) of
25 title 23, United States Code.

1 (6) USE OF PROCEEDS FROM SALE OF CRED-
2 ITS.—An originating State shall use the proceeds
3 from the sale of a credit under paragraph (1) for the
4 construction costs of any project in the originating
5 State that is eligible under title 23, United States
6 Code.

7 (f) REPORTING REQUIREMENTS.—

8 (1) INITIAL REPORT.—Not later than 1 year
9 after the date on which the pilot program is estab-
10 lished, the Secretary shall submit to the Committee
11 on Environment and Public Works of the Senate
12 and the Committee on Transportation and Infra-
13 structure of the House of Representatives a report
14 on the progress of the pilot program.

15 (2) FINAL REPORT.—Not later than 3 years
16 after the date on which the pilot program is estab-
17 lished, the Secretary shall—

18 (A) submit to the Committee on Environ-
19 ment and Public Works of the Senate and the
20 Committee on Transportation and Infrastruc-
21 ture of the House of Representatives a report
22 that—

23 (i) determines whether a toll credit
24 marketplace is viable and cost-effective;

1 (ii) describes the buying and selling
2 activities under the pilot program;

3 (iii) describes the average sale price of
4 toll credits;

5 (iv) determines whether the pilot pro-
6 gram could be expanded to more States or
7 all States or to non-State operators of toll
8 facilities;

9 (v) provides updated information on
10 the toll credit balance accumulated by each
11 State; and

12 (vi) describes the list of projects that
13 were assisted by the pilot program; and

14 (B) make the report under subparagraph
15 (A) publicly available on the website of the De-
16 partment.

17 (g) TERMINATION.—

18 (1) IN GENERAL.—The Secretary may termi-
19 nate the pilot program or the participation of any
20 State in the pilot program if the Secretary deter-
21 mines that—

22 (A) the pilot program is not serving a pub-
23 lic benefit; or

24 (B) it is not cost effective to carry out the
25 pilot program.

1 (2) PROCEDURES.—The termination of the pilot
2 program or the participation of a State in the pilot
3 program shall be carried out consistent with Federal
4 requirements for project closeout, adjustment, and
5 continuing responsibilities.

6 **SEC. 11504. STUDY OF IMPACTS ON ROADS FROM SELF-**
7 **DRIVING VEHICLES.**

8 (a) IN GENERAL.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary shall initiate
10 a study on the existing and future impacts of self-driving
11 vehicles to transportation infrastructure, mobility, the en-
12 vironment, and safety, including impacts on—

13 (1) the Interstate System (as defined in section
14 101(a) of title 23, United States Code);

15 (2) urban roads;

16 (3) rural roads;

17 (4) corridors with heavy traffic congestion;

18 (5) transportation systems optimization; and

19 (6) any other areas or issues relevant to oper-
20 ations of the Federal Highway Administration that
21 the Secretary determines to be appropriate.

22 (b) CONTENTS OF STUDY.—The study under sub-
23 section (a) shall include specific recommendations for both
24 rural and urban communities regarding the impacts of

1 self-driving vehicles on existing transportation system ca-
2 pacity.

3 (c) CONSIDERATIONS.—In carrying out the study
4 under subsection (a), the Secretary shall—

5 (1) consider the need for and recommend any
6 policy changes to be undertaken by the Federal
7 Highway Administration on the impacts of self-driv-
8 ing vehicles as identified under paragraph (2); and

9 (2) for both rural and urban communities, in-
10 clude a discussion of—

11 (A) the impacts that self-driving vehicles
12 will have on existing transportation infrastruc-
13 ture, such as signage and markings, traffic
14 lights, and highway capacity and design;

15 (B) the impact on commercial and private
16 traffic flows;

17 (C) infrastructure improvement needs that
18 may be necessary for transportation infrastruc-
19 ture to accommodate self-driving vehicles;

20 (D) the impact of self-driving vehicles on
21 the environment, congestion, and vehicle miles
22 traveled; and

23 (E) the impact of self-driving vehicles on
24 mobility.

1 (d) COORDINATION.—In carrying out the study under
2 subsection (a), the Secretary shall consider and incor-
3 porate relevant current and ongoing research of the De-
4 partment.

5 (e) CONSULTATION.—In carrying out the study under
6 subsection (a), the Secretary shall convene and consult
7 with a panel of national experts in both rural and urban
8 transportation, including—

9 (1) operators and users of the Interstate Sys-
10 tem (as defined in section 101(a) of title 23, United
11 States Code), including private sector stakeholders;

12 (2) States and State departments of transpor-
13 tation;

14 (3) metropolitan planning organizations;

15 (4) the motor carrier industry;

16 (5) representatives of public transportation
17 agencies or organizations;

18 (6) highway safety and academic groups;

19 (7) nonprofit entities with experience in trans-
20 portation policy;

21 (8) National Laboratories (as defined in section
22 2 of the Energy Policy Act of 2005 (42 U.S.C.
23 15801));

24 (9) environmental stakeholders; and

1 (10) self-driving vehicle producers, manufactur-
2 ers, and technology developers.

3 (f) REPORT.—Not later than 1 year after the date
4 on which the study under subsection (a) is initiated, the
5 Secretary shall submit a report on the results of the study
6 to—

7 (1) the Committee on Environment and Public
8 Works of the Senate; and

9 (2) the Committee on Transportation and In-
10 frastructure of the House of Representatives.

11 **SEC. 11505. DISASTER RELIEF MOBILIZATION STUDY.**

12 (a) DEFINITION OF LOCAL COMMUNITY.—In this
13 section, the term “local community” means—

14 (1) a unit of local government;

15 (2) a political subdivision of a State or local
16 government;

17 (3) a metropolitan planning organization (as
18 defined in section 134(b) of title 23, United States
19 Code);

20 (4) a rural planning organization; or

21 (5) a Tribal government.

22 (b) STUDY.—

23 (1) IN GENERAL.—The Secretary shall carry
24 out a study to determine the utility of incorporating

1 the use of bicycles into the disaster preparedness
2 and disaster response plans of local communities.

3 (2) REQUIREMENTS.—The study carried out
4 under paragraph (1) shall include—

5 (A) a vulnerability assessment of the infra-
6 structure in local communities as of the date of
7 enactment of this Act that supports active
8 transportation, including bicycling, walking, and
9 personal mobility devices, with a particular
10 focus on areas in local communities that—

11 (i) have low levels of vehicle owner-
12 ship; and

13 (ii) lack sufficient active transpor-
14 tation infrastructure routes to public
15 transportation;

16 (B) an evaluation of whether disaster pre-
17 paredness and disaster response plans should
18 include the use of bicycles by first responders,
19 emergency workers, and community organiza-
20 tion representatives—

21 (i) during a mandatory or voluntary
22 evacuation ordered by a Federal, State,
23 Tribal, or local government entity—

24 (I) to notify residents of the need
25 to evacuate;

406

1 (II) to evacuate individuals and
2 goods; and

3 (III) to reach individuals who are
4 in need of first aid and medical assist-
5 ance; and

6 (ii) after a disaster or emergency de-
7 clared by a Federal, State, Tribal, or local
8 government entity—

9 (I) to participate in search and
10 rescue activities;

11 (II) to carry commodities to be
12 used for life-saving or life-sustaining
13 purposes, including—

14 (aa) water;

15 (bb) food;

16 (cc) first aid and other med-
17 ical supplies; and

18 (dd) power sources and elec-
19 tric supplies, such as cell phones,
20 radios, lights, and batteries;

21 (III) to reach individuals who are
22 in need of the commodities described
23 in subclause (II); and

24 (IV) to assist with other disaster
25 relief tasks, as appropriate; and

1 (C) a review of training programs for first
2 responders, emergency workers, and community
3 organization representatives relating to—

4 (i) competent bicycle skills, including
5 the use of cargo bicycles and electric bicy-
6 cles, as applicable;

7 (ii) basic bicycle maintenance;

8 (iii) compliance with relevant traffic
9 safety laws;

10 (iv) methods to use bicycles to carry
11 out the activities described in clauses (i)
12 and (ii) of subparagraph (2)(B); and

13 (v) exercises conducted for the pur-
14 pose of—

15 (I) exercising the skills described
16 in clause (i); and

17 (II) maintaining bicycles and re-
18 lated equipment.

19 (c) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 the Committee on Environment and Public Works of the
22 Senate and the Committee on Transportation and Infra-
23 structure of the House of Representatives a report that—

24 (1) describes the results of the study carried
25 out under subsection (b); and

1 (2) provides recommendations, if any, relating
2 to—

3 (A) the methods by which to incorporate
4 bicycles into disaster preparedness and disaster
5 response plans of local communities; and

6 (B) improvements to training programs de-
7 scribed in subsection (b)(2)(C).

8 **SEC. 11506. APPALACHIAN REGIONAL COMMISSION.**

9 (a) DEFINITIONS.—Section 14102(a)(1) of title 40,
10 United States Code, is amended—

11 (1) in subparagraph (G)—

12 (A) by inserting “Catawba,” after
13 “Caldwell,”; and

14 (B) by inserting “Cleveland,” after
15 “Clay,”;

16 (2) in subparagraph (J), by striking “and
17 Spartanburg” and inserting “Spartanburg, and
18 Union”; and

19 (3) in subparagraph (M), by inserting “, of
20 which the counties of Brooke, Hancock, Marshall,
21 and Ohio shall be considered to be located in the
22 North Central subregion” after “West Virginia”.

23 (b) FUNCTIONS.—Section 14303(a) of title 40,
24 United States Code, is amended—

1 (1) in paragraph (9), by striking “and” at the
2 end;

3 (2) in paragraph (10), by striking the period at
4 the end and inserting “; and”; and

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

6 “(11) support broadband access in the Appa-
7 lachian region.”.

8 (c) CONGRESSIONAL NOTIFICATION.—

9 (1) IN GENERAL.—Subchapter II of chapter
10 143 of subtitle IV of title 40, United States Code,
11 is amended by adding at the end the following:

12 **“§ 14323. Congressional notification**

13 “(a) IN GENERAL.—In the case of a project described
14 in subsection (b), the Appalachian Regional Commission
15 shall provide to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the Senate
18 notice of the award of a grant or other financial assistance
19 not less than 3 full business days before awarding the
20 grant or other financial assistance.

21 “(b) PROJECTS DESCRIBED.—A project referred to
22 in subsection (a) is a project that the Appalachian Re-
23 gional Commission has selected to receive a grant or other
24 financial assistance under this subtitle in an amount not
25 less than \$50,000.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 subchapter II of chapter 143 of subtitle IV of title
3 40, United States Code, is amended by adding at
4 the end the following:

“14323. Congressional notification.”.

5 (d) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-
6 TIVE.—Section 14509 of title 40, United States Code, is
7 amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) IN GENERAL.—The Appalachian Regional Com-
11 mission may provide technical assistance, make grants,
12 enter into contracts, or otherwise provide amounts to indi-
13 viduals or entities in the Appalachian region for projects
14 and activities to increase affordable access to broadband
15 networks throughout the Appalachian region.”;

16 (2) by redesignating subsections (b) through (d)
17 as subsections (c) through (e), respectively;

18 (3) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) ELIGIBLE PROJECTS AND ACTIVITIES.—A
21 project or activity eligible to be carried out under this sec-
22 tion is a project or activity—

23 “(1) to conduct research, analysis, and training
24 to increase broadband adoption efforts in the Appa-
25 lachian region; or

1 “(2) for the construction and deployment of
2 broadband service-related infrastructure in the Ap-
3 palachian region.”;

4 (4) in subsection (d) (as so redesignated), in
5 the matter preceding paragraph (1), by striking
6 “subsection (b)” and inserting “subsection (c)”; and
7 (5) by adding at the end the following:

8 “(f) REQUEST FOR DATA.—Before making a grant
9 for a project or activity described in subsection (b)(2), the
10 Appalachian Regional Commission shall request from the
11 Federal Communications Commission, the National Tele-
12 communications and Information Administration, the Eco-
13 nomic Development Administration, and the Department
14 of Agriculture data on—

15 “(1) the level and extent of broadband service
16 that exists in the area proposed to be served by the
17 broadband service-related infrastructure; and

18 “(2) the level and extent of broadband service
19 that will be deployed in the area proposed to be
20 served by the broadband service-related infrastruc-
21 ture pursuant to another Federal program.

22 “(g) REQUIREMENT.—For each fiscal year, not less
23 than 65 percent of the amounts made available to carry
24 out this section shall be used for grants for projects and
25 activities described in subsection (b)(2).”.

1 (e) APPALACHIAN REGIONAL ENERGY HUB INITIA-
2 TIVE.—

3 (1) IN GENERAL.—Subchapter I of chapter 145
4 of subtitle IV of title 40, United States Code, is
5 amended by adding at the end the following:

6 **“§ 14511. Appalachian regional energy hub initiative**

7 “(a) IN GENERAL.—The Appalachian Regional Com-
8 mission may provide technical assistance to, make grants
9 to, enter into contracts with, or otherwise provide amounts
10 to individuals or entities in the Appalachian region for
11 projects and activities—

12 “(1) to conduct research and analysis regarding
13 the economic impact of an ethane storage hub in the
14 Appalachian region that supports a more-effective
15 energy market performance due to the scale of the
16 project, such as a project with the capacity to store
17 and distribute more than 100,000 barrels per day of
18 hydrocarbon feedstock with a minimum gross heat-
19 ing value of 1,700 Btu per standard cubic foot;

20 “(2) with the potential to significantly con-
21 tribute to the economic resilience of the area in
22 which the project is located; and

23 “(3) that will help establish a regional energy
24 hub in the Appalachian region for natural gas and
25 natural gas liquids, including hydrogen produced

1 from the steam methane reforming of natural gas
2 feedstocks.

3 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
4 cost of any project or activity eligible for a grant under
5 this section—

6 “(1) except as provided in paragraphs (2) and
7 (3), not more than 50 percent may be provided from
8 amounts made available to carry out this section;

9 “(2) in the case of a project or activity to be
10 carried out in a county for which a distressed county
11 designation is in effect under section 14526, not
12 more than 80 percent may be provided from
13 amounts made available to carry out this section;
14 and

15 “(3) in the case of a project or activity to be
16 carried out in a county for which an at-risk county
17 designation is in effect under section 14526, not
18 more than 70 percent may be provided from
19 amounts made available to carry out this section.

20 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
21 section (b), a grant provided under this section may be
22 provided from amounts made available to carry out this
23 section, in combination with amounts made available—

24 “(1) under any other Federal program; or

25 “(2) from any other source.

1 “(d) FEDERAL SHARE.—Notwithstanding any provi-
2 sion of law limiting the Federal share under any other
3 Federal program, amounts made available to carry out
4 this section may be used to increase that Federal share,
5 as the Appalachian Regional Commission determines to be
6 appropriate.”.

7 (2) CLERICAL AMENDMENT.—The analysis for
8 subchapter I of chapter 145 of title 40, United
9 States Code, is amended by adding at the end the
10 following:

“14511. Appalachian regional energy hub initiative.”.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
12 14703 of title 40, United States Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (4), by striking “and” at
15 the end;

16 (B) in paragraph (5), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(6) \$200,000,000 for each of fiscal years 2022
20 through 2026.”;

21 (2) in subsection (c), by striking “\$10,000,000
22 may be used to carry out section 14509 for each of
23 fiscal years 2016 through 2021” and inserting
24 “\$20,000,000 may be used to carry out section
25 14509 for each of fiscal years 2022 through 2026”;

1 (3) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

3 (4) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) APPALACHIAN REGIONAL ENERGY HUB INITIA-
6 TIVE.—Of the amounts made available under subsection
7 (a), \$5,000,000 shall be used to carry out section 14511
8 for each of fiscal years 2022 through 2026.”.

9 (g) TERMINATION.—Section 14704 of title 40,
10 United States Code, is amended by striking “2021” and
11 inserting “2026”.

12 **SEC. 11507. DENALI COMMISSION.**

13 (a) DENALI ACCESS SYSTEM PROGRAM.—Notwith-
14 standing subsection (j) of section 309 of the Denali Com-
15 mission Act of 1998 (42 U.S.C. 3121 note; Public Law
16 105–277), there is authorized to be appropriated
17 \$20,000,000 for each of fiscal years 2022 through 2026
18 to carry out that section.

19 (b) TRANSFERS OF FUNDS.—Section 311(c) of the
20 Denali Commission Act of 1998 (42 U.S.C. 3121 note;
21 Public Law 105–277) is amended—

22 (1) in paragraph (1), by striking “and” at the
23 end;

24 (2) in paragraph (2), by striking the period at
25 the end and inserting “; and”; and

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

2 “(3) notwithstanding any other provision of
3 law, shall—

4 “(A) be treated as if directly appropriated
5 to the Commission and subject to applicable
6 provisions of this Act; and

7 “(B) not be subject to any requirements
8 that applied to the funds before the transfer,
9 including a requirement in an appropriations
10 Act or a requirement or regulation of the Fed-
11 eral agency from which the funds are trans-
12 ferred.”.

13 **SEC. 11508. REQUIREMENTS FOR TRANSPORTATION**
14 **PROJECTS CARRIED OUT THROUGH PUBLIC-**
15 **PRIVATE PARTNERSHIPS.**

16 (a) DEFINITIONS.—In this section:

17 (1) PROJECT.—The term “project” means a
18 project (as defined in section 101 of title 23, United
19 States Code) that—

20 (A) is carried out, in whole or in part,
21 using Federal financial assistance; and

22 (B) has an estimated total cost of
23 \$100,000,000 or more.

24 (2) PUBLIC-PRIVATE PARTNERSHIP.—The term
25 “public-private partnership” means an agreement

1 between a public agency and a private entity to fi-
2 nance, build, and maintain or operate a project.

3 (b) REQUIREMENTS FOR PROJECTS CARRIED OUT
4 THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—With re-
5 spect to a public-private partnership, as a condition of re-
6 ceiving Federal financial assistance for a project, the Sec-
7 retary shall require the public partner, not later than 3
8 years after the date of opening of the project to traffic—

9 (1) to conduct a review of the project, including
10 a review of the compliance of the private partner
11 with the terms of the public-private partnership
12 agreement;

13 (2)(A) to certify to the Secretary that the pri-
14 vate partner of the public-private partnership is
15 meeting the terms of the public-private partnership
16 agreement for the project; or

17 (B) to notify the Secretary that the private
18 partner of the public-private partnership has not
19 met 1 or more of the terms of the public-private
20 partnership agreement for the project, including a
21 brief description of each violation of the public-pri-
22 vate partnership agreement; and

23 (3) to make publicly available the certification
24 or notification, as applicable, under paragraph (2) in

1 a form that does not disclose any proprietary or con-
2 fidential business information.

3 (c) NOTIFICATION.—If the Secretary provides Fed-
4 eral financial assistance to a project carried out through
5 a public-private partnership, not later than 30 days after
6 the date on which the Federal financial assistance is first
7 obligated, the Secretary shall submit to the Committee on
8 Environment and Public Works of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives a notification of the Federal fi-
11 nancial assistance made available for the project.

12 (d) VALUE FOR MONEY ANALYSIS.—

13 (1) PROJECT APPROVAL AND OVERSIGHT.—Sec-
14 tion 106(h)(3) of title 23, United States Code, is
15 amended—

16 (A) in subparagraph (C), by striking
17 “and” at the end;

18 (B) by redesignating subparagraph (D) as
19 subparagraph (E); and

20 (C) by inserting after subparagraph (C)
21 the following:

22 “(D) for a project in which the project
23 sponsor intends to carry out the project
24 through a public-private partnership agreement,
25 shall include a detailed value for money analysis

1 or similar comparative analysis for the project;
2 and”.

3 (2) SURFACE TRANSPORTATION BLOCK GRANT
4 PROGRAM.—Paragraph (21) of section 133(b) of
5 title 23, United States Code (as redesignated by sec-
6 tion 1109(a)(1)(C)), is amended by inserting “, in-
7 cluding conducting value for money analyses or simi-
8 lar comparative analyses,” after “oversight”.

9 (3) TIFIA.—Section 602(a) of title 23, United
10 States Code, is amended by adding at the end the
11 following:

12 “(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the
13 case of a project to be carried out through a public-
14 private partnership, the public partner shall have—

15 “(A) conducted a value for money analysis
16 or similar comparative analysis; and

17 “(B) determined the appropriateness of the
18 public-private partnership agreement.”.

19 (e) APPLICABILITY.—This section and the amend-
20 ments made by this section shall only apply to a public-
21 private partnership agreement entered into on or after the
22 date of enactment of this Act.

23 **SEC. 11509. RECONNECTING COMMUNITIES PILOT PRO-**
24 **GRAM.**

25 (a) DEFINITION OF ELIGIBLE FACILITY.—

1 (1) IN GENERAL.—In this section, the term “el-
2 igible facility” means a highway or other transpor-
3 tation facility that creates a barrier to community
4 connectivity, including barriers to mobility, access,
5 or economic development, due to high speeds, grade
6 separations, or other design factors.

7 (2) INCLUSIONS.—In this section, the term “eli-
8 gible facility” may include—

9 (A) a limited access highway;

10 (B) a viaduct; and

11 (C) any other principal arterial facility.

12 (b) ESTABLISHMENT.—The Secretary shall establish
13 a pilot program through which an eligible entity may apply
14 for funding, in order to restore community connectivity—

15 (1) to study the feasibility and impacts of re-
16 moving, retrofitting, or mitigating an existing eligi-
17 ble facility;

18 (2) to conduct planning activities necessary to
19 design a project to remove, retrofit, or mitigate an
20 existing eligible facility; and

21 (3) to conduct construction activities necessary
22 to carry out a project to remove, retrofit, or mitigate
23 an existing eligible facility.

24 (c) PLANNING GRANTS.—

1 (1) ELIGIBLE ENTITIES.—The Secretary may
2 award a grant (referred to in this section as a “plan-
3 ning grant”) to carry out planning activities de-
4 scribed in paragraph (2) to—

- 5 (A) a State;
- 6 (B) a unit of local government;
- 7 (C) a Tribal government;
- 8 (D) a metropolitan planning organization;
- 9 and
- 10 (E) a nonprofit organization.

11 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The
12 planning activities referred to in paragraph (1)
13 are—

14 (A) planning studies to evaluate the feasi-
15 bility of removing, retrofitting, or mitigating an
16 existing eligible facility to restore community
17 connectivity, including evaluations of—

18 (i) current traffic patterns on the eli-
19 gible facility proposed for removal, retrofit,
20 or mitigation and the surrounding street
21 network;

22 (ii) the capacity of existing transpor-
23 tation networks to maintain mobility
24 needs;

1 (iii) an analysis of alternative roadway
2 designs or other uses for the right-of-way
3 of the eligible facility, including an analysis
4 of whether the available right-of-way would
5 suffice to create an alternative roadway de-
6 sign;

7 (iv) the effect of the removal, retrofit,
8 or mitigation of the eligible facility on the
9 mobility of freight and people;

10 (v) the effect of the removal, retrofit,
11 or mitigation of the eligible facility on the
12 safety of the traveling public;

13 (vi) the cost to remove, retrofit, or
14 mitigate the eligible facility—

15 (I) to restore community
16 connectivity; and

17 (II) to convert the eligible facility
18 to a different roadway design or use,
19 compared to any expected costs for
20 necessary maintenance or reconstruc-
21 tion of the eligible facility;

22 (vii) the anticipated economic impact
23 of removing, retrofitting, or mitigating and
24 converting the eligible facility and any eco-
25 nomic development opportunities that

1 would be created by removing, retrofitting,
2 or mitigating and converting the eligible
3 facility; and

4 (viii) the environmental impacts of re-
5 taining or reconstructing the eligible facil-
6 ity and the anticipated effect of the pro-
7 posed alternative use or roadway design;

8 (B) public engagement activities to provide
9 opportunities for public input into a plan to re-
10 move and convert an eligible facility; and

11 (C) other transportation planning activities
12 required in advance of a project to remove, ret-
13 rofit, or mitigate an existing eligible facility to
14 restore community connectivity, as determined
15 by the Secretary.

16 (3) TECHNICAL ASSISTANCE PROGRAM.—

17 (A) IN GENERAL.—The Secretary may
18 provide technical assistance described in sub-
19 paragraph (B) to an eligible entity.

20 (B) TECHNICAL ASSISTANCE DE-
21 SCRIBED.—The technical assistance referred to
22 in subparagraph (A) is technical assistance in
23 building organizational or community capac-
24 ity—

1 (i) to engage in transportation plan-
2 ning; and

3 (ii) to identify innovative solutions to
4 infrastructure challenges, including recon-
5 necting communities that—

6 (I) are bifurcated by eligible fa-
7 cilities; or

8 (II) lack safe, reliable, and af-
9 fordable transportation choices.

10 (C) PRIORITIES.—In selecting recipients of
11 technical assistance under subparagraph (A),
12 the Secretary shall give priority to an applica-
13 tion from a community that is economically dis-
14 advantaged.

15 (4) SELECTION.—The Secretary shall—

16 (A) solicit applications for—

17 (i) planning grants; and

18 (ii) technical assistance under para-
19 graph (3); and

20 (B) evaluate applications for a planning
21 grant on the basis of the demonstration by the
22 applicant that—

23 (i) the eligible facility is aged and is
24 likely to need replacement or significant re-
25 construction within the 20-year period be-

1 ginning on the date of the submission of
2 the application;

3 (ii) the eligible facility—

4 (I) creates barriers to mobility,
5 access, or economic development; or

6 (II) is not justified by current
7 and forecast future travel demand;
8 and

9 (iii) on the basis of preliminary inves-
10 tigations into the feasibility of removing,
11 retrofitting, or mitigating the eligible facil-
12 ity to restore community connectivity, fur-
13 ther investigation is necessary and likely to
14 be productive.

15 (5) AWARD AMOUNTS.—A planning grant may
16 not exceed \$2,000,000 per recipient.

17 (6) FEDERAL SHARE.—The total Federal share
18 of the cost of a planning activity for which a plan-
19 ning grant is used shall not exceed 80 percent.

20 (d) CAPITAL CONSTRUCTION GRANTS.—

21 (1) ELIGIBLE ENTITIES.—The Secretary may
22 award a grant (referred to in this section as a “cap-
23 ital construction grant”) to the owner of an eligible
24 facility to carry out an eligible project described in
25 paragraph (3) for which all necessary feasibility

1 studies and other planning activities have been com-
2 pleted.

3 (2) PARTNERSHIPS.—An owner of an eligible
4 facility may, for the purposes of submitting an appli-
5 cation for a capital construction grant, if applicable,
6 partner with—

7 (A) a State;

8 (B) a unit of local government;

9 (C) a Tribal government;

10 (D) a metropolitan planning organization;

11 or

12 (E) a nonprofit organization.

13 (3) ELIGIBLE PROJECTS.—A project eligible to
14 be carried out with a capital construction grant in-
15 cludes—

16 (A) the removal, retrofit, or mitigation of
17 an eligible facility; and

18 (B) the replacement of an eligible facility
19 with a new facility that—

20 (i) restores community connectivity;

21 and

22 (ii) is—

23 (I) sensitive to the context of the
24 surrounding community; and

1 (II) otherwise eligible for funding
2 under title 23, United States Code.

3 (4) SELECTION.—The Secretary shall—

4 (A) solicit applications for capital construc-
5 tion grants; and

6 (B) evaluate applications on the basis of—

7 (i) the degree to which the project will
8 improve mobility and access through the
9 removal of barriers;

10 (ii) the appropriateness of removing,
11 retrofitting, or mitigating the eligible facil-
12 ity, based on current traffic patterns and
13 the ability of the replacement facility and
14 the regional transportation network to ab-
15 sorb transportation demand and provide
16 safe mobility and access;

17 (iii) the impact of the project on
18 freight movement;

19 (iv) the results of a cost-benefit anal-
20 ysis of the project;

21 (v) the opportunities for inclusive eco-
22 nomic development;

23 (vi) the degree to which the eligible
24 facility is out of context with the current
25 or planned land use;

1 (vii) the results of any feasibility
2 study completed for the project; and

3 (viii) the plan of the applicant for—

4 (I) employing residents in the
5 area impacted by the project through
6 targeted hiring programs, in partner-
7 ship with registered apprenticeship
8 programs, if applicable; and

9 (II) contracting and subcon-
10 tracting with disadvantaged business
11 enterprises.

12 (5) MINIMUM AWARD AMOUNTS.—A capital
13 construction grant shall be in an amount not less
14 than \$5,000,000 per recipient.

15 (6) FEDERAL SHARE.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), a capital construction grant may not
18 exceed 50 percent of the total cost of the
19 project for which the grant is awarded.

20 (B) MAXIMUM FEDERAL INVOLVEMENT.—
21 Federal assistance other than a capital con-
22 struction grant may be used to satisfy the non-
23 Federal share of the cost of a project for which
24 the grant is awarded, except that the total Fed-
25 eral assistance provided for a project for which

1 the grant is awarded may not exceed 80 percent
2 of the total cost of the project.

3 (7) COMMUNITY ADVISORY BOARD.—

4 (A) IN GENERAL.—To help achieve inclu-
5 sive economic development benefits with respect
6 to the project for which a grant is awarded, a
7 grant recipient may form a community advisory
8 board, which shall—

9 (i) facilitate community engagement
10 with respect to the project; and

11 (ii) track progress with respect to
12 commitments of the grant recipient to in-
13 clusive employment, contracting, and eco-
14 nomic development under the project.

15 (B) MEMBERSHIP.—If a grant recipient
16 forms a community advisory board under sub-
17 paragraph (A), the community advisory board
18 shall be composed of representatives of—

19 (i) the community;

20 (ii) owners of businesses that serve
21 the community;

22 (iii) labor organizations that represent
23 workers that serve the community; and

24 (iv) State and local government.

25 (e) REPORTS.—

1 (1) USDOT REPORT ON PROGRAM.—Not later
2 than January 1, 2026, the Secretary shall submit to
3 the Committee on Environment and Public Works of
4 the Senate and the Committee on Transportation
5 and Infrastructure of the House of Representatives
6 a report that evaluates the program under this sec-
7 tion, including—

8 (A) information about the level of appli-
9 cant interest in planning grants, technical as-
10 sistance under subsection (c)(3), and capital
11 construction grants, including the extent to
12 which overall demand exceeded available funds;
13 and

14 (B) for recipients of capital construction
15 grants, the outcomes and impacts of the high-
16 way removal project, including—

17 (i) any changes in the overall level of
18 mobility, congestion, access, and safety in
19 the project area; and

20 (ii) environmental impacts and eco-
21 nomic development opportunities in the
22 project area.

23 (2) GAO REPORT ON HIGHWAY REMOVALS.—
24 Not later than 2 years after the date of enactment

1 of this Act, the Comptroller General of the United
2 States shall issue a report that—

3 (A) identifies examples of projects to re-
4 move highways using Federal highway funds;

5 (B) evaluates the effect of highway re-
6 moval projects on the surrounding area, includ-
7 ing impacts to the local economy, congestion ef-
8 fects, safety outcomes, and impacts on the
9 movement of freight and people;

10 (C) evaluates the existing Federal-aid pro-
11 gram eligibility under title 23, United States
12 Code, for highway removal projects;

13 (D) analyzes the costs and benefits of and
14 barriers to removing underutilized highways
15 that are nearing the end of their useful life
16 compared to replacing or reconstructing the
17 highway; and

18 (E) provides recommendations for inte-
19 grating those assessments into transportation
20 planning and decision-making processes.

21 (f) TECHNICAL ASSISTANCE.—Of the funds made
22 available to carry out this section for planning grants, the
23 Secretary may use not more than \$15,000,000 during the
24 period of fiscal years 2022 through 2026 to provide tech-
25 nical assistance under subsection (c)(3).

1 (g) TREATMENT OF PROJECTS.—Notwithstanding
2 any other provision of law, a project assisted under this
3 section shall be treated as a project on a Federal-aid high-
4 way under chapter 1 of title 23, United States Code.

5 **SEC. 11510. CYBERSECURITY TOOL; CYBER COORDINATOR.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Federal
9 Highway Administration.

10 (2) CYBER INCIDENT.—The term “cyber inci-
11 dent” has the meaning given the term “incident” in
12 section 3552 of title 44, United States Code.

13 (3) TRANSPORTATION AUTHORITY.—The term
14 “transportation authority” means—

15 (A) a public authority (as defined in sec-
16 tion 101(a) of title 23, United States Code);

17 (B) an owner or operator of a highway (as
18 defined in section 101(a) of title 23, United
19 States Code);

20 (C) a manufacturer that manufactures a
21 product related to transportation; and

22 (D) a division office of the Federal High-
23 way Administration.

24 (b) CYBERSECURITY TOOL.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall develop a tool to assist transportation authori-
4 ties in identifying, detecting, protecting against, re-
5 sponding to, and recovering from cyber incidents.

6 (2) REQUIREMENTS.—In developing the tool
7 under paragraph (1), the Administrator shall—

8 (A) use the cybersecurity framework estab-
9 lished by the National Institute of Standards
10 and Technology and required by Executive
11 Order 13636 of February 12, 2013 (78 Fed.
12 Reg. 11739; relating to improving critical infra-
13 structure cybersecurity);

14 (B) establish a structured cybersecurity as-
15 sessment and development program;

16 (C) coordinate with the Transportation Se-
17 curity Administration and the Cybersecurity
18 and Infrastructure Security Agency;

19 (D) consult with appropriate transpor-
20 tation authorities, operating agencies, industry
21 stakeholders, and cybersecurity experts; and

22 (E) provide for a period of public comment
23 and review on the tool.

24 (c) DESIGNATION OF CYBER COORDINATOR.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall designate an office as a “cyber coordinator”,
4 which shall be responsible for monitoring, alerting,
5 and advising transportation authorities of cyber inci-
6 dents.

7 (2) REQUIREMENTS.—The office designated
8 under paragraph (1) shall, in coordination with the
9 Transportation Security Administration and the Cy-
10 bersecurity and Infrastructure Security Agency—

11 (A) provide to transportation authorities a
12 secure method of notifying the Federal High-
13 way Administration of cyber incidents;

14 (B) share the information collected under
15 subparagraph (A) with the Transportation Se-
16 curity Administration and the Cybersecurity
17 and Infrastructure Security Agency;

18 (C) monitor cyber incidents that affect
19 transportation authorities;

20 (D) alert transportation authorities to
21 cyber incidents that affect those transportation
22 authorities;

23 (E) investigate unaddressed cyber inci-
24 dents that affect transportation authorities; and

1 (F) provide to transportation authorities
2 educational resources, outreach, and awareness
3 on fundamental principles and best practices in
4 cybersecurity for transportation systems.

5 **SEC. 11511. REPORT ON EMERGING ALTERNATIVE FUEL VE-**
6 **HICLES AND INFRASTRUCTURE.**

7 (a) DEFINITIONS.—In this section:

8 (1) EMERGING ALTERNATIVE FUEL VEHICLE.—
9 The term “emerging alternative fuel vehicle” means
10 a vehicle fueled by hydrogen, natural gas, or pro-
11 pane.

12 (2) EMERGING ALTERNATIVE FUELING INFRA-
13 STRUCTURE.—The term “emerging alternative fuel-
14 ing infrastructure” means infrastructure for fueling
15 an emerging alternative fuel vehicle.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, to help guide future investments
18 for emerging alternative fueling infrastructure, the Sec-
19 retary shall submit to Congress and make publicly avail-
20 able a report that—

21 (1) includes an evaluation of emerging alter-
22 native fuel vehicles and projections for potential lo-
23 cations of emerging alternative fuel vehicle owners
24 during the 5-year period beginning on the date of
25 submission of the report;

1 (2) identifies areas where emerging alternative
2 fueling infrastructure will be needed to meet the cur-
3 rent and future needs of drivers during the 5-year
4 period beginning on the date of submission of the re-
5 port;

6 (3) identifies specific areas, such as a lack of
7 pipeline infrastructure, that may impede deployment
8 and adoption of emerging alternative fuel vehicles;

9 (4) includes a map that identifies concentra-
10 tions of emerging alternative fuel vehicles to meet
11 the needs of current and future emerging alternative
12 fueling infrastructure;

13 (5) estimates the future need for emerging al-
14 ternative fueling infrastructure to support the adop-
15 tion and use of emerging alternative fuel vehicles;
16 and

17 (6) includes a tool to allow States to compare
18 and evaluate different adoption and use scenarios for
19 emerging alternative fuel vehicles, with the ability to
20 adjust factors to account for regionally specific char-
21 acteristics.

22 **SEC. 11512. NONHIGHWAY RECREATIONAL FUEL STUDY.**

23 (a) DEFINITIONS.—In this section:

24 (1) HIGHWAY TRUST FUND.—The term “High-
25 way Trust Fund” means the Highway Trust Fund

1 established by section 9503(a) of the Internal Rev-
2 enue Code of 1986.

3 (2) NONHIGHWAY RECREATIONAL FUEL
4 TAXES.—The term “nonhighway recreational fuel
5 taxes” means taxes under section 4041 and 4081 of
6 the Internal Revenue Code of 1986 with respect to
7 fuel used in vehicles on recreational trails or back
8 country terrain (including vehicles registered for
9 highway use when used on recreational trails, trail
10 access roads not eligible for funding under title 23,
11 United States Code, or back country terrain).

12 (3) RECREATIONAL TRAILS PROGRAM.—The
13 term “recreational trails program” means the rec-
14 reational trails program under section 206 of title
15 23, United States Code.

16 (b) ASSESSMENT; REPORT.—

17 (1) ASSESSMENT.—Not later than 1 year after
18 the date of enactment of this Act and not less fre-
19 quently than once every 5 years thereafter, as deter-
20 mined by the Secretary, the Secretary shall carry
21 out an assessment of the best available estimate of
22 the total amount of nonhighway recreational fuel
23 taxes received by the Secretary of the Treasury and
24 transferred to the Highway Trust Fund for the pe-
25 riod covered by the assessment.

1 (2) REPORT.—After carrying out each assess-
2 ment under paragraph (1), the Secretary shall sub-
3 mit to the Committees on Finance and Environment
4 and Public Works of the Senate and the Committees
5 on Ways and Means and Transportation and Infra-
6 structure of the House of Representatives a report
7 that includes—

8 (A) to assist Congress in determining an
9 appropriate funding level for the recreational
10 trails program—

11 (i) a description of the results of the
12 assessment; and

13 (ii) an evaluation of whether the cur-
14 rent recreational trails program funding
15 level reflects the amount of nonhighway
16 recreational fuel taxes collected and trans-
17 ferred to the Highway Trust Fund; and

18 (B) in the case of the first report sub-
19 mitted under this paragraph, an estimate of the
20 frequency with which the Secretary anticipates
21 carrying out the assessment under paragraph
22 (1), subject to the condition that such an as-
23 sessment shall be carried out not less frequently
24 than once every 5 years.

1 (c) CONSULTATION.—In carrying out an assessment
2 under subsection (b)(1), the Secretary may consult with,
3 as the Secretary determines to be appropriate—

4 (1) the heads of—

5 (A) State agencies designated by Gov-
6 ernors pursuant to section 206(c)(1) of title 23,
7 United States Code, to administer the rec-
8 reational trails program; and

9 (B) division offices of the Department;

10 (2) the Secretary of the Treasury;

11 (3) the Administrator of the Federal Highway
12 Administration; and

13 (4) groups representing recreational activities
14 and interests, including hiking, biking and mountain
15 biking, horseback riding, water trails, snowshoeing,
16 cross-country skiing, snowmobiling, off-highway
17 motorcycling, all-terrain vehicles and other offroad
18 motorized vehicle activities, and recreational trail ad-
19 vocates.

20 **SEC. 11513. BUY AMERICA.**

21 Section 313 of title 23, United States Code, is
22 amended—

23 (1) by redesignating subsection (g) as sub-
24 section (h); and

1 (2) by inserting after subsection (f) the fol-
2 lowing:

3 “(g) WAIVERS.—

4 “(1) IN GENERAL.—Not less than 15 days be-
5 fore issuing a waiver under this section, the Sec-
6 retary shall provide to the public—

7 “(A) notice of the proposed waiver;

8 “(B) an opportunity for comment on the
9 proposed waiver; and

10 “(C) the reasons for the proposed waiver.

11 “(2) REPORT.—Not less frequently than annu-
12 ally, the Secretary shall submit to the Committee on
13 Environment and Public Works of the Senate and
14 the Committee on Transportation and Infrastructure
15 of the House of Representatives a report on the
16 waivers provided under this section.”.

17 **SEC. 11514. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
18 **HIGHWAY SYSTEM.**

19 (a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of
20 the Intermodal Surface Transportation Efficiency Act of
21 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat.
22 3018) is amended by adding at the end the following:

23 “(92) United States Route 421 from the inter-
24 change with Interstate Route 85 in Greensboro,

1 North Carolina, to the interchange with Interstate
2 Route 95 in Dunn, North Carolina.

3 “(93) The South Mississippi Corridor from the
4 Louisiana and Mississippi border near Natchez, Mis-
5 sissippi, to Gulfport, Mississippi, shall generally fol-
6 low—

7 “(A) United States Route 84 from the
8 Louisiana border at the Mississippi River pass-
9 ing in the vicinity of Natchez, Brookhaven,
10 Monticello, Prentiss, and Collins, Mississippi, to
11 the logical terminus with Interstate Route 59 in
12 the vicinity of Laurel, Mississippi, and con-
13 tinuing on Interstate Route 59 south to the vi-
14 cinity of Hattiesburg, Mississippi; and

15 “(B) United States Route 49 from the vi-
16 cinity of Hattiesburg, Mississippi, south to
17 Interstate Route 10 in the vicinity of Gulfport,
18 Mississippi, following Mississippi Route 601
19 south and terminating near the Mississippi
20 State Port at Gulfport.

21 “(94) The Kosciusko to Gulf Coast corridor
22 commencing at the logical terminus of Interstate
23 Route 55 near Vaiden, Mississippi, running south
24 and passing east of the vicinity of the Jackson Ur-
25 banized Area, connecting to United States Route 49

1 north of Hattiesburg, Mississippi, and generally fol-
2 lowing United States Route 49 to a logical connec-
3 tion with Interstate Route 10 in the vicinity of Gulf-
4 port, Mississippi.

5 “(95) The Interstate Route 22 spur from the
6 vicinity of Tupelo, Mississippi, running south gen-
7 erally along United States Route 45 to the vicinity
8 of Shannon, Mississippi.

9 “(96) The route that generally follows United
10 States Route 412 from its intersection with Inter-
11 state Route 35 in Noble County, Oklahoma, passing
12 through Tulsa, Oklahoma, to its intersection with
13 Interstate Route 49 in Springdale, Arkansas.

14 “(97) The Louie B. Nunn Cumberland Ex-
15 pressway from the interchange with Interstate Route
16 65 in Barren County, Kentucky, east to the inter-
17 change with United States Highway 27 in Somerset,
18 Kentucky.

19 “(98) The route that generally follows State
20 Route 7 from Grenada, Mississippi, to Holly
21 Springs, Mississippi, passing in the vicinity of
22 Coffeeville, Water Valley, Oxford, and Abbeville,
23 Mississippi, to its logical connection with Interstate
24 Route 22 in the vicinity of Holly Springs, Mis-
25 sissippi.”.

1 (b) DESIGNATION AS FUTURE INTERSTATES.—Sec-
2 tion 1105(e)(5)(A) of the Intermodal Surface Transpor-
3 tation Efficiency Act of 1991 (Public Law 102–240; 109
4 Stat. 597; 133 Stat. 3018) is amended in the first sen-
5 tence by striking “and subsection (c)(91)” and inserting
6 “subsection (c)(91), subsection (c)(92), subsection
7 (c)(93)(A), subsection (c)(94), subsection (c)(95), sub-
8 section (c)(96), and subsection (c)(97)”.

9 (c) NUMBERING OF PARKWAY.—Section
10 1105(e)(5)(C)(i) of the Intermodal Surface Transpor-
11 tation Efficiency Act of 1991 (Public Law 102–240; 109
12 Stat. 598; 133 Stat. 3018) is amended by adding at the
13 end the following: “The route referred to in subsection
14 (c)(97) is designated as Interstate Route I–365.”.

15 (d) GAO REPORT ON DESIGNATION OF SEGMENTS
16 AS PART OF INTERSTATE SYSTEM.—

17 (1) DEFINITION OF APPLICABLE SEGMENT.—In
18 this subsection, the term “applicable segment”
19 means the route described in paragraph (92) of sec-
20 tion 1105(e) of the Intermodal Surface Transpor-
21 tation Efficiency Act of 1991 (Public Law 102–240;
22 105 Stat. 2032).

23 (2) REPORT.—

24 (A) IN GENERAL.—Not later than 2 years
25 after the date on which the applicable segment

1 is open for operations as part of the Interstate
2 System, the Comptroller General of the United
3 States shall submit to Congress a report on the
4 impact, if any, during that 2-year period of al-
5 lowing the continuation of weight limits that
6 applied before the designation of the applicable
7 segment as a route on the Interstate System.

8 (B) REQUIREMENTS.—The report under
9 subparagraph (A) shall—

10 (i) be informed by the views and docu-
11 mentation provided by the State highway
12 agency (or equivalent agency) in the State
13 in which the applicable segment is located;

14 (ii) describe any impacts on safety
15 and infrastructure on the applicable seg-
16 ment;

17 (iii) describe any view of the State
18 highway agency (or equivalent agency) in
19 the State in which the applicable segment
20 is located on the impact of the applicable
21 segment; and

22 (iv) focus only on the applicable seg-
23 ment.

1 **SEC. 11515. INTERSTATE WEIGHT LIMITS.**

2 Section 127 of title 23, United States Code, is
3 amended—

4 (1) in subsection (l)(3)(A)—

5 (A) in the matter preceding clause (i), in
6 the first sentence, by striking “clauses (i)
7 through (iv) of this subparagraph” and insert-
8 ing “clauses (i) through (v)”;

9 (B) by adding at the end the following:

10 “(v) The Louie B. Nunn Cumberland
11 Expressway (to be designated as a spur of
12 Interstate Route 65) from the interchange
13 with Interstate Route 65 in Barren Coun-
14 ty, Kentucky, east to the interchange with
15 United States Highway 27 in Somerset,
16 Kentucky.”;

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

18 “(v) OPERATION OF VEHICLES ON CERTAIN NORTH
19 CAROLINA HIGHWAYS.—If any segment in the State of
20 North Carolina of United States Route 17, United States
21 Route 29, United States Route 52, United States Route
22 64, United States Route 70, United States Route 74,
23 United States Route 117, United States Route 220,
24 United States Route 264, or United States Route 421 is
25 designated as a route on the Interstate System, a vehicle
26 that could operate legally on that segment before the date

1 of such designation may continue to operate on that seg-
2 ment, without regard to any requirement under subsection
3 (a).

4 “(w) OPERATION OF VEHICLES ON CERTAIN OKLA-
5 HOMA HIGHWAYS.—If any segment of the highway re-
6 ferred to in paragraph (96) of section 1105(c) of the
7 Intermodal Surface Transportation Efficiency Act of 1991
8 (Public Law 102–240; 105 Stat. 2032) is designated as
9 a route on the Interstate System, a vehicle that could op-
10 erate legally on that segment before the date of such des-
11 ignation may continue to operate on that segment, without
12 any regard to any requirement under this section.”.

13 **SEC. 11516. REPORT ON AIR QUALITY IMPROVEMENTS.**

14 (a) IN GENERAL.—Not later than 3 years after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall submit a report that evaluates
17 the congestion mitigation and air quality improvement
18 program under section 149 of title 23, United States Code
19 (referred to in this section as the “program”), to—

20 (1) the Committee on Environment and Public
21 Works of the Senate; and

22 (2) the Committee on Transportation and In-
23 frastructure of the House of Representatives.

24 (b) CONTENTS.—The evaluation under subsection (a)
25 shall include an evaluation of—

1 (1) the reductions of ozone, carbon monoxide,
2 and particulate matter that result from projects
3 under the program;

4 (2) the cost-effectiveness of the reductions de-
5 scribed in paragraph (1);

6 (3) the result of investments of funding under
7 the program in minority and low-income commu-
8 nities that are disproportionately affected by ozone,
9 carbon monoxide, and particulate matter;

10 (4) the effectiveness, with respect to the attain-
11 ment or maintenance of national ambient air quality
12 standards under section 109 of the Clean Air Act
13 (42 U.S.C. 7409) for ozone, carbon monoxide, and
14 particulate matter, of performance measures estab-
15 lished under section 150(c)(5) of title 23, United
16 States Code, and performance targets established
17 under subsection (d) of that section for traffic con-
18 gestion and on-road mobile source emissions;

19 (5) the extent to which there are any types of
20 projects that are not eligible funding under the pro-
21 gram that would be likely to contribute to the at-
22 tainment or maintenance of the national ambient air
23 quality standards described in paragraph (4); and

1 (6) the extent to which projects under the pro-
2 gram reduce sulfur dioxide, nitrogen dioxide, and
3 lead.

4 **SEC. 11517. ROADSIDE HIGHWAY SAFETY HARDWARE.**

5 (a) IN GENERAL.—To the maximum extent prac-
6 ticable, the Secretary shall develop a process for third
7 party verification of full-scale crash testing results from
8 crash test labs, including a method for formally verifying
9 the testing outcomes and providing for an independent
10 pass/fail determination. In establishing such a process, the
11 Secretary shall seek to ensure the independence of crash
12 test labs by ensuring that those labs have a clear separa-
13 tion between device development and testing in cases in
14 which lab employees test devices that were developed with-
15 in the parent organization of the employee.

16 (b) CONTINUED ISSUANCE OF ELIGIBILITY LET-
17 TERS.—Until the implementation of the process described
18 in subsection (a) is complete, the Secretary may, and is
19 encouraged to, ensure that the Administrator of the Fed-
20 eral Highway Administration continues to issue Federal-
21 aid reimbursement eligibility letters for roadside safety
22 hardware as a service to States.

23 (c) REPORT TO CONGRESS.—

24 (1) IN GENERAL.—If the Secretary seeks to dis-
25 continue issuing the letters described in subsection

1 (b), the Secretary shall submit to the Committee on
2 Environment and Public Works of the Senate and
3 the Committee on Transportation and Infrastructure
4 of the House of Representatives a report at least 1
5 year before discontinuing the letters.

6 (2) INCLUSIONS.—The report described in
7 paragraph (1) shall include a summary of the third-
8 party verification process described in subsection (a)
9 that will replace the Federal Highway Administra-
10 tion issuance of eligibility letters and any other rel-
11 evant information that the Secretary deems nec-
12 essary.

13 **SEC. 11518. PERMEABLE PAVEMENTS STUDY.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall carry
16 out a study—

17 (1) to gather existing information on the effects
18 of permeable pavements on flood control in different
19 contexts, including in urban areas, and over the life-
20 time of the permeable pavement;

21 (2) to perform research to fill gaps in the exist-
22 ing information gathered under paragraph (1); and

23 (3) to develop—

24 (A) models for the performance of per-
25 meable pavements in flood control; and

1 (B) best practices for designing permeable
2 pavement to meet flood control requirements.

3 (b) DATA SURVEY.—In carrying out the study under
4 subsection (a), the Secretary shall develop—

5 (1) a summary, based on available literature
6 and models, of localized flood control capabilities of
7 permeable pavement that considers long-term per-
8 formance and cost information; and

9 (2) best practices for the design of localized
10 flood control using permeable pavement that con-
11 sider long-term performance and cost information.

12 (c) PUBLICATION.—The Secretary shall make a re-
13 port describing the results of the study under subsection
14 (a) publicly available.

15 **SEC. 11519. EMERGENCY RELIEF PROJECTS.**

16 (a) DEFINITION OF EMERGENCY RELIEF
17 PROJECT.—In this section, the term “emergency relief
18 project” means a project carried out under the emergency
19 relief program under section 125 of title 23, United States
20 Code.

21 (b) IMPROVING THE EMERGENCY RELIEF PRO-
22 GRAM.—Not later than 90 days after the date of enact-
23 ment of this Act, the Secretary shall—

24 (1) revise the emergency relief manual of the
25 Federal Highway Administration—

1 (A) to include and reflect the definition of
2 the term “resilience” (as defined in section
3 101(a) of title 23, United States Code);

4 (B) to identify procedures that States may
5 use to incorporate resilience into emergency re-
6 lief projects; and

7 (C) to encourage the use of Complete
8 Streets design principles and consideration of
9 access for moderate- and low-income families
10 impacted by a declared disaster;

11 (2) develop best practices for improving the use
12 of resilience in—

13 (A) the emergency relief program under
14 section 125 of title 23, United States Code; and

15 (B) emergency relief efforts;

16 (3) provide to division offices of the Federal
17 Highway Administration and State departments of
18 transportation information on the best practices de-
19 veloped under paragraph (2); and

20 (4) develop and implement a process to track—

21 (A) the consideration of resilience as part
22 of the emergency relief program under section
23 125 of title 23, United States Code; and

24 (B) the costs of emergency relief projects.

1 **SEC. 11520. STUDY ON STORMWATER BEST MANAGEMENT**
2 **PRACTICES.**

3 (a) STUDY.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary and the Adminis-
5 trator of the Environment Protection Agency shall offer
6 to enter into an agreement with the Transportation Re-
7 search Board of the National Academy of Sciences to con-
8 duct a study—

9 (1) to estimate pollutant loads from stormwater
10 runoff from highways and pedestrian facilities eligi-
11 ble for assistance under title 23, United States
12 Code, to inform the development of appropriate total
13 maximum daily load (as defined in section 130.2 of
14 title 40, Code of Federal Regulations (or successor
15 regulations)) requirements;

16 (2) to provide recommendations regarding the
17 evaluation and selection by State departments of
18 transportation of potential stormwater management
19 and total maximum daily load compliance strategies
20 within a watershed, including environmental restora-
21 tion and pollution abatement carried out under sec-
22 tion 328 of title 23, United States Code (including
23 any revisions to law (including regulations) that the
24 Transportation Research Board determines to be ap-
25 propriate); and

1 (3) to examine the potential for the Secretary
2 to assist State departments of transportation in car-
3 rying out and communicating stormwater manage-
4 ment practices for highways and pedestrian facilities
5 that are eligible for assistance under title 23, United
6 States Code, through information-sharing agree-
7 ments, database assistance, or an administrative
8 platform to provide the information described in
9 paragraphs (1) and (2) to entities issued permits
10 under the Federal Water Pollution Control Act (33
11 U.S.C. 1251 et seq.).

12 (b) REQUIREMENTS.—If the Transportation Re-
13 search Board enters into an agreement under subsection
14 (a), in conducting the study under that subsection, the
15 Transportation Research Board shall—

16 (1) review and supplement, as appropriate, the
17 methodologies examined and recommended in the re-
18 port of the National Academies of Sciences, Engi-
19 neering, and Medicine entitled “Approaches for De-
20 termining and Complying with TMDL Requirements
21 Related to Roadway Stormwater Runoff” and dated
22 2019;

23 (2) consult with—

24 (A) the Secretary;

1 (B) the Administrator of the Environ-
2 mental Protection Agency;

3 (C) the Secretary of the Army, acting
4 through the Chief of Engineers; and

5 (D) State departments of transportation;
6 and

7 (3) solicit input from—

8 (A) stakeholders with experience in imple-
9 menting stormwater management practices for
10 projects; and

11 (B) educational and technical stormwater
12 management groups.

13 (c) REPORT.—If the Transportation Research Board
14 enters into an agreement under subsection (a), not later
15 than 18 months after the date of enactment of this Act,
16 the Transportation Research Board shall submit to the
17 Secretary, the Committee on Environment and Public
18 Works of the Senate, and the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 a report describing the results of the study.

21 **SEC. 11521. STORMWATER BEST MANAGEMENT PRACTICES**

22 **REPORTS.**

23 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Highway Administration.

4 (2) BEST MANAGEMENT PRACTICES REPORT.—
5 The term “best management practices report”
6 means—

7 (A) the 2014 report sponsored by the Ad-
8 ministrator entitled “Determining the State of
9 the Practice in Data Collection and Perform-
10 ance Measurement of Stormwater Best Man-
11 agement Practices”; and

12 (B) the 1997 report sponsored by the Ad-
13 ministrator entitled “Stormwater Best Manage-
14 ment Practices in an Ultra-Urban Setting: Se-
15 lection and Monitoring”.

16 (b) REISSUANCE.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator shall up-
18 date and reissue each best management practices report
19 to reflect new information and advancements in
20 stormwater management.

21 (c) UPDATES.—Not less frequently than once every
22 5 years after the date on which the Administrator reissues
23 a best management practices report described in sub-
24 section (b), the Administrator shall update and reissue the

1 best management practices report until the earlier of the
2 date on which—

3 (1) the best management practices report is
4 withdrawn; or

5 (2) the contents of the best management prac-
6 tices report are incorporated (including by reference)
7 into applicable regulations of the Administrator.

8 **SEC. 11522. INVASIVE PLANT ELIMINATION PROGRAM.**

9 (a) DEFINITIONS.—In this section:

10 (1) INVASIVE PLANT.—The term “invasive
11 plant” means a nonnative plant, tree, grass, or weed
12 species, including, at a minimum, cheatgrass,
13 *Ventenata dubia*, medusahead, bulbous bluegrass,
14 Japanese brome, rattail fescue, Japanese honey-
15 suckle, phragmites, autumn olive, Bradford pear,
16 wild parsnip, sericea lespedeza, spotted knapweed,
17 garlic mustard, and palmer amaranth.

18 (2) PROGRAM.—The term “program” means
19 the grant program established under subsection (b).

20 (3) TRANSPORTATION CORRIDOR.—The term
21 “transportation corridor” means a road, highway,
22 railroad, or other surface transportation route.

23 (b) ESTABLISHMENT.—The Secretary shall carry out
24 a program to provide grants to States to eliminate or con-
25 trol existing invasive plants or prevent introduction of or

1 encroachment by new invasive plants along and in areas
2 adjacent to transportation corridor rights-of-way.

3 (c) APPLICATION.—To be eligible to receive a grant
4 under the program, a State shall submit to the Secretary
5 an application at such time, in such manner, and con-
6 taining such information as the Secretary may require.

7 (d) ELIGIBLE ACTIVITIES.—

8 (1) IN GENERAL.—Subject to this subsection, a
9 State that receives a grant under the program may
10 use the grant funds to carry out activities to elimi-
11 nate or control existing invasive plants or prevent in-
12 troduction of or encroachment by new invasive
13 plants along and in areas adjacent to transportation
14 corridor rights-of-way.

15 (2) PRIORITIZATION OF PROJECTS.—In car-
16 rying out the program, the Secretary shall give pri-
17 ority to projects that utilize revegetation with native
18 plants and wildflowers, including those that are pol-
19 linator-friendly.

20 (3) PROHIBITION ON CERTAIN USES OF
21 FUNDS.—Amounts provided to a State under the
22 program may not be used for costs relating to mow-
23 ing a transportation corridor right-of-way or the ad-
24 jacent area unless—

1 (A) mowing is identified as the best means
2 of treatment according to best management
3 practices; or

4 (B) mowing is used in conjunction with an-
5 other treatment.

6 (4) LIMITATION.—Not more than 10 percent of
7 the amounts provided to a State under the program
8 may be used for the purchase of equipment.

9 (5) ADMINISTRATIVE AND INDIRECT COSTS.—
10 Not more than 5 percent of the amounts provided to
11 a State under the program may be used for the ad-
12 ministrative and other indirect costs (such as full
13 time employee salaries, rent, insurance, subscrip-
14 tions, utilities, and office supplies) of carrying out
15 eligible activities.

16 (e) REQUIREMENTS.—

17 (1) COORDINATION.—In carrying out eligible
18 activities with a grant under the program, a State
19 shall coordinate with—

20 (A) units of local government, political
21 subdivisions of the State, and Tribal authorities
22 that are carrying out eligible activities in the
23 areas to be treated;

1 (B) local regulatory authorities, in the case
2 of a treatment along or adjacent to a railroad
3 right-of-way; and

4 (C) with respect to the most effective road-
5 side control methods, State and Federal land
6 management agencies and any relevant Tribal
7 authorities.

8 (2) ANNUAL REPORT.—Not later than 1 year
9 after the date on which a State receives a grant
10 under the program, and annually thereafter, that
11 State shall provide to the Secretary an annual report
12 on the treatments carried out using funds from the
13 grant.

14 (f) FEDERAL SHARE.—

15 (1) IN GENERAL.—The Federal share of the
16 cost of an eligible activity carried out using funds
17 from a grant under the program shall be—

18 (A) in the case of a project that utilizes re-
19 vegetation with native plants and wildflowers,
20 including those that are pollinator-friendly, 75
21 percent; and

22 (B) in the case of any other project not de-
23 scribed in subparagraph (A), 50 percent.

24 (2) CERTAIN FUNDS COUNTED TOWARD NON-
25 FEDERAL SHARE.—A State may include amounts ex-

1 pended by the State or a unit of local government
2 in the State to address current invasive plant popu-
3 lations and prevent future infestation along or in
4 areas adjacent to transportation corridor rights-of-
5 way in calculating the non-Federal share required
6 under the program.

7 (g) FUNDING.—There is authorized to be appro-
8 priated to carry out the program \$50,000,000 for each
9 of fiscal years 2022 through 2026.

10 **SEC. 11523. OVER-THE-ROAD BUS TOLLING EQUITY.**

11 Section 129(a) of title 23, United States Code, is
12 amended—

13 (1) in paragraph (3)(B)(i), by inserting “, to-
14 gether with the results of the audit under paragraph
15 (9)(C),” after “the audits”; and

16 (2) in paragraph (9)—

17 (A) by striking “An over-the-road” and in-
18 serting the following:

19 “(A) IN GENERAL.—An over-the-road”;

20 (B) in subparagraph (A) (as so des-
21 ignated), by striking “public transportation
22 buses” and inserting “public transportation ve-
23 hicles”; and

24 (C) by adding at the end the following:

25 “(B) REPORTS.—

1 “(i) IN GENERAL.—Not later than 90
2 days after the date of enactment of this
3 subparagraph, a public authority that op-
4 erates a toll facility shall report to the Sec-
5 retary any rates, terms, or conditions for
6 access to the toll facility by public trans-
7 portation vehicles that differ from the
8 rates, terms, or conditions applicable to
9 over-the-road buses.

10 “(ii) UPDATES.—A public authority
11 that operates a toll facility shall report to
12 the Secretary any change to the rates,
13 terms, or conditions for access to the toll
14 facility by public transportation vehicles
15 that differ from the rates, terms, or condi-
16 tions applicable to over-the-road buses by
17 not later than 30 days after the date on
18 which the change takes effect.

19 “(iii) PUBLICATION.—The Secretary
20 shall publish information reported to the
21 Secretary under clauses (i) and (ii) on a
22 publicly accessible internet website.

23 “(C) ANNUAL AUDIT.—

1 “(i) IN GENERAL.—A public authority
2 (as defined in section 101(a)) with juris-
3 diction over a toll facility shall—

4 “(I) conduct or have an inde-
5 pendent auditor conduct an annual
6 audit of toll facility records to verify
7 compliance with this paragraph; and

8 “(II) report the results of the
9 audit, together with the results of the
10 audit under paragraph (3)(B), to the
11 Secretary.

12 “(ii) RECORDS.—After providing rea-
13 sonable notice, a public authority described
14 in clause (i) shall make all records of the
15 public authority pertaining to the toll facil-
16 ity available for audit by the Secretary.

17 “(iii) NONCOMPLIANCE.—If the Sec-
18 retary determines that a public authority
19 described in clause (i) has not complied
20 with this paragraph, the Secretary may re-
21 quire the public authority to discontinue
22 collecting tolls until an agreement with the
23 Secretary is reached to achieve compli-
24 ance.”.

1 **SEC. 11524. BRIDGE TERMINOLOGY.**

2 (a) CONDITION OF NHS BRIDGES.—Section
3 119(f)(2) of title 23, United States Code, is amended by
4 striking “structurally deficient” each place it appears and
5 inserting “in poor condition”.

6 (b) NATIONAL BRIDGE AND TUNNEL INVEN-
7 TORIES.—Section 144(b)(5) of title 23, United States
8 Code, is amended by striking “structurally deficient
9 bridge” and inserting “bridge classified as in poor condi-
10 tion”.

11 (c) TRIBAL TRANSPORTATION FACILITY BRIDGES.—
12 Section 202(d) of title 23, United States Code, is amend-
13 ed—

14 (1) in paragraph (1), by striking “deficient
15 bridges eligible for the tribal transportation pro-
16 gram” and inserting “bridges eligible for the tribal
17 transportation program classified as in poor condi-
18 tion, having low load capacity, or needing geometric
19 improvements”; and

20 (2) in paragraph (3)(C), by striking “struc-
21 turally deficient or functionally obsolete” and insert-
22 ing “classified as in poor condition, having a low
23 load capacity, or needing geometric improvements”.

24 **SEC. 11525. TECHNICAL CORRECTIONS.**

25 (a) Section 101(b)(1) of title 23, United States Code,
26 is amended by inserting “Highways” after “and Defense”.

1 (b) Section 104(f)(3) of title 23, United States Code,
2 is amended—

3 (1) in the paragraph heading, by striking “FED-
4 ERAL HIGHWAY ADMINISTRATION” and inserting
5 “AN OPERATING ADMINISTRATION OF THE DEPART-
6 MENT OF TRANSPORTATION”; and

7 (2) in subparagraph (A), by striking “the Fed-
8 eral Highway Administration” and inserting “an op-
9 erating administration of the Department of Trans-
10 portation”.

11 (c) Section 108(c)(3)(F) of title 23, United States
12 Code, is amended—

13 (1) by inserting “of 1969 (42 U.S.C. 4321 et
14 seq.)” after “Policy Act”; and

15 (2) by striking “this Act” and inserting “this
16 title”.

17 (d) Section 112(b)(2) of title 23, United States Code,
18 is amended by striking “(F) (F) Subparagraphs” and in-
19 serting the following:

20 “(F) EXCLUSION.—Subparagraphs”.

21 (e) Section 115(c) of title 23, United States Code,
22 is amended by striking “section 135(f)” and inserting
23 “section 135(g)”.

24 (f) Section 130(g) of title 23, United States Code,
25 is amended—

1 (1) in the third sentence—

2 (A) by striking “and Transportation,” and
3 inserting “and Transportation”; and

4 (B) by striking “thereafter,,” and inserting
5 “thereafter,”; and

6 (2) in the fifth sentence, by striking “railroad
7 highway” and inserting “railway-highway”.

8 (g) Section 135(g) of title 23, United States Code,
9 is amended—

10 (1) in paragraph (3), by striking “operators),,”
11 and inserting “operators,”; and

12 (2) in paragraph (6)(B), by striking “5310,
13 5311, 5316, and 5317” and inserting “5310 and
14 5311”.

15 (h) Section 139 of title 23, United States Code (as
16 amended by section 11301), is amended—

17 (1) in subsection (b)(1), by inserting “(42
18 U.S.C. 4321 et seq.)” after “of 1969”;

19 (2) in subsection (c), by inserting “(42 U.S.C.
20 4321 et seq.)” after “of 1969” each place it ap-
21 pears; and

22 (3) in subsection (k)(2), by inserting “(42
23 U.S.C. 4321 et seq.)” after “of 1969”.

1 (i) Section 140(a) of title 23, United States Code,
2 is amended, in the third sentence, by inserting a comma
3 after “Secretary”.

4 (j) Section 148(i)(2)(D) of title 23, United States
5 Code, is amended by striking “safety safety” and inserting
6 “safety”.

7 (k) Section 166(a)(1) of title 23, United States Code,
8 is amended by striking the paragraph designation and
9 heading and all that follows through “A public authority”
10 and inserting the following:

11 “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A
12 public authority”.

13 (l) Section 201(c)(6)(A)(ii) of title 23, United States
14 Code, is amended by striking “(25 U.S.C. 450 et seq.)”
15 and inserting “(25 U.S.C. 5301 et seq.)”.

16 (m) Section 202 of title 23, United States Code, is
17 amended—

18 (1) by striking “(25 U.S.C. 450 et seq.)” each
19 place it appears and inserting “(25 U.S.C. 5301 et
20 seq.)”;

21 (2) in subsection (a)(10)(B), by striking “(25
22 U.S.C. 450e(b))” and inserting “(25 U.S.C.
23 5307(b))”; and

1 (3) in subsection (b)(5), in the matter pre-
2 ceding subparagraph (A), by inserting “the” after
3 “agreement under”.

4 (n) Section 206(d)(2)(G) of title 23, United States
5 Code, is amended by striking “use of recreational trails”
6 and inserting “uses of recreational trails”.

7 (o) Section 207 of title 23, United States Code, is
8 amended—

9 (1) in subsection (g)—

10 (A) by striking “(25 U.S.C. 450j–1)” and
11 inserting “(25 U.S.C. 5325)”; and

12 (B) by striking “(25 U.S.C. 450j–1(f))”
13 and inserting “(25 U.S.C. 5325(f))”;

14 (2) in subsection (l)—

15 (A) in paragraph (1), by striking “(25
16 U.S.C. 458aaa–5)” and inserting “(25 U.S.C.
17 5386)”;

18 (B) in paragraph (2), by striking “(25
19 U.S.C. 458aaa–6)” and inserting “(25 U.S.C.
20 5387)”;

21 (C) in paragraph (3), by striking “(25
22 U.S.C. 458aaa–7)” and inserting “(25 U.S.C.
23 5388)”;

1 (D) in paragraph (4), by striking “(25
2 U.S.C. 458aaa–9)” and inserting “(25 U.S.C.
3 5390)”;

4 (E) in paragraph (5), by striking “(25
5 U.S.C. 458aaa–10)” and inserting “(25 U.S.C.
6 5391)”;

7 (F) in paragraph (6), by striking “(25
8 U.S.C. 458aaa–11)” and inserting “(25 U.S.C.
9 5392)”;

10 (G) in paragraph (7), by striking “(25
11 U.S.C. 458aaa–14)” and inserting “(25 U.S.C.
12 5395)”;

13 (H) in paragraph (8), by striking “(25
14 U.S.C. 458aaa–15)” and inserting “(25 U.S.C.
15 5396)”;

16 (I) in paragraph (9), by striking “(25
17 U.S.C. 458aaa–17)” and inserting “(25 U.S.C.
18 5398)”;

19 (3) in subsection (m)(2)—

20 (A) by striking “505” and inserting
21 “501”; and

22 (B) by striking “(25 U.S.C. 450b;
23 458aaa)” and inserting “(25 U.S.C. 5304;
24 5381)”.

1 (p) Section 217(d) of title 23, United States Code,
2 is amended by striking “104(b)(3)” and inserting
3 “104(b)(4)”.

4 (q) Section 323(d) of title 23, United States Code,
5 is amended in the matter preceding paragraph (1), in the
6 second sentence, by inserting “(42 U.S.C. 4321 et seq.)”
7 after “of 1969”.

8 (r) Section 325 of title 23, United States Code, is
9 repealed.

10 (s) Section 504(g)(6) of title 23, United States Code,
11 is amended by striking “make grants or to” and inserting
12 “make grants to”.

13 (t) The analysis for chapter 3 of title 23, United
14 States Code, is amended by striking the item relating to
15 section 325.

16 **SEC. 11526. WORKING GROUP ON COVERED RESOURCES.**

17 (a) DEFINITIONS.—In this section:

18 (1) COVERED RESOURCE.—The term “covered
19 resource” means a common variety material used in
20 transportation infrastructure construction and main-
21 tenance, including stone, sand, and gravel.

22 (2) STATE.—The term “State” means each of
23 the several States, the District of Columbia, and
24 each territory or possession of the United States.

1 (3) WORKING GROUP.—The term “Working
2 Group” means the working group established under
3 subsection (b).

4 (b) ESTABLISHMENT.—Not later than 120 days after
5 the date of enactment of this Act, the Secretary shall es-
6 tablish a working group to conduct a study on access to
7 covered resources for infrastructure projects.

8 (c) MEMBERSHIP.—

9 (1) APPOINTMENT.—The Secretary shall ap-
10 point to the Working Group individuals with knowl-
11 edge and expertise in the production and transpor-
12 tation of covered resources.

13 (2) REPRESENTATION.—The Working Group
14 shall include not less than 1 representative of each
15 of the following:

16 (A) State departments of transportation.

17 (B) State agencies associated with covered
18 resources protection.

19 (C) State planning and geologic survey and
20 mapping agencies.

21 (D) Commercial motor vehicle operators,
22 including small business operators and opera-
23 tors who transport covered resources.

24 (E) Covered resources producers.

25 (F) Construction contractors.

1 (G) Labor organizations.

2 (H) Metropolitan planning organizations
3 and regional planning organizations.

4 (I) Indian Tribes, including Tribal elected
5 leadership or Tribal transportation officials.

6 (J) Any other stakeholders that the Sec-
7 retary determines appropriate.

8 (3) TERMINATION.—The Working Group shall
9 terminate 180 days after the date on which the Sec-
10 retary receives the report under subsection (f)(1).

11 (d) DUTIES.—In carrying out the study required
12 under subsection (b), the Working Group shall analyze—

13 (1) the use of covered resources in transpor-
14 tation projects funded with Federal dollars;

15 (2) how the proximity of covered resources to
16 such projects affects the cost and environmental im-
17 pact of those projects;

18 (3) whether and how State, Tribal, and local
19 transportation and planning agencies consider cov-
20 ered resources when developing transportation
21 projects; and

22 (4) any challenges for transportation project
23 sponsors regarding access and proximity to covered
24 resources.

1 (e) CONSULTATION.—In carrying out the study re-
2 quired under subsection (b), the Working Group shall con-
3 sult with, as appropriate—

4 (1) chief executive officers of States;

5 (2) State, Tribal, and local transportation and
6 planning agencies;

7 (3) other relevant State, Tribal, and local agen-
8 cies, including State agencies associated with cov-
9 ered resources protection;

10 (4) members of the public with industry experi-
11 ence with respect to covered resources;

12 (5) other Federal entities that provide funding
13 for transportation projects; and

14 (6) any other stakeholder the Working Group
15 determines appropriate.

16 (f) REPORTS.—

17 (1) WORKING GROUP REPORT.—Not later than
18 2 years after the date on which the Working Group
19 is established, the Working Group shall submit to
20 the Secretary a report that includes—

21 (A) the findings of the study required
22 under subsection (b), including a summary of
23 comments received during the consultation
24 process under subsection (e); and

1 (B) any recommendations to preserve ac-
2 cess to and reduce the costs and environmental
3 impacts of covered resources for infrastructure
4 projects.

5 (2) DEPARTMENTAL REPORT.—Not later than
6 90 days after the date on which the Secretary re-
7 ceives the report under paragraph (1), the Secretary
8 shall submit to the Committee on Transportation
9 and Infrastructure of the House of Representatives
10 and the Committee on Environment and Public
11 Works of the Senate a summary of the findings
12 under the report and any recommendations, as ap-
13 propriate.

14 **SEC. 11527. BLOOD TRANSPORT VEHICLES.**

15 Section 166(b) of title 23, United States Code, is
16 amended by adding at the end the following:

17 “(6) BLOOD TRANSPORT VEHICLES.—The pub-
18 lic authority may allow blood transport vehicles that
19 are transporting blood between a collection point
20 and a hospital or storage center to use the HOV fa-
21 cility if the public authority establishes requirements
22 for clearly identifying such vehicles.”.

1 **SEC. 11528. POLLINATOR-FRIENDLY PRACTICES ON ROAD-**
2 **SIDES AND HIGHWAY RIGHTS-OF-WAY.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United
4 States Code (as amended by section 11309(a)), is amend-
5 ed by adding at the end the following:

6 **“§ 332. Pollinator-friendly practices on roadsides and**
7 **highway rights-of-way**

8 “(a) IN GENERAL.—The Secretary shall establish a
9 program to provide grants to eligible entities to carry out
10 activities to benefit pollinators on roadsides and highway
11 rights-of-way, including the planting and seeding of na-
12 tive, locally-appropriate grasses and wildflowers, including
13 milkweed.

14 “(b) ELIGIBLE ENTITIES.—An entity eligible to re-
15 ceive a grant under this section is—

16 “(1) a State department of transportation;

17 “(2) an Indian tribe; or

18 “(3) a Federal land management agency.

19 “(c) APPLICATION.—To be eligible to receive a grant
20 under this section, an eligible entity shall submit to the
21 Secretary an application at such time, in such manner,
22 and containing such information as the Secretary may re-
23 quire, including a pollinator-friendly practices plan de-
24 scribed in subsection (d).

25 “(d) POLLINATOR-FRIENDLY PRACTICES PLAN.—

1 proaches such as mechanical tree and brush re-
2 moval, targeted and judicious use of herbicides,
3 and mowing, to address weed issues on road-
4 sides and highway rights-of-way;

5 “(C) planting or seeding of native, locally-
6 appropriate grasses and wildflowers, including
7 milkweed, on roadsides and highway rights-of-
8 way to enhance pollinator habitat, including lar-
9 val host plants;

10 “(D) removing nonnative grasses from
11 planting and seeding mixes, except for use as
12 nurse or cover crops;

13 “(E) obtaining expert training or assist-
14 ance on pollinator-friendly practices, includ-
15 ing—

16 “(i) native plant identification;

17 “(ii) establishment and management
18 of locally-appropriate native plants that
19 benefit pollinators;

20 “(iii) land management practices that
21 benefit pollinators; and

22 “(iv) pollinator-focused integrated
23 vegetation management; or

24 “(F) any other pollinator-friendly practices
25 the Secretary determines to be appropriate.

1 “(2) COORDINATION.—In developing a plan
2 under paragraph (1), an eligible entity that is a
3 State department of transportation or a Federal
4 land management agency shall coordinate with appli-
5 cable State agencies, including State agencies with
6 jurisdiction over agriculture and fish and wildlife.

7 “(3) CONSULTATION.—In developing a plan
8 under paragraph (1)—

9 “(A) an eligible entity that is a State de-
10 partment of transportation or a Federal land
11 management agency shall consult with affected
12 or interested Indian tribes; and

13 “(B) any eligible entity may consult with
14 nonprofit organizations, institutions of higher
15 education, metropolitan planning organizations,
16 and any other relevant entities.

17 “(e) AWARD OF GRANTS.—

18 “(1) IN GENERAL.—The Secretary shall provide
19 a grant to each eligible entity that submits an appli-
20 cation under subsection (c), including a plan under
21 subsection (d), that the Secretary determines to be
22 satisfactory.

23 “(2) AMOUNT OF GRANTS.—The amount of a
24 grant under this section—

1 “(A) shall be based on the number of polli-
2 nator-friendly practices the eligible entity has
3 implemented or plans to implement; and

4 “(B) shall not exceed \$150,000.

5 “(f) USE OF FUNDS.—An eligible entity that receives
6 a grant under this section shall use the funds for the im-
7 plementation, improvement, or further development of the
8 plan under subsection (d).

9 “(g) FEDERAL SHARE.—The Federal share of the
10 cost of an activity carried out with a grant under this sec-
11 tion shall be 100 percent.

12 “(h) BEST PRACTICES.—The Secretary shall develop
13 and make available to eligible entities best practices for,
14 and a priority ranking of, pollinator-friendly practices on
15 roadsides and highway rights-of-way.

16 “(i) TECHNICAL ASSISTANCE.—On request of an eli-
17 gible entity that receives a grant under this section, the
18 Secretary shall provide technical assistance with the imple-
19 mentation, improvement, or further development of a plan
20 under subsection (d).

21 “(j) ADMINISTRATIVE COSTS.—For each fiscal year,
22 the Secretary may use not more than 2 percent of the
23 amounts made available to carry out this section for the
24 administrative costs of carrying out this section.

1 “(k) REPORT.—Not later than 1 year after the date
2 on which the first grant is provided under this section,
3 the Secretary shall submit to the Committee on Environ-
4 ment and Public Works of the Senate and the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives a report on the implementation of the pro-
7 gram under this section.

8 “(l) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$2,000,000 for
11 each of fiscal years 2022 through 2026.

12 “(2) AVAILABILITY.—Amounts made available
13 under this section shall remain available for a period
14 of 3 years after the last day of the fiscal year for
15 which the funds are authorized.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 3 of title 23, United States Code (as amended by sec-
18 tion 11309(b)), is amended by adding at the end the fol-
19 lowing:

“332. Pollinator-friendly practices on roadsides and highway rights-of-way.”.

20 **SEC. 11529. ACTIVE TRANSPORTATION INFRASTRUCTURE**
21 **INVESTMENT PROGRAM.**

22 (a) IN GENERAL.—Subject to the availability of ap-
23 propriations, the Secretary shall carry out an active trans-
24 portation infrastructure investment program to make
25 grants, on a competitive basis, to eligible organizations to

1 construct eligible projects to provide safe and connected
2 active transportation facilities in an active transportation
3 network or active transportation spine.

4 (b) APPLICATION.—

5 (1) IN GENERAL.—To be eligible to receive a
6 grant under this section, an eligible organization
7 shall submit to the Secretary an application in such
8 manner and containing such information as the Sec-
9 retary may require.

10 (2) ELIGIBLE PROJECTS PARTIALLY ON FED-
11 ERAL LAND.—With respect to an application for an
12 eligible project that is located in part on Federal
13 land, an eligible organization shall enter into a coop-
14 erative agreement with the appropriate Federal
15 agency with jurisdiction over such land to submit an
16 application described in paragraph (1).

17 (c) APPLICATION CONSIDERATIONS.—In making a
18 grant for construction of an active transportation network
19 or active transportation spine under this section, the Sec-
20 retary shall consider the following:

21 (1) Whether the eligible organization submitted
22 a plan for an eligible project for the development of
23 walking and bicycling infrastructure that is likely to
24 provide substantial additional opportunities for walk-
25 ing and bicycling, including effective plans—

1 (A) to create an active transportation net-
2 work connecting destinations within or between
3 communities, including schools, workplaces,
4 residences, businesses, recreation areas, and
5 other community areas, or create an active
6 transportation spine connecting two or more
7 communities, metropolitan regions, or States;
8 and

9 (B) to integrate active transportation fa-
10 cilities with transit services, where available, to
11 improve access to public transportation.

12 (2) Whether the eligible organization dem-
13 onstrates broad community support through—

14 (A) the use of public input in the develop-
15 ment of transportation plans; and

16 (B) the commitment of community leaders
17 to the success and timely implementation of an
18 eligible project.

19 (3) Whether the eligible organization provides
20 evidence of commitment to traffic safety, regula-
21 tions, financial incentives, or community design poli-
22 cies that facilitate significant increases in walking
23 and bicycling.

24 (4) The extent to which the eligible organiza-
25 tion demonstrates commitment of State, local, or eli-

1 gible Federal matching funds, and land or in-kind
2 contributions, in addition to the local match required
3 under subsection (f)(1), unless the applicant quali-
4 fies for an exception under subsection (f)(2).

5 (5) The extent to which the eligible organiza-
6 tion demonstrates that the grant will address exist-
7 ing disparities in bicyclist and pedestrian fatality
8 rates based on race or income level or provide access
9 to jobs and services for low-income communities and
10 disadvantaged communities.

11 (6) Whether the eligible organization dem-
12 onstrates how investment in active transportation
13 will advance safety for pedestrians and cyclists, ac-
14 cessibility to jobs and key destinations, economic
15 competitiveness, environmental protection, and qual-
16 ity of life.

17 (d) USE OF FUNDS.—

18 (1) IN GENERAL.—Of the amounts made avail-
19 able to carry out this section and subject to para-
20 graphs (2) and (3), the Secretary shall obligate—

21 (A) not less than 30 percent to eligible
22 projects that construct active transportation
23 networks that connect people with public trans-
24 portation, businesses, workplaces, schools, resi-

1 dences, recreation areas, and other community
2 activity centers; and

3 (B) not less than 30 percent to eligible
4 projects that construct active transportation
5 spines.

6 (2) PLANNING AND DESIGN GRANTS.—Each fis-
7 cal year, the Secretary shall set aside not less than
8 \$3,000,000 of the funds made available to carry out
9 this section to provide planning grants for eligible
10 organizations to develop plans for active transpor-
11 tation networks and active transportation spines.

12 (3) ADMINISTRATIVE COSTS.—Each fiscal year,
13 the Secretary shall set aside not more than
14 \$2,000,000 of the funds made available to carry out
15 this section to cover the costs of administration, re-
16 search, technical assistance, communications, and
17 training activities under the program.

18 (4) LIMITATION ON STATUTORY CONSTRUC-
19 TION.—Nothing in this subsection prohibits an eligi-
20 ble organization from receiving research or other
21 funds under title 23 or 49, United States Code.

22 (e) GRANT TIMING.—

23 (1) REQUEST FOR APPLICATION.—Not later
24 than 30 days after funds are made available to carry
25 out this section for a fiscal year, the Secretary shall

1 publish in the Federal Register a request for appli-
2 cations for grants under this section for that fiscal
3 year.

4 (2) SELECTION OF GRANT RECIPIENTS.—Not
5 later than 150 days after funds are made available
6 to carry out this section for a fiscal year, the Sec-
7 retary shall select grant recipients of grants under
8 this section for that fiscal year.

9 (f) FEDERAL SHARE.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the Federal share of the cost of an eligi-
12 ble project carried out using a grant under this sec-
13 tion shall not exceed 80 percent of the total project
14 cost.

15 (2) EXCEPTION FOR DISADVANTAGED COMMU-
16 NITIES.—For eligible projects serving communities
17 with a poverty rate of over 40 percent based on the
18 majority of census tracts served by the eligible
19 project, the Secretary may increase the Federal
20 share of the cost of the eligible project up to 100
21 percent of the total project cost.

22 (g) ASSISTANCE TO INDIAN TRIBES.—In carrying
23 out this section, the Secretary may enter into grant agree-
24 ments, self-determination contracts, and self-governance
25 compacts under the Indian Self-Determination and Edu-

1 cation Assistance Act (25 U.S.C. 5301 et seq.) with Indian
2 tribes that are eligible organizations, and such agree-
3 ments, contracts, and compacts shall be administered in
4 accordance with that Act.

5 (h) REPORTS.—

6 (1) INTERIM REPORT.—Not later than Sep-
7 tember 30, 2024, the Secretary shall submit to Con-
8 gress a report containing the information described
9 in paragraph (3).

10 (2) FINAL REPORT.—Not later than September
11 30, 2026, the Secretary shall submit to Congress a
12 report containing the information described in para-
13 graph (3).

14 (3) REPORT INFORMATION.—A report sub-
15 mitted under this subsection shall contain the fol-
16 lowing, with respect to the period covered by the ap-
17 plicable report:

18 (A) A list of grants made under this sec-
19 tion.

20 (B) Best practices of eligible organizations
21 that receive grants under this section in imple-
22 menting eligible projects.

23 (C) Impediments experienced by eligible
24 organizations that receive grants under this sec-

1 tion in developing and shifting to active trans-
2 portation.

3 (i) **RULE REQUIRED.**—Not later than 1 year after
4 the date of enactment of this Act, the Secretary shall issue
5 a final rule that encourages the use of the programmatic
6 categorical exclusion, expedited procurement techniques,
7 and other best practices to facilitate productive and timely
8 expenditures for eligible projects that are small, low-im-
9 pact, and constructed within an existing built environ-
10 ment.

11 (j) **AUTHORIZATION OF APPROPRIATIONS.**—

12 (1) **IN GENERAL.**—There is authorized to be
13 appropriated to the Secretary to carry out this sec-
14 tion \$200,000,000 for each of fiscal years 2022
15 through 2026.

16 (2) **AVAILABILITY.**—The amounts made avail-
17 able to carry out this section shall remain available
18 until expended.

19 (k) **TREATMENT OF PROJECTS.**—Notwithstanding
20 any other provision of law, a project assisted under this
21 section shall be treated as a project on a Federal-aid high-
22 way under chapter 1 of title 23, United States Code.

23 (l) **DEFINITIONS.**—In this section:

24 (1) **ACTIVE TRANSPORTATION.**—The term “ac-
25 tive transportation” means mobility options powered

1 primarily by human energy, including bicycling and
2 walking.

3 (2) ACTIVE TRANSPORTATION NETWORK.—The
4 term “active transportation network” means facili-
5 ties built for active transportation, including side-
6 walks, bikeways, and pedestrian and bicycle trails,
7 that connect between destinations within a commu-
8 nity or metropolitan region.

9 (3) ACTIVE TRANSPORTATION SPINE.—The
10 term “active transportation spine” means facilities
11 built for active transportation, including sidewalks,
12 bikeways, and pedestrian and bicycle trails that con-
13 nect between communities, metropolitan regions, or
14 States.

15 (4) COMMUNITY.—The term “community”
16 means a geographic area that is socioeconomically
17 interdependent and may include rural, suburban,
18 and urban jurisdictions.

19 (5) ELIGIBLE ORGANIZATION.—The term “eligi-
20 ble organization” means—

21 (A) a local or regional governmental orga-
22 nization, including a metropolitan planning or-
23 ganization or regional planning organization or
24 council;

25 (B) a multicounty special district;

1 (C) a State;

2 (D) a multistate group of governments; or

3 (E) an Indian tribe.

4 (6) ELIGIBLE PROJECT.—The term “eligible
5 project” means an active transportation project or
6 group of projects—

7 (A) within or between a community or
8 group of communities, at least one of which
9 falls within the jurisdiction of an eligible orga-
10 nization, which has submitted an application
11 under this section; and

12 (B) that has—

13 (i) a total cost of not less than
14 \$15,000,000; or

15 (ii) with respect to planning and de-
16 sign grants, planning and design costs of
17 not less than \$100,000.

18 (7) INDIAN TRIBE.—The term “Indian tribe”
19 has the meaning given the term in section 4 of the
20 Indian Self-Determination and Education Assistance
21 Act (25 U.S.C. 5304).

22 (8) TOTAL PROJECT COST.—The term “total
23 project cost” means the sum total of all costs in-
24 curred in the development of an eligible project that

1 are approved by the Secretary as reasonable and
2 necessary, including—

3 (A) the cost of acquiring real property;

4 (B) the cost of site preparation, demoli-
5 tion, and development;

6 (C) expenses related to the issuance of
7 bonds or notes;

8 (D) fees in connection with the planning,
9 execution, and financing of the eligible project;

10 (E) the cost of studies, surveys, plans, per-
11 mits, insurance, interest, financing, tax, and as-
12 sessments;

13 (F) the cost of construction, rehabilitation,
14 reconstruction, and equipping the eligible
15 project;

16 (G) the cost of land improvements;

17 (H) contractor fees;

18 (I) the cost of training and education re-
19 lated to the safety of users of any bicycle or pe-
20 destrian network or spine constructed as part of
21 an eligible project; and

22 (J) any other cost that the Secretary de-
23 termines is necessary and reasonable.

1 **TITLE II—TRANSPORTATION IN-**
2 **FRASTRUCTURE FINANCE**
3 **AND INNOVATION**

4 **SEC. 12001. TRANSPORTATION INFRASTRUCTURE FINANCE**
5 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

6 (a) DEFINITIONS.—Section 601(a) of title 23, United
7 States Code, is amended—

8 (1) in subparagraph (E) of paragraph (10), by
9 striking “3 years” and inserting “5 years”; and

10 (2) in paragraph (12)—

11 (A) by striking subparagraph (E) and in-
12 serting the following:

13 “(E) a project to improve or construct
14 public infrastructure—

15 “(i) that—

16 “(I) is located within walking dis-
17 tance of, and accessible to, a fixed
18 guideway transit facility, passenger
19 rail station, intercity bus station, or
20 intermodal facility, including a trans-
21 portation, public utility, or capital
22 project described in section
23 5302(3)(G)(v) of title 49, and related
24 infrastructure; or

1 activities that generate revenue
2 exceeding costs; and

3 “(ii) for which, by not later than Sep-
4 tember 30, 2026, the Secretary has—

5 “(I) received a letter of interest;
6 and

7 “(II) determined that the project
8 is eligible for assistance;”;

9 (B) in subparagraph (F), by striking the
10 period at the end and inserting a semicolon;
11 and

12 (C) by adding at the end the following:

13 “(G) an eligible airport-related project (as
14 defined in section 40117(a) of title 49) for
15 which, not later than September 30, 2025, the
16 Secretary has—

17 “(i) received a letter of interest; and

18 “(ii) determined that the project is eli-
19 gible for assistance; and

20 “(H) a project for the acquisition of plant
21 and wildlife habitat pursuant to a conservation
22 plan that—

23 “(i) has been approved by the Sec-
24 retary of the Interior pursuant to section

1 10 of the Endangered Species Act of 1973
2 (16 U.S.C. 1539); and

3 “(ii) in the judgment of the Secretary,
4 would mitigate the environmental impacts
5 of transportation infrastructure projects
6 otherwise eligible for assistance under this
7 title.”.

8 (b) ELIGIBILITY.—Section 602(a)(2) of title 23,
9 United States Code, is amended—

10 (1) in subparagraph (A)(iv)—

11 (A) by striking “a rating” and inserting
12 “an investment-grade rating”; and

13 (B) by striking “\$75,000,000” and insert-
14 ing “\$150,000,000”; and

15 (2) in subparagraph (B)—

16 (A) by striking “the senior debt” and in-
17 serting “senior debt”; and

18 (B) by striking “credit instrument is for
19 an amount less than \$75,000,000” and insert-
20 ing “total amount of other senior debt and the
21 Federal credit instrument is less than
22 \$150,000,000”.

23 (c) FEDERAL REQUIREMENTS.—Section 602(c)(1) of
24 title 23, United States Code, is amended in the matter
25 preceding subparagraph (A) by striking “and the require-

1 ments of section 5333(a) of title 49 for rail projects,” and
2 inserting “the requirements of section 5333(a) of title 49
3 for rail projects, and the requirements of sections
4 47112(b) and 50101 of title 49 for airport-related
5 projects,”.

6 (d) PROCESSING TIMELINES.—Section 602(d) of title
7 23, United States Code, is amended—

8 (1) by redesignating paragraphs (1) and (2) as
9 paragraphs (2) and (3), respectively;

10 (2) in paragraph (3) (as so redesignated), by
11 striking “paragraph (1)” and inserting “paragraph
12 (2)”; and

13 (3) by inserting before paragraph (2) (as so re-
14 designated) the following:

15 “(1) PROCESSING TIMELINES.—Except in the
16 case of an application described in subsection (a)(8)
17 and to the maximum extent practicable, the Sec-
18 retary shall provide an applicant with a specific esti-
19 mate of the timeline for the approval or disapproval
20 of the application of the applicant, which, to the
21 maximum extent practicable, the Secretary shall en-
22 deavor to complete by not later than 150 days after
23 the date on which the applicant submits a letter of
24 interest to the Secretary.”.

1 (e) MATURITY DATE OF CERTAIN SECURED
2 LOANS.—Section 603(b)(5) of title 23, United States
3 Code, is amended—

4 (1) in subparagraph (A), in the matter pre-
5 ceding clause (i), by striking “subparagraph (B)”
6 and inserting “subparagraphs (B) and (C)”; and

7 (2) by adding at the end the following:

8 “(C) LONG LIVED ASSETS.—In the case of
9 a capital asset with an estimated life of more
10 than 50 years, the final maturity date of the se-
11 cured loan shall be the lesser of—

12 “(i) 75 years after the date of sub-
13 stantial completion of the project; or

14 “(ii) 75 percent of the estimated use-
15 ful life of the capital asset.”.

16 (f) SECURED LOANS.—Section 603(c)(4)(A) of title
17 23, United States Code, is amended—

18 (1) by striking “Any excess” and inserting the
19 following:

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), any excess”; and

22 (2) by adding at the end the following:

23 “(ii) CERTAIN APPLICANTS.—In the
24 case of a secured loan or other secured
25 Federal credit instrument provided after

1 “(i) the terms under paragraph (2);

2 and

3 “(ii) the additional criteria described
4 in subparagraph (B).

5 “(B) ADDITIONAL CRITERIA.—The addi-
6 tional criteria referred to in subparagraph
7 (A)(ii) are the following:

8 “(i) The secured loan is made on
9 terms and conditions that substantially
10 conform to the conventional terms and
11 conditions established by the National Sur-
12 face Transportation Innovative Finance
13 Bureau.

14 “(ii) The secured loan is rated in the
15 A category or higher.

16 “(iii) The TIFIA program share of el-
17 igible project costs is 33 percent or less.

18 “(iv) The applicant demonstrates a
19 reasonable expectation that the contracting
20 process for the project can commence by
21 not later than 90 days after the date on
22 which a Federal credit instrument is obli-
23 gated for the project under the TIFIA pro-
24 gram.

1 “(A) TRANSIT-ORIENTED DEVELOPMENT
2 PROJECTS.—For each fiscal year, the Secretary
3 may use to carry out projects described in sec-
4 tion 601(a)(12)(E) not more than 15 percent of
5 the amounts made available to carry out the
6 TIFIA program for that fiscal year.

7 “(B) AIRPORT-RELATED PROJECTS.—The
8 Secretary may use to carry out projects de-
9 scribed in section 601(a)(12)(G)—

10 “(i) for each fiscal year, not more
11 than 15 percent of the amounts made
12 available to carry out the TIFIA program
13 under the Surface Transportation Reau-
14 thorization Act of 2021 for that fiscal
15 year; and

16 “(ii) for the period of fiscal years
17 2022 through 2026, not more than 15 per-
18 cent of the unobligated carryover balances
19 (as of October 1, 2021).”; and

20 (C) by striking paragraph (6) (as so reded-
21 igned) and inserting the following:

22 “(6) ADMINISTRATIVE COSTS.—Of the amounts
23 made available to carry out the TIFIA program, the
24 Secretary may use not more than \$10,000,000 for

1 each of fiscal years 2022 through 2026 for the ad-
2 ministration of the TIFIA program.”.

3 (2) CONFORMING AMENDMENT.—Section
4 605(f)(1) of title 23, United States Code, is amend-
5 ed by striking “section 608(a)(5)” and inserting
6 “section 608(a)(6)”.

7 (j) STATUS REPORTS.—Section 609 of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(c) STATUS REPORTS.—

11 “(1) IN GENERAL.—The Secretary shall publish
12 on the website for the TIFIA program—

13 “(A) on a monthly basis, a current status
14 report on all submitted letters of interest and
15 applications received for assistance under the
16 TIFIA program; and

17 “(B) on a quarterly basis, a current status
18 report on all approved applications for assist-
19 ance under the TIFIA program.

20 “(2) INCLUSIONS.—Each monthly and quar-
21 terly status report under paragraph (1) shall in-
22 clude, at a minimum, with respect to each project in-
23 cluded in the status report—

24 “(A) the name of the party submitting the
25 letter of interest or application;

1 “(B) the name of the project;

2 “(C) the date on which the letter of inter-
3 est or application was received;

4 “(D) the estimated project eligible costs;

5 “(E) the type of credit assistance sought;

6 and

7 “(F) the anticipated fiscal year and quar-
8 ter for closing of the credit assistance.”.

9 (k) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-
10 tion 610 of title 23, United States Code, is amended—

11 (1) in subsection (d)—

12 (A) in paragraph (1)(A), by striking “fis-
13 cal years 2016 through 2020” and inserting
14 “fiscal years 2022 through 2026”;

15 (B) in paragraph (2), by striking “fiscal
16 years 2016 through 2020” and inserting “fiscal
17 years 2022 through 2026”; and

18 (C) in paragraph (3), by striking “fiscal
19 years 2016 through 2020” and inserting “fiscal
20 years 2022 through 2026”; and

21 (2) in subsection (k), by striking “fiscal years
22 2016 through 2020” and inserting “fiscal years
23 2022 through 2026”.

24 (l) REPORT.—Not later than September 30, 2025,
25 the Secretary shall submit to the Committee on Environ-

1 ment and Public Works of the Senate and the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives a report on the impact of the amendment
4 relating to airport-related projects under subsection
5 (a)(2)(C) and subsection (i)(1)(B), including—

6 (1) information on the use of TIFIA program
7 (as defined in section 601(a) of title 23, United
8 States Code) funds for eligible airport-related
9 projects (as defined in section 40117(a) of title 49,
10 United States Code); and

11 (2) recommendations for modifications to the
12 TIFIA program.

13 **TITLE III—RESEARCH,**
14 **TECHNOLOGY, AND EDUCATION**

15 **SEC. 13001. STRATEGIC INNOVATION FOR REVENUE COL-**
16 **LECTION.**

17 (a) IN GENERAL.—The Secretary shall establish a
18 program to test the feasibility of a road usage fee and
19 other user-based alternative revenue mechanisms (referred
20 to in this section as “user-based alternative revenue mech-
21 anisms”) to help maintain the long-term solvency of the
22 Highway Trust Fund, through pilot projects at the State,
23 local, and regional level.

24 (b) GRANTS.—

1 (1) IN GENERAL.—The Secretary shall provide
2 grants to eligible entities to carry out pilot projects
3 under this section.

4 (2) APPLICATIONS.—To be eligible for a grant
5 under this section, an eligible entity shall submit to
6 the Secretary an application at such time, in such
7 manner, and containing such information as the Sec-
8 retary may require.

9 (3) OBJECTIVES.—The Secretary shall ensure
10 that, in the aggregate, the pilot projects carried out
11 using funds provided under this section meet the fol-
12 lowing objectives:

13 (A) To test the design, acceptance, equity,
14 and implementation of user-based alternative
15 revenue mechanisms, including among—

16 (i) differing income groups; and

17 (ii) rural and urban drivers, as appli-
18 cable.

19 (B) To provide recommendations regarding
20 adoption and implementation of user-based al-
21 ternative revenue mechanisms.

22 (C) To quantify and minimize the adminis-
23 trative costs of any potential user-based alter-
24 native revenue mechanisms.

1 (D) To test a variety of solutions, includ-
2 ing the use of independent and private third-
3 party vendors, for the collection of data and
4 fees from user-based alternative revenue mecha-
5 nisms, including the reliability and security of
6 those solutions and vendors.

7 (E) To test solutions to ensure the privacy
8 and security of data collected for the purpose of
9 implementing a user-based alternative revenue
10 mechanism.

11 (F) To conduct public education and out-
12 reach to increase public awareness regarding
13 the need for user-based alternative revenue
14 mechanisms for surface transportation pro-
15 grams.

16 (G) To evaluate the ease of compliance and
17 enforcement of a variety of implementation ap-
18 proaches for different users of the surface
19 transportation system.

20 (H) To ensure, to the greatest extent prac-
21 ticable, the use of innovation.

22 (I) To consider, to the greatest extent
23 practicable, the potential for revenue collection
24 along a network of alternative fueling stations.

1 (J) To evaluate the impacts of the imposi-
2 tion of a user-based alternative revenue mecha-
3 nism on—

4 (i) transportation revenues;

5 (ii) personal mobility, driving pat-
6 terns, congestion, and transportation costs;

7 and

8 (iii) freight movement and costs.

9 (K) To evaluate options for the integration
10 of a user-based alternative revenue mechanism
11 with—

12 (i) nationwide transportation revenue
13 collections and regulations;

14 (ii) toll revenue collection platforms;

15 (iii) transportation network company
16 fees; and

17 (iv) any other relevant transportation
18 revenue mechanisms.

19 (4) ELIGIBLE ENTITY.—An entity eligible to
20 apply for a grant under this section is—

21 (A) a State or a group of States;

22 (B) a local government or a group of local
23 governments; or

24 (C) a metropolitan planning organization
25 (as defined in section 134(b) of title 23, United

1 States Code) or a group of metropolitan plan-
2 ning organizations.

3 (5) USE OF FUNDS.—An eligible entity that re-
4 ceives a grant under this section shall use the grant
5 to carry out a pilot project to address 1 or more of
6 the objectives described in paragraph (3).

7 (6) CONSIDERATION.—The Secretary shall con-
8 sider geographic diversity in awarding grants under
9 this subsection.

10 (7) FEDERAL SHARE.—The Federal share of
11 the cost of a pilot project carried out under this sec-
12 tion may not exceed—

13 (A) 80 percent of the total cost of a
14 project carried out by an eligible entity that has
15 not otherwise received a grant under this sec-
16 tion; and

17 (B) 70 percent of the total cost of a
18 project carried out by an eligible entity that has
19 received at least 1 grant under this section.

20 (c) LIMITATION ON REVENUE COLLECTED.—Any
21 revenue collected through a user-based alternative revenue
22 mechanism established using funds provided under this
23 section shall not be considered a toll under section 301
24 of title 23, United States Code.

1 (d) RECOMMENDATIONS AND REPORT.—Not later
2 than 3 years after the date of enactment of this Act, the
3 Secretary, in coordination with the Secretary of the Treas-
4 ury and the Federal System Funding Alternative Advisory
5 Board established under section 13002(g)(1), shall submit
6 to the Committee on Environment and Public Works of
7 the Senate and the Committee on Transportation and In-
8 frastructure of the House of Representatives a report
9 that—

10 (1) summarizes the results of the pilot projects
11 under this section and the national pilot program
12 under section 13002; and

13 (2) provides recommendations, if applicable, to
14 enable potential implementation of a nationwide
15 user-based alternative revenue mechanism.

16 (e) FUNDING.—

17 (1) IN GENERAL.—Of the funds made available
18 to carry out section 503(b) of title 23, United States
19 Code, for each of fiscal years 2022 through 2026
20 \$15,000,000 shall be used for pilot projects under
21 this section.

22 (2) FLEXIBILITY.—If, by August 1 of each fis-
23 cal year, the Secretary determines that there are not
24 enough grant applications to meet the requirements
25 of this section for that fiscal year, the Secretary

1 shall transfer to the national pilot program under
2 section 13002 or to the highway research and devel-
3 opment program under section 503(b) of title 23,
4 United States Code—

5 (A) any funds reserved for a fiscal year
6 under paragraph (1) that the Secretary has not
7 yet awarded under this section; and

8 (B) an amount of obligation limitation
9 equal to the amount of funds that the Secretary
10 transfers under subparagraph (A).

11 (f) REPEAL.—

12 (1) IN GENERAL.—Section 6020 of the FAST
13 Act (23 U.S.C. 503 note; Public Law 114–94) is re-
14 pealed.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1(b) of the FAST Act (Public Law
17 114–94; 129 Stat. 1312) is amended by striking the
18 item relating to section 6020.

19 **SEC. 13002. NATIONAL MOTOR VEHICLE PER-MILE USER**
20 **FEE PILOT.**

21 (a) DEFINITIONS.—In this section:

22 (1) ADVISORY BOARD.—The term “advisory
23 board” means the Federal System Funding Alter-
24 native Advisory Board established under subsection
25 (g)(1).

1 (2) COMMERCIAL VEHICLE.—The term “com-
2 mercial vehicle” has the meaning given the term
3 commercial motor vehicle in section 31101 of title
4 49, United States Code.

5 (3) HIGHWAY TRUST FUND.—The term “High-
6 way Trust Fund” means the Highway Trust Fund
7 established under section 9503 of the Internal Rev-
8 enue Code of 1986.

9 (4) LIGHT TRUCK.—The term “light truck” has
10 the meaning given the term in section 523.2 of title
11 49, Code of Federal Regulations (or successor regu-
12 lations).

13 (5) MEDIUM- AND HEAVY-DUTY TRUCK.—The
14 term “medium- and heavy-duty truck” has the
15 meaning given the term “commercial medium- and
16 heavy-duty on-highway vehicle” in section 32901(a)
17 of title 49, United States Code.

18 (6) PASSENGER MOTOR VEHICLE.—The term
19 “passenger motor vehicle” has the meaning given
20 the term in section 32101 of title 49, United States
21 Code.

22 (7) PER-MILE USER FEE.—The term “per-mile
23 user fee” means a revenue mechanism that—

1 (A) is applied to road users operating
2 motor vehicles on the surface transportation
3 system; and

4 (B) is based on the number of vehicle miles
5 traveled by an individual road user.

6 (8) PILOT PROGRAM.—The term “pilot pro-
7 gram” means the pilot program established under
8 subsection (b)(1).

9 (9) VOLUNTEER PARTICIPANT.—The term “vol-
10 unteer participant” means—

11 (A) an owner or lessee of a private, per-
12 sonal motor vehicle who volunteers to partici-
13 pate in the pilot program;

14 (B) a commercial vehicle operator who vol-
15 unteers to participate in the pilot program; or

16 (C) an owner of a motor vehicle fleet who
17 volunteers to participate in the pilot program.

18 (b) ESTABLISHMENT.—

19 (1) IN GENERAL.—The Secretary, in coordina-
20 tion with the Secretary of the Treasury, and con-
21 sistent with the recommendations of the advisory
22 board, shall establish a pilot program to demonstrate
23 a national motor vehicle per-mile user fee—

24 (A) to restore and maintain the long-term
25 solvency of the Highway Trust Fund; and

1 (B) to improve and maintain the surface
2 transportation system.

3 (2) OBJECTIVES.—The objectives of the pilot
4 program are—

5 (A) to test the design, acceptance, imple-
6 mentation, and financial sustainability of a na-
7 tional motor vehicle per-mile user fee;

8 (B) to address the need for additional rev-
9 enue for surface transportation infrastructure
10 and a national motor vehicle per-mile user fee;
11 and

12 (C) to provide recommendations relating to
13 the adoption and implementation of a national
14 motor vehicle per-mile user fee.

15 (c) PARAMETERS.—In carrying out the pilot pro-
16 gram, the Secretary, in coordination with the Secretary
17 of the Treasury, shall—

18 (1) provide different methods that volunteer
19 participants can choose from to track motor vehicle
20 miles traveled;

21 (2) solicit volunteer participants from all 50
22 States, the District of Columbia, and the Common-
23 wealth of Puerto Rico;

24 (3) ensure an equitable geographic distribution
25 by population among volunteer participants;

1 (4) include commercial vehicles and passenger
2 motor vehicles; and

3 (5) use components of and, where appropriate,
4 coordinate with—

5 (A) the States that received a grant under
6 section 6020 of the FAST Act (23 U.S.C. 503
7 note; Public Law 114–94) (as in effect on the
8 day before the date of enactment of this Act);
9 and

10 (B) eligible entities that received a grant
11 under section 13001.

12 (d) METHODS.—

13 (1) TOOLS.—In selecting the methods described
14 in subsection (c)(1), the Secretary shall coordinate
15 with entities that voluntarily provide to the Sec-
16 retary for use under the pilot program any of the
17 following vehicle-miles-traveled collection tools:

18 (A) Third-party on-board diagnostic
19 (OBD-II) devices.

20 (B) Smart phone applications.

21 (C) Telemetric data collected by auto-
22 makers.

23 (D) Motor vehicle data obtained by car in-
24 surance companies.

1 (E) Data from the States that received a
2 grant under section 6020 of the FAST Act (23
3 U.S.C. 503 note; Public Law 114–94) (as in ef-
4 fect on the day before the date of enactment of
5 this Act).

6 (F) Motor vehicle data obtained from fuel-
7 ing stations.

8 (G) Any other method that the Secretary
9 considers appropriate.

10 (2) COORDINATION.—

11 (A) SELECTION.—The Secretary shall de-
12 termine which collection tools under paragraph
13 (1) are selected for the pilot program.

14 (B) VOLUNTEER PARTICIPANTS.—In a
15 manner that the Secretary considers appro-
16 priate, the Secretary shall enable each volunteer
17 participant to choose 1 of the selected collection
18 tools under paragraph (1).

19 (e) MOTOR VEHICLE PER-MILE USER FEES.—For
20 the purposes of the pilot program, the Secretary of the
21 Treasury shall establish, on an annual basis, per-mile user
22 fees for passenger motor vehicles, light trucks, and
23 medium- and heavy-duty trucks, which amount may vary
24 between vehicle types and weight classes to reflect esti-

1 mated impacts on infrastructure, safety, congestion, the
2 environment, or other related social impacts.

3 (f) VOLUNTEER PARTICIPANTS.—The Secretary, in
4 coordination with the Secretary of the Treasury, shall—

5 (1)(A) ensure, to the extent practicable, that
6 the greatest number of volunteer participants par-
7 ticipate in the pilot program; and

8 (B) ensure that such volunteer participants rep-
9 resent geographically diverse regions of the United
10 States, including from urban and rural areas; and

11 (2) issue policies relating to the protection of
12 volunteer participants, including policies that—

13 (A) protect the privacy of volunteer partici-
14 pants; and

15 (B) secure the data provided by volunteer
16 participants.

17 (g) FEDERAL SYSTEM FUNDING ALTERNATIVE AD-
18 VISORY BOARD.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of enactment of this Act, the Secretary
21 shall establish an advisory board, to be known as the
22 “Federal System Funding Alternative Advisory
23 Board”, to assist with—

24 (A) providing the Secretary with rec-
25 ommendations related to the structure, scope,

1 and methodology for developing and imple-
2 menting the pilot program;

3 (B) carrying out the public awareness cam-
4 paign under subsection (h); and

5 (C) developing the report under subsection
6 (n).

7 (2) MEMBERSHIP.—The advisory board shall
8 include, at a minimum, the following representatives
9 and entities, to be appointed by the Secretary:

10 (A) State departments of transportation.

11 (B) Any public or nonprofit entity that led
12 a surface transportation system funding alter-
13 natives pilot project under section 6020 of the
14 FAST Act (23 U.S.C. 503 note; Public Law
15 114–94) (as in effect on the day before the date
16 of enactment of this Act).

17 (C) Representatives of the trucking indus-
18 try, including owner-operator independent driv-
19 ers.

20 (D) Data security experts with expertise in
21 personal privacy.

22 (E) Academic experts on surface transpor-
23 tation systems.

24 (F) Consumer advocates, including privacy
25 experts.

- 1 (G) Advocacy groups focused on equity.
2 (H) Owners of motor vehicle fleets.
3 (I) Owners and operators of toll facilities.
4 (J) Tribal groups or representatives.
5 (K) Any other representatives or entities,
6 as determined appropriate by the Secretary.

7 (3) RECOMMENDATIONS.—Not later than 1
8 year after the date on which the advisory board is
9 established under paragraph (1), the advisory board
10 shall provide the Secretary with the recommenda-
11 tions described in subparagraph (A) of that para-
12 graph, which the Secretary shall use in imple-
13 menting the pilot program.

14 (h) PUBLIC AWARENESS CAMPAIGN.—

15 (1) IN GENERAL.—The Secretary, with guid-
16 ance from the advisory board, may carry out a pub-
17 lic awareness campaign to increase public awareness
18 regarding a national motor vehicle per-mile user fee,
19 including distributing information—

20 (A) related to the pilot program;

21 (B) from the State surface transportation
22 system funding alternatives pilot program
23 under section 6020 of the FAST Act (23
24 U.S.C. 503 note; Public Law 114–94) (as in ef-

1 fect on the day before the date of enactment of
2 this Act); and

3 (C) related to consumer privacy.

4 (2) CONSIDERATIONS.—In carrying out the
5 public awareness campaign under this subsection,
6 the Secretary shall consider issues unique to each
7 State.

8 (i) REVENUE COLLECTION.—The Secretary of the
9 Treasury, in coordination with the Secretary, shall estab-
10 lish a mechanism to collect motor vehicle per-mile user
11 fees established under subsection (e) from volunteer par-
12 ticipants, which—

13 (1) may be adjusted as needed to address tech-
14 nical challenges; and

15 (2) may allow independent and private third-
16 party vendors to collect the motor vehicle per-mile
17 user fees and forward such fees to the Treasury.

18 (j) AGREEMENT.—The Secretary may enter into an
19 agreement with a volunteer participant containing such
20 terms and conditions as the Secretary considers necessary
21 for participation in the pilot program.

22 (k) LIMITATION.—Any revenue collected through the
23 mechanism established under subsection (i) shall not be
24 considered a toll under section 301 of title 23, United
25 States Code.

1 (l) HIGHWAY TRUST FUND.—The Secretary of the
2 Treasury shall ensure that any revenue collected under
3 subsection (i) is deposited into the Highway Trust Fund.

4 (m) PAYMENT.—Not more than 60 days after the
5 end of each calendar quarter in which a volunteer partici-
6 pant has participated in the pilot program, the Secretary
7 of the Treasury, in consultation with the Secretary of
8 Transportation, shall estimate an amount of payment for
9 each volunteer based on the vehicle miles submitted by the
10 volunteer for the calendar quarter and issue such payment
11 to such volunteer participant.

12 (n) REPORT TO CONGRESS.—Not later than 1 year
13 after the date on which volunteer participants begin par-
14 ticipating in the pilot program, and each year thereafter
15 for the duration of the pilot program, the Secretary and
16 the Secretary of the Treasury shall submit to the Com-
17 mittee on Environment and Public Works of the Senate
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives a report that includes an
20 analysis of—

21 (1) whether the objectives described in sub-
22 section (b)(2) were achieved;

23 (2) how volunteer participant protections in
24 subsection (f)(2) were complied with;

1 (3) whether motor vehicle per-mile user fees can
2 maintain the long-term solvency of the Highway
3 Trust Fund and improve and maintain the surface
4 transportation system, which shall include estimates
5 of administrative costs related to collecting such
6 motor vehicle per mile user fees;

7 (4) how the privacy of volunteers was main-
8 tained; and

9 (5) equity impacts of the pilot program, includ-
10 ing the impacts of the pilot program on low-income
11 commuters.

12 (o) FUNDING.—

13 (1) IN GENERAL.—Of the funds made available
14 to carry out section 503(b) of title 23, United States
15 Code, for each of fiscal years 2022 through 2026
16 \$10,000,000 shall be used to carry out the pilot pro-
17 gram under this section.

18 (2) EXCESS FUNDS.—Any excess funds remain-
19 ing after carrying out the pilot program under this
20 section shall be available to make grants for pilot
21 projects under section 13001.

22 **SEC. 13003. PERFORMANCE MANAGEMENT DATA SUPPORT**
23 **PROGRAM.**

24 Section 6028(c) of the FAST Act (23 U.S.C. 150
25 note; Public Law 114–94) is amended by striking “fiscal

1 years 2016 through 2020” and inserting “fiscal years
2 2022 through 2026”.

3 **SEC. 13004. DATA INTEGRATION PILOT PROGRAM.**

4 (a) ESTABLISHMENT.—The Secretary shall establish
5 a pilot program—

6 (1) to provide research and develop models that
7 integrate, in near-real-time, data from multiple
8 sources, including geolocated—

9 (A) weather conditions;

10 (B) roadway conditions;

11 (C) incidents, work zones, and other non-
12 recurring events related to emergency planning;

13 and

14 (D) information from emergency respond-
15 ers; and

16 (2) to facilitate data integration between the
17 Department, the National Weather Service, and
18 other sources of data that provide real-time data
19 with respect to roadway conditions during or as a re-
20 sult of severe weather events, including, at a min-
21 imum—

22 (A) winter weather;

23 (B) heavy rainfall; and

24 (C) tropical weather events.

1 (b) REQUIREMENTS.—In carrying out subsection
2 (a)(1), the Secretary shall—

3 (1) address the safety, resiliency, and vulner-
4 ability of the transportation system to disasters; and

5 (2) develop tools for decisionmakers and other
6 end-users who could use or benefit from the inte-
7 grated data described in that subsection to improve
8 public safety and mobility.

9 (c) TREATMENT.—Except as otherwise provided in
10 this section, the Secretary shall carry out activities under
11 the pilot program under this section as if—

12 (1) those activities were authorized under chap-
13 ter 5 of title 23, United States Code; and

14 (2) the funds made available to carry out the
15 pilot program were made available under that chap-
16 ter.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$2,500,000 for each of fiscal years 2022 through 2026,
20 to remain available until expended.

21 **SEC. 13005. EMERGING TECHNOLOGY RESEARCH PILOT**
22 **PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary shall establish
24 a pilot program to conduct emerging technology research
25 in accordance with this section.

1 (b) ACTIVITIES.—The pilot program under this sec-
2 tion shall include—

3 (1) research and development activities relating
4 to leveraging advanced and additive manufacturing
5 technologies to increase the structural integrity and
6 cost-effectiveness of surface transportation infra-
7 structure; and

8 (2) research and development activities (includ-
9 ing laboratory and test track supported accelerated
10 pavement testing research regarding the impacts of
11 connected, autonomous, and platooned vehicles on
12 pavement and infrastructure performance)—

13 (A) to reduce the impact of automated and
14 connected driving systems and advanced driver-
15 assistance systems on pavement and infrastruc-
16 ture performance; and

17 (B) to improve transportation infrastruc-
18 ture design in anticipation of increased usage of
19 automated driving systems and advanced driv-
20 er-assistance systems.

21 (c) TREATMENT.—Except as otherwise provided in
22 this section, the Secretary shall carry out activities under
23 the pilot program under this section as if—

24 (1) those activities were authorized under chap-
25 ter 5 of title 23, United States Code; and

1 (2) the funds made available to carry out the
2 pilot program were made available under that chap-
3 ter.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$5,000,000 for each of fiscal years 2022 through 2026,
7 to remain available until expended.

8 **SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT**
9 **AND DEPLOYMENT.**

10 (a) IN GENERAL.—Section 503 of title 23, United
11 States Code, is amended—

12 (1) in subsection (a)(2), by striking “section
13 508” and inserting “section 6503 of title 49”;

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (C), by striking
17 “and” at the end;

18 (ii) in subparagraph (D), by striking
19 the period at the end and inserting a semi-
20 colon; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(E) engage with public and private enti-
24 ties to spur advancement of emerging trans-

1 formative innovations through accelerated mar-
2 ket readiness; and

3 “(F) consult frequently with public and
4 private entities on new transportation tech-
5 nologies.”;

6 (B) in paragraph (2)(C)—

7 (i) by redesignating clauses (x)
8 through (xv) as clauses (xi) through (xvi),
9 respectively; and

10 (ii) by inserting after clause (ix) the
11 following:

12 “(x) safety measures to reduce the
13 number of wildlife-vehicle collisions;”;

14 (C) in paragraph (3)—

15 (i) in subparagraph (B)(viii), by in-
16 serting “, including weather,” after
17 “events”; and

18 (ii) in subparagraph (C)—

19 (I) in clause (xv), by inserting
20 “extreme weather events and” after
21 “withstand”;

22 (II) in clause (xviii), by striking
23 “and” at the end;

1 (III) in clause (xix), by striking
2 the period at the end and inserting “;
3 and”; and

4 (IV) by adding at the end the fol-
5 lowing:

6 “(xx) studies on the deployment and
7 revenue potential of the deployment of en-
8 ergy and broadband infrastructure in high-
9 way rights-of-way, including potential ad-
10 verse impacts of the use or nonuse of those
11 rights-of-way.”;

12 (D) in paragraph (6)—

13 (i) in subparagraph (A), by striking
14 “and” at the end;

15 (ii) in subparagraph (B), by striking
16 the period at the end and inserting “;
17 and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(C) to support research on non-market-
21 ready technologies in consultation with public
22 and private entities.”;

23 (E) in paragraph (7)(B)—

1 (i) in the matter preceding clause (i),
2 by inserting “innovations by leading” after
3 “support”;

4 (ii) in clause (iii), by striking “and”
5 at the end;

6 (iii) in clause (iv), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(v) the evaluation of information
11 from accelerated market readiness efforts,
12 including non-market-ready technologies,
13 in consultation with other offices of the
14 Federal Highway Administration, the Na-
15 tional Highway Traffic Safety Administra-
16 tion, and other key partners.”;

17 (F) in paragraph (8)(A), by striking “fu-
18 ture highway” and all that follows through
19 “needs.” and inserting the following: “current
20 conditions and future needs of highways,
21 bridges, and tunnels of the United States, in-
22 cluding—

23 “(i) the conditions and performance of
24 the highway network for freight movement;

1 “(ii) intelligent transportation sys-
2 tems;

3 “(iii) resilience needs; and

4 “(iv) the backlog of current highway,
5 bridge, and tunnel needs.”; and

6 (G) by adding at the end the following:

7 “(9) ANALYSIS TOOLS.—The Secretary may de-
8 velop interactive modeling tools and databases
9 that—

10 “(A) track the full condition of highway
11 assets, including interchanges, and the recon-
12 struction history of those assets;

13 “(B) can be used to assess transportation
14 options;

15 “(C) allow for the monitoring and mod-
16 eling of network-level traffic flows on highways;
17 and

18 “(D) further Federal and State under-
19 standing of the importance of national and re-
20 gional connectivity and the need for long-dis-
21 tance and interregional passenger and freight
22 travel by highway and other surface transpor-
23 tation modes.”; and

24 (3) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “use of rights-of-
3 way permissible under applicable law,”
4 after “structures,”;

5 (ii) in subparagraph (D), by striking
6 “and” at the end;

7 (iii) in subparagraph (E), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(F) disseminating and evaluating infor-
13 mation from accelerated market readiness ef-
14 forts, including non-market-ready technologies,
15 to public and private entities.”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (B)(iii), by strik-
18 ing “improved tools and methods to accel-
19 erate the adoption” and inserting “and de-
20 ploy improved tools and methods to accel-
21 erate the adoption of early-stage and prov-
22 en innovative practices and technologies
23 and, as the Secretary determines to be ap-
24 propriate, support continued implementa-
25 tion”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(D) REPORT.—Not later than 2 years
4 after the date of enactment of this subpara-
5 graph and every 2 years thereafter, the Sec-
6 retary shall submit to the Committee on Envi-
7 ronment and Public Works of the Senate and
8 the Committee on Transportation and Infra-
9 structure of the House of Representatives and
10 make publicly available on an internet website
11 a report that describes—

12 “(i) the activities the Secretary has
13 undertaken to carry out the program es-
14 tablished under paragraph (1); and

15 “(ii) how and to what extent the Sec-
16 retary has worked to disseminate non-mar-
17 ket-ready technologies to public and pri-
18 vate entities.”;

19 (C) in paragraph (3)—

20 (i) by redesignating subparagraphs
21 (C) and (D) as subparagraphs (D) and
22 (E), respectively;

23 (ii) by inserting after subparagraph
24 (B) the following:

1 “(C) HIGH-FRICTION SURFACE TREAT-
2 MENT APPLICATION STUDY.—

3 “(i) DEFINITION OF INSTITUTION.—

4 In this subparagraph, the term ‘institution’
5 means a private sector entity, public agen-
6 cy, research university or other research
7 institution, or organization representing
8 transportation and technology leaders or
9 other transportation stakeholders that, as
10 determined by the Secretary, is capable of
11 working with State highway agencies, the
12 Federal Highway Administration, and the
13 highway construction industry to develop
14 and evaluate new products, design tech-
15 nologies, and construction methods that
16 quickly lead to pavement improvements.

17 “(ii) STUDY.—The Secretary shall
18 seek to enter into an agreement with an
19 institution to carry out a study on the use
20 of natural and synthetic calcined bauxite
21 as a high-friction surface treatment appli-
22 cation on pavement.

23 “(iii) REPORT.—Not later than 18
24 months after the date of enactment of the
25 Surface Transportation Reauthorization

1 Act of 2021, the Secretary shall submit a
2 report on the results of the study under
3 clause (ii) to—

4 “(I) the Committee on Environ-
5 ment and Public Works of the Senate;

6 “(II) the Committee on Trans-
7 portation and Infrastructure of the
8 House of Representatives;

9 “(III) the Federal Highway Ad-
10 ministration; and

11 “(IV) the American Association
12 of State Highway and Transportation
13 Officials.”;

14 (iii) in subparagraph (D) (as so reded-
15 icated), by striking “fiscal years 2016
16 through 2020” and inserting “fiscal years
17 2022 through 2026”; and

18 (iv) in subparagraph (E) (as so reded-
19 icated)—

20 (I) in clause (i), by striking “an-
21 nually” and inserting “once every 3
22 years”; and

23 (II) in clause (ii)—

24 (aa) in subclause (III), by
25 striking “and” at the end;

1 (bb) in subclause (IV), by
2 striking the period at the end
3 and inserting a semicolon; and

4 (cc) by adding at the end
5 the following:

6 “(V) pavement monitoring and
7 data collection practices;

8 “(VI) pavement durability and
9 resilience;

10 “(VII) stormwater management;

11 “(VIII) impacts on vehicle effi-
12 ciency;

13 “(IX) the energy efficiency of the
14 production of paving materials and
15 the ability of paving materials to en-
16 hance the environment and promote
17 sustainability; and

18 “(X) integration of renewable en-
19 ergy in pavement designs.”; and

20 (D) by adding at the end the following:

21 “(5) ACCELERATED IMPLEMENTATION AND DE-
22 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION
23 MANAGEMENT SYSTEMS.—

24 “(A) IN GENERAL.—The Secretary shall
25 establish and implement a program under the

1 technology and innovation deployment program
2 established under paragraph (1) to promote,
3 implement, deploy, demonstrate, showcase, sup-
4 port, and document the application of advanced
5 digital construction management systems, prac-
6 tices, performance, and benefits.

7 “(B) GOALS.—The goals of the accelerated
8 implementation and deployment of advanced
9 digital construction management systems pro-
10 gram established under subparagraph (A) shall
11 include—

12 “(i) accelerated State adoption of ad-
13 vanced digital construction management
14 systems applied throughout the construc-
15 tion lifecycle (including through the design
16 and engineering, construction, and oper-
17 ations phases) that—

18 “(I) maximize interoperability
19 with other systems, products, tools, or
20 applications;

21 “(II) boost productivity;

22 “(III) manage complexity;

23 “(IV) reduce project delays and
24 cost overruns; and

25 “(V) enhance safety and quality;

1 “(ii) more timely and productive infor-
2 mation-sharing among stakeholders
3 through reduced reliance on paper to man-
4 age construction processes and deliverables
5 such as blueprints, design drawings, pro-
6 curement and supply-chain orders, equip-
7 ment logs, daily progress reports, and
8 punch lists;

9 “(iii) deployment of digital manage-
10 ment systems that enable and leverage the
11 use of digital technologies on construction
12 sites by contractors, such as state-of-the-
13 art automated and connected machinery
14 and optimized routing software that allows
15 construction workers to perform tasks fast-
16 er, safer, more accurately, and with mini-
17 mal supervision;

18 “(iv) the development and deployment
19 of best practices for use in digital con-
20 struction management;

21 “(v) increased technology adoption
22 and deployment by States and units of
23 local government that enables project spon-
24 sors—

1 “(I) to integrate the adoption of
2 digital management systems and tech-
3 nologies in contracts; and

4 “(II) to weigh the cost of
5 digitization and technology in setting
6 project budgets;

7 “(vi) technology training and work-
8 force development to build the capabilities
9 of project managers and sponsors that en-
10 ables States and units of local govern-
11 ment—

12 “(I) to better manage projects
13 using advanced construction manage-
14 ment technologies; and

15 “(II) to properly measure and re-
16 ward technology adoption across
17 projects of the State or unit of local
18 government;

19 “(vii) development of guidance to as-
20 sist States in updating regulations of the
21 State to allow project sponsors and con-
22 tractors—

23 “(I) to report data relating to the
24 project in digital formats; and

1 “(II) to fully capture the effi-
2 ciencies and benefits of advanced dig-
3 ital construction management systems
4 and related technologies;

5 “(viii) reduction in the environmental
6 footprint of construction projects using ad-
7 vanced digital construction management
8 systems resulting from elimination of con-
9 gestion through more efficient projects;
10 and

11 “(ix) enhanced worker and pedestrian
12 safety resulting from increased trans-
13 parency.

14 “(C) FUNDING.—For each of fiscal years
15 2022 through 2026, the Secretary shall obligate
16 from funds made available to carry out this
17 subsection \$20,000,000 to accelerate the de-
18 ployment and implementation of advanced dig-
19 ital construction management systems.

20 “(D) PUBLICATION.—

21 “(i) IN GENERAL.—Not less fre-
22 quently than annually, the Secretary shall
23 issue and make available to the public on
24 a website a report on—

1 “(I) progress made in the imple-
2 mentation of advanced digital man-
3 agement systems by States; and

4 “(II) the costs and benefits of
5 the deployment of new technology and
6 innovations that substantially and di-
7 rectly resulted from the program es-
8 tablished under this paragraph.

9 “(ii) INCLUSIONS.—The report under
10 clause (i) may include an analysis of—

11 “(I) Federal, State, and local
12 cost savings;

13 “(II) project delivery time im-
14 provements;

15 “(III) congestion impacts; and

16 “(IV) safety improvements for
17 roadway users and construction work-
18 ers.”.

19 (b) ADVANCED TRANSPORTATION TECHNOLOGIES
20 AND INNOVATIVE MOBILITY DEPLOYMENT.—Section
21 503(c)(4) of title 23, United States Code, is amended—

22 (1) in the heading, by inserting “AND INNOVA-
23 TIVE MOBILITY” before “DEPLOYMENT”;

24 (2) by striking subparagraph (A) and inserting
25 the following:

1 “(A) IN GENERAL.—The Secretary shall
2 provide grants to eligible entities to deploy, in-
3 stall, and operate advanced transportation tech-
4 nologies to improve safety, mobility, efficiency,
5 system performance, intermodal connectivity,
6 and infrastructure return on investment.”;

7 (3) in subparagraph (B)—

8 (A) in clause (i), by striking “the enhanced
9 use” and inserting “optimization”;

10 (B) in clause (v)—

11 (i) by striking “transit,” and inserting
12 “work zone, weather, transit, para-
13 transit,”; and

14 (ii) by striking “and accessible trans-
15 portation” and inserting “, accessible, and
16 integrated transportation and transpor-
17 tation services”;

18 (C) by redesignating clauses (i) through
19 (viii) as clauses (iii), (iv), (v), (vi), (vii), (ix),
20 (x), and (xi), respectively;

21 (D) by inserting before clause (iii) (as so
22 redesignated) the following:

23 “(i) improve the mobility of people
24 and goods;

1 “(ii) improve the durability and ex-
2 tend the life of transportation infrastruc-
3 ture;”;

4 (E) in clause (iv) (as so redesignated), by
5 striking “deliver” and inserting “protect the en-
6 vironment and deliver”;

7 (F) by inserting after clause (vii) (as so re-
8 designated) the following:

9 “(viii) facilitate account-based pay-
10 ments for transportation access and serv-
11 ices and integrate payment systems across
12 modes;”;

13 (G) in clause (x) (as so redesignated), by
14 striking “or” at the end;

15 (H) in clause (xi) (as so redesignated)—

16 (i) by inserting “vehicle-to-pedes-
17 trian,” after “vehicle-to-infrastructure;”;
18 and

19 (ii) by striking the period at the end
20 and inserting “; or”; and

21 (I) by adding at the end the following:

22 “(xii) incentivize travelers—

23 “(I) to share trips during periods
24 in which travel demand exceeds sys-
25 tem capacity; or

1 “(II) to shift trips to periods in
2 which travel demand does not exceed
3 system capacity.”;

4 (4) in subparagraph (C)—

5 (A) in clause (i), by striking “Not later”
6 and all that follows through “thereafter” and
7 inserting “Each fiscal year for which funding is
8 made available for activities under this para-
9 graph”; and

10 (B) in clause (ii)—

11 (i) in subclause (I), by inserting “mo-
12 bility,” after “safety,”; and

13 (ii) in subclause (II)—

14 (I) in item (bb), by striking
15 “and” at the end;

16 (II) in item (cc), by striking the
17 period at the end and inserting “;
18 and”;

19 (III) by adding at the end the
20 following:

21 “(dd) facilitating payment
22 for transportation services.”;

23 (5) in subparagraph (D)—

24 (A) in clause (i), by striking “Not later”
25 and all that follows through “thereafter” and

1 inserting “Each fiscal year for which funding is
2 made available for activities under this para-
3 graph”; and

4 (B) in clause (ii)—

5 (i) by striking “In awarding” and in-
6 serting the following:

7 “(I) IN GENERAL.—Subject to
8 subclause (II), in awarding”; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(II) RURAL SET-ASIDE.—Not
12 less than 20 percent of the amounts
13 made available to carry out this para-
14 graph shall be reserved for projects
15 serving rural areas.”;

16 (6) in subparagraph (E)—

17 (A) by redesignating clauses (iii) through
18 (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),
19 and (xiv), respectively;

20 (B) by inserting after clause (ii) the fol-
21 lowing:

22 “(iii) advanced transportation tech-
23 nologies to improve emergency evacuation
24 and response by Federal, State, and local
25 authorities;”;

1 (C) by inserting after clause (viii) (as so
2 redesignated) the following:

3 “(ix) integrated corridor management
4 systems;

5 “(x) advanced parking reservation or
6 variable pricing systems;”;

7 (D) in clause (xi) (as so redesignated)—

8 (i) by inserting “, toll collection,”
9 after “pricing”; and

10 (ii) by striking “or” at the end;

11 (E) by inserting after clause (xi) (as so re-
12 designated) the following:

13 “(xii) technology that enhances high
14 occupancy vehicle toll lanes, cordon prie-
15 ing, or congestion pricing;

16 “(xiii) integration of transportation
17 service payment systems;”;

18 (F) in clause (xiv) (as so redesignated)—

19 (i) by striking “and access” and in-
20 serting “, access, and on-demand transpor-
21 tation service”;

22 (ii) by inserting “and other shared-use
23 mobility applications” after “ridesharing”;
24 and

1 (iii) by striking the period at the end
2 and inserting a semicolon; and
3 (G) by adding at the end the following:

4 “(xv) retrofitting dedicated short-
5 range communications (DSRC) technology
6 deployed as part of an existing pilot pro-
7 gram to cellular vehicle-to-everything (C-
8 V2X) technology, subject to the condition
9 that the retrofitted technology operates
10 only within the existing spectrum alloca-
11 tions for connected vehicle systems; or

12 “(xvi) advanced transportation tech-
13 nologies, in accordance with the research
14 areas described in section 6503 of title
15 49.”;

16 (7) in subparagraph (F)(ii)(IV), by striking “ef-
17 ficiency and multimodal system performance” and
18 inserting “mobility, efficiency, multimodal system
19 performance, and payment system performance”;

20 (8) in subparagraph (G)—

21 (A) by redesignating clauses (vi) through
22 (viii) as clauses (vii) through (ix), respectively;
23 and

24 (B) by inserting after clause (v) the fol-
25 lowing:

545

1 “(I) has a taxable gross weight
2 (as defined in section 41.4482(b)–1 of
3 title 26, Code of Federal Regulations
4 (or successor regulations)) of 10,000
5 pounds or less; and

6 “(II) is equipped with a Level 3,
7 Level 4, or Level 5 automated driving
8 system (as defined in the SAE Inter-
9 national Recommended Practice num-
10 bered J3016 and dated June 15,
11 2018 (or a subsequent standard
12 adopted by the Secretary)).

13 “(ii) NEW MOBILITY.—The term ‘new
14 mobility’ includes shared services such
15 as—

16 “(I) docked and dockless bicycles;

17 “(II) docked and dockless electric
18 scooters; and

19 “(III) transportation network
20 companies.

21 “(B) ESTABLISHMENT.—Not later than 1
22 year after the date of enactment of the Surface
23 Transportation Reauthorization Act of 2021,
24 the Secretary shall establish a Center of Excel-
25 lence to collect, conduct, and fund research on

1 the impacts of new mobility and highly auto-
2 mated vehicles on land use, urban design,
3 transportation, real estate, equity, and munic-
4 ipal budgets.

5 “(C) REPORT.—Not later than 1 year
6 after the date on which the Center of Excel-
7 lence is established, the Secretary shall submit
8 a report that describes the results of the re-
9 search regarding the impacts of new mobility
10 and highly automated vehicles to the Commit-
11 tees on Environment and Public Works and
12 Commerce, Science, and Transportation of the
13 Senate and the Committees on Transportation
14 and Infrastructure and Energy and Commerce
15 of the House of Representatives.

16 “(D) PARTNERSHIPS.—In establishing the
17 Center of Excellence under subparagraph (B),
18 the Secretary shall enter into appropriate part-
19 nerships with any institution of higher edu-
20 cation (as defined in section 101 of the Higher
21 Education Act of 1965 (20 U.S.C. 1001)) or
22 public or private research entity.”.

23 (d) ACCELERATED IMPLEMENTATION AND DEPLOY-
24 MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-
25 MENT SYSTEMS.—Not later than 1 year after the date of

1 enactment of this Act, the Secretary shall submit to the
2 Committee on Environment and Public Works of the Sen-
3 ate and the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives a report that in-
5 cludes—

6 (1) a description of—

7 (A) the current status of the use of ad-
8 vanced digital construction management sys-
9 tems in each State; and

10 (B) the progress of each State toward ac-
11 celerating the adoption of advanced digital con-
12 struction management systems; and

13 (2) an analysis of the savings in project delivery
14 time and project costs that can be achieved through
15 the use of advanced digital construction manage-
16 ment systems.

17 (e) OPEN CHALLENGE AND RESEARCH PROPOSAL
18 PILOT PROGRAM.—

19 (1) IN GENERAL.—The Secretary shall establish
20 an open challenge and research proposal pilot pro-
21 gram under which eligible entities may propose open
22 highway challenges and research proposals that are
23 linked to identified or potential research needs.

1 (2) REQUIREMENTS.—A research proposal sub-
2 mitted to the Secretary by an eligible entity shall ad-
3 dress—

4 (A) a research need identified by the Sec-
5 retary or the Administrator of the Federal
6 Highway Administration; or

7 (B) an issue or challenge that the Sec-
8 retary determines to be important.

9 (3) ELIGIBLE ENTITIES.—An entity eligible to
10 submit a research proposal under the pilot program
11 under paragraph (1) is—

12 (A) a State;

13 (B) a unit of local government;

14 (C) a university transportation center
15 under section 5505 of title 49, United States
16 Code;

17 (D) a private nonprofit organization;

18 (E) a private sector organization working
19 in collaboration with an entity described in sub-
20 paragraphs (A) through (D); and

21 (F) any other individual or entity that the
22 Secretary determines to be appropriate.

23 (4) PROJECT REVIEW.—The Secretary shall—

1 (A) review each research proposal sub-
2 mitted under the pilot program under para-
3 graph (1); and

4 (B) provide to the eligible entity a written
5 notice that—

6 (i) if the research proposal is not se-
7 lected—

8 (I) notifies the eligible entity that
9 the research proposal has not been se-
10 lected for funding;

11 (II) provides an explanation as to
12 why the research proposal was not se-
13 lected, including if the research pro-
14 posal does not cover an area of need;
15 and

16 (III) if applicable, recommend
17 that the research proposal be sub-
18 mitted to another research program
19 and provide guidance and direction to
20 the eligible entity and the proposed
21 research program office; and

22 (ii) if the research proposal is se-
23 lected, notifies the eligible entity that the
24 research proposal has been selected for
25 funding.

1 (5) FEDERAL SHARE.—

2 (A) IN GENERAL.—The Federal share of
3 the cost of an activity carried out under this
4 subsection shall not exceed 80 percent.

5 (B) NON-FEDERAL SHARE.—All costs di-
6 rectly incurred by the non-Federal partners, in-
7 cluding personnel, travel, facility, and hardware
8 development costs, shall be credited toward the
9 non-Federal share of the cost of an activity car-
10 ried out under this subsection.

11 (f) CONFORMING AMENDMENT.—Section 167 of title
12 23, United States Code, is amended—

13 (1) by striking subsection (h); and

14 (2) by redesignating subsections (i) through (l)
15 as subsections (h) through (k), respectively.

16 **SEC. 13007. WORKFORCE DEVELOPMENT, TRAINING, AND**
17 **EDUCATION.**

18 (a) SURFACE TRANSPORTATION WORKFORCE DE-
19 VELOPMENT, TRAINING, AND EDUCATION.—Section
20 504(e) of title 23, United States Code, is amended—

21 (1) in paragraph (1)—

22 (A) by redesignating subparagraphs (D)
23 through (G) as subparagraphs (E), (F), (H),
24 and (I), respectively;

1 (B) by inserting after subparagraph (C)
2 the following:

3 “(D) pre-apprenticeships, apprenticeships,
4 and career opportunities for on-the-job train-
5 ing;”;

6 (C) in subparagraph (E) (as so redesign-
7 dated), by striking “or community college” and
8 inserting “, college, community college, or voca-
9 tional school”; and

10 (D) by inserting after subparagraph (F)
11 (as so redesignated) the following:

12 “(G) activities associated with workforce
13 training and employment services, such as tar-
14 geted outreach and partnerships with industry,
15 economic development organizations, workforce
16 development boards, and labor organizations;”;

17 (2) in paragraph (2), by striking “paragraph
18 (1)(G)” and inserting “paragraph (1)(I)”; and

19 (3) in paragraph (3)—

20 (A) by striking the period at the end and
21 inserting a semicolon;

22 (B) by striking “including activities” and
23 inserting the following: “including—

24 “(A) activities”; and

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

1 “(B) activities that address current work-
2 force gaps, such as work on construction
3 projects, of State and local transportation agen-
4 cies;

5 “(C) activities to develop a robust surface
6 transportation workforce with new skills result-
7 ing from emerging transportation technologies;
8 and

9 “(D) activities to attract new sources of
10 job-creating investment.”.

11 (b) TRANSPORTATION EDUCATION AND TRAINING
12 DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section
13 504(f) of title 23, United States Code, is amended—

14 (1) in the subsection heading, by striking “DE-
15 VELOPMENT” and inserting “AND TRAINING DEVEL-
16 OPMENT AND DEPLOYMENT”;

17 (2) by striking paragraph (1) and inserting the
18 following:

19 “(1) ESTABLISHMENT.—The Secretary shall es-
20 tablish a program to make grants to educational in-
21 stitutions or State departments of transportation, in
22 partnership with industry and relevant Federal de-
23 partments and agencies—

24 “(A) to develop, test, and review new cur-
25 ricula and education programs to train individ-

1 uals at all levels of the transportation work-
2 force; or

3 “(B) to implement the new curricula and
4 education programs to provide for hands-on ca-
5 reer opportunities to meet current and future
6 needs.”;

7 (3) in paragraph (2)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “shall” and inserting “may”;

10 (B) in subparagraph (A), by inserting
11 “current or future” after “specific”; and

12 (C) in subparagraph (E)—

13 (i) by striking “in nontraditional de-
14 partments”;

15 (ii) by inserting “construction,” after
16 “such as”; and

17 (iii) by inserting “or emerging” after
18 “industrial”;

19 (4) by redesignating paragraph (3) as para-
20 graph (4); and

21 (5) by inserting after paragraph (2) the fol-
22 lowing:

23 “(3) REPORTING.—The Secretary shall estab-
24 lish minimum reporting requirements for grant re-
25 cipients under this subsection, which may include,

1 with respect to a program carried out with a grant
2 under this subsection—

3 “(A) the percentage or number of program
4 participants that are employed during the sec-
5 ond quarter after exiting the program;

6 “(B) the percentage or number of program
7 participants that are employed during the
8 fourth quarter after exiting the program;

9 “(C) the median earnings of program par-
10 ticipants that are employed during the second
11 quarter after exiting the program;

12 “(D) the percentage or number of program
13 participants that obtain a recognized postsec-
14 ondary credential or a secondary school diploma
15 (or a recognized equivalent) during participa-
16 tion in the program or by not later than 1 year
17 after exiting the program; and

18 “(E) the percentage or number of program
19 participants that, during a program year—

20 “(i) are in an education or training
21 program that leads to a recognized post-
22 secondary credential or employment; and

23 “(ii) are achieving measurable skill
24 gains toward such a credential or employ-
25 ment.”.

1 (c) USE OF FUNDS.—Section 504 of title 23, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 “(i) USE OF FUNDS.—The Secretary may use funds
5 made available to carry out this section to carry out activi-
6 ties related to workforce development and technical assist-
7 ance and training if—

8 “(1) the activities are authorized by another
9 provision of this title; and

10 “(2) the activities are for entities other than
11 employees of the Secretary, such as States, units of
12 local government, Federal land management agen-
13 cies, and Tribal governments.”.

14 **SEC. 13008. WILDLIFE-VEHICLE COLLISION RESEARCH.**

15 (a) GENERAL AUTHORITIES AND REQUIREMENTS
16 REGARDING WILDLIFE AND HABITAT.—Section
17 515(h)(2) of title 23, United States Code, is amended—

18 (1) in subparagraph (K), by striking “and” at
19 the end;

20 (2) by redesignating subparagraphs (D), (E),
21 (F), (G), (H), (I), (J), (K), and (L) as subpara-
22 graphs (E), (F), (G), (H), (I), (K), (L), (M), and
23 (O), respectively;

24 (3) by inserting after subparagraph (C) the fol-
25 lowing:

1 “(D) a representative from a State, local,
2 or regional wildlife, land use, or resource man-
3 agement agency;”;

4 (4) by inserting after subparagraph (I) (as so
5 redesignated) the following:

6 “(J) an academic researcher who is a bio-
7 logical or ecological scientist with expertise in
8 transportation issues;”; and

9 (5) by inserting after subparagraph (M) (as so
10 redesignated) the following:

11 “(N) a representative from a public inter-
12 est group concerned with the impact of the
13 transportation system on terrestrial and aquatic
14 species and the habitat of those species; and”.

15 (b) **ANIMAL DETECTION SYSTEMS RESEARCH AND**
16 **DEVELOPMENT.**—Section 516(b)(6) of title 23, United
17 States Code, is amended by inserting “, including animal
18 detection systems to reduce the number of wildlife-vehicle
19 collisions” after “systems”.

20 **SEC. 13009. TRANSPORTATION RESILIENCE AND ADAPTA-**
21 **TION CENTERS OF EXCELLENCE.**

22 (a) **IN GENERAL.**—Chapter 5 of title 23, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 520. Transportation Resilience and Adaptation**
2 **Centers of Excellence**

3 “(a) DEFINITION OF CENTER OF EXCELLENCE.—In
4 this section, the term ‘Center of Excellence’ means a Cen-
5 ter of Excellence for Resilience and Adaptation designated
6 under subsection (b).

7 “(b) DESIGNATION.—The Secretary shall designate
8 10 regional Centers of Excellence for Resilience and Adap-
9 tation and 1 national Center of Excellence for Resilience
10 and Adaptation, which shall serve as a coordinator for the
11 regional Centers, to receive grants to advance research
12 and development that improves the resilience of regions
13 of the United States to natural disasters and extreme
14 weather by promoting the resilience of surface transpor-
15 tation infrastructure and infrastructure dependent on sur-
16 face transportation.

17 “(c) ELIGIBILITY.—An entity eligible to be des-
18 ignated as a Center of Excellence is—

19 “(1) an institution of higher education (as de-
20 fined in section 102 of the Higher Education Act of
21 1965 (20 U.S.C. 1002)); or

22 “(2) a consortium of nonprofit organizations led
23 by an institution of higher education.

24 “(d) APPLICATION.—To be eligible to be designated
25 as a Center of Excellence, an eligible entity shall submit
26 to the Secretary an application at such time, in such man-

1 ner, and containing such information as the Secretary may
2 require, including a proposal that includes a description
3 of the activities to be carried out with a grant under this
4 section.

5 “(e) SELECTION.—

6 “(1) REGIONAL CENTERS OF EXCELLENCE.—

7 The Secretary shall designate 1 regional Center of
8 Excellence in each of the 10 Federal regions that
9 comprise the Standard Federal Regions established
10 by the Office of Management and Budget in the doc-
11 ument entitled ‘Standard Federal Regions’ and
12 dated April 1974 (circular A-105).

13 “(2) NATIONAL CENTER OF EXCELLENCE.—

14 The Secretary shall designate 1 national Center of
15 Excellence to coordinate the activities of all 10 re-
16 gional Centers of Excellence to minimize duplication
17 and promote coordination and dissemination of re-
18 search among the Centers.

19 “(3) CRITERIA.—In selecting eligible entities to
20 designate as a Center of Excellence, the Secretary
21 shall consider—

22 “(A) the past experience and performance
23 of the eligible entity in carrying out activities
24 described in subsection (g);

1 “(B) the merits of the proposal of an eligi-
2 ble entity and the extent to which the proposal
3 would—

4 “(i) advance the state of practice in
5 resilience planning and identify innovative
6 resilience solutions for transportation as-
7 sets and systems;

8 “(ii) support activities carried out
9 under the PROTECT program under sec-
10 tion 176;

11 “(iii) support and build on work being
12 carried out by another Federal agency re-
13 lating to resilience;

14 “(iv) inform transportation decision-
15 making at all levels of government;

16 “(v) engage local, regional, Tribal,
17 State, and national stakeholders, including,
18 if applicable, stakeholders representing
19 transportation, transit, urban, and land
20 use planning, natural resources, environ-
21 mental protection, hazard mitigation, and
22 emergency management; and

23 “(vi) engage community groups and
24 other stakeholders that will be affected by
25 transportation decisions, including under-

1 served, economically disadvantaged, rural,
2 and predominantly minority communities;
3 and

4 “(C) the local, regional, Tribal, State, and
5 national impacts of the proposal of the eligible
6 entity.

7 “(f) GRANTS.—Subject to the availability of appro-
8 priations, the Secretary shall provide to each Center of
9 Excellence a grant of not less than \$5,000,000 for each
10 of fiscal years 2022 through 2031 to carry out the activi-
11 ties described in subsection (g).

12 “(g) ACTIVITIES.—In carrying out this section, the
13 Secretary shall ensure that a Center of Excellence uses
14 the funds from a grant under subsection (f) to promote
15 resilient transportation infrastructure, including
16 through—

17 “(1) supporting climate vulnerability assess-
18 ments informed by climate change science, including
19 national climate assessments produced by the United
20 States Global Change Research Program under sec-
21 tion 106 of the Global Change Research Act of 1990
22 (15 U.S.C. 2936), relevant feasibility analyses of re-
23 siliant transportation improvements, and transpor-
24 tation resilience planning;

1 “(2) development of new design, operations,
2 and maintenance standards for transportation infra-
3 structure that can inform Federal and State deci-
4 sionmaking;

5 “(3) research and development of new materials
6 and technologies that could be integrated into exist-
7 ing and new transportation infrastructure;

8 “(4) development, refinement, and piloting of
9 new and emerging resilience improvements and
10 strategies, including natural infrastructure ap-
11 proaches and relocation;

12 “(5) development of and investment in new ap-
13 proaches for facilitating meaningful engagement in
14 transportation decisionmaking by local, Tribal, re-
15 gional, or national stakeholders and communities;

16 “(6) technical capacity building to facilitate the
17 ability of local, regional, Tribal, State, and national
18 stakeholders—

19 “(A) to assess the vulnerability of trans-
20 portation infrastructure assets and systems;

21 “(B) to develop community response strat-
22 egies;

23 “(C) to meaningfully engage with commu-
24 nity stakeholders; and

1 “(D) to develop strategies and improve-
2 ments for enhancing transportation infrastruc-
3 ture resilience under current conditions and a
4 range of potential future conditions;

5 “(7) workforce development and training;

6 “(8) development and dissemination of data,
7 tools, techniques, assessments, and information that
8 informs Federal, State, Tribal, and local government
9 decisionmaking, policies, planning, and investments;

10 “(9) education and outreach regarding trans-
11 portation infrastructure resilience; and

12 “(10) technology transfer and commercializa-
13 tion.

14 “(h) FEDERAL SHARE.—The Federal share of the
15 cost of an activity under this section, including the costs
16 of establishing and operating a Center of Excellence, shall
17 be 50 percent.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 5 of title 23, United States Code, is amended by add-
20 ing at the end the following:

 “520. Transportation Resilience and Adaptation Centers of Excellence.”.

21 **SEC. 13010. TRANSPORTATION ACCESS PILOT PROGRAM.**

22 (a) DEFINITIONS.—In this section:

23 (1) METROPOLITAN PLANNING ORGANIZA-
24 TION.—The term “metropolitan planning organiza-

1 tion” has the meaning given the term in section
2 134(b) of title 23, United States Code.

3 (2) STATE.—The term “State” has the mean-
4 ing given the term in section 101(a) of title 23,
5 United States Code.

6 (3) SURFACE TRANSPORTATION MODES.—The
7 term “surface transportation modes” means—

8 (A) driving;

9 (B) public transportation;

10 (C) walking;

11 (D) cycling; and

12 (E) a combination of any of the modes of
13 transportation described in subparagraphs (A)
14 through (D).

15 (4) PILOT PROGRAM.—The term “pilot pro-
16 gram” means the transportation pilot program es-
17 tablished under subsection (b).

18 (5) REGIONAL TRANSPORTATION PLANNING OR-
19 GANIZATION.—The term “regional transportation
20 planning organization” has the meaning given the
21 term in section 134(b) of title 23, United States
22 Code.

23 (b) ESTABLISHMENT.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary shall es-
25 tablish a transportation pilot program.

1 (c) PURPOSE.—The purpose of the pilot program is
2 to develop or procure an accessibility data set and make
3 that data set available to each eligible entity selected to
4 participate in the pilot program—

5 (1) to improve the transportation planning of
6 those eligible entities by—

7 (A) measuring the level of access by sur-
8 face transportation modes to important destina-
9 tions, which may include—

10 (i) jobs;

11 (ii) health care facilities;

12 (iii) child care services;

13 (iv) educational and workforce train-
14 ing facilities;

15 (v) housing;

16 (vi) food sources;

17 (vii) points within the supply chain for
18 freight commodities;

19 (viii) domestic or international mar-
20 kets; and

21 (ix) connections between surface
22 transportation modes; and

23 (B) disaggregating the level of access by
24 surface transportation modes by a variety of—

1 (i) population categories, which may
2 include—

3 (I) low-income populations;

4 (II) minority populations;

5 (III) age;

6 (IV) disability; and

7 (V) geographical location; or

8 (ii) freight commodities, which may
9 include—

10 (I) agricultural commodities;

11 (II) raw materials;

12 (III) finished products; and

13 (IV) energy commodities; and

14 (2) to assess the change in accessibility that
15 would result from new transportation investments.

16 (d) ELIGIBLE ENTITIES.—An entity eligible to par-
17 ticipate in the pilot program is—

18 (1) a State;

19 (2) a metropolitan planning organization; or

20 (3) a regional transportation planning organiza-
21 tion.

22 (e) APPLICATION.—To be eligible to participate in
23 the pilot program, an eligible entity shall submit to the
24 Secretary an application at such time, in such manner,

1 and containing such information as the Secretary may re-
2 quire, including information relating to—

3 (1) previous experience of the eligible entity
4 measuring transportation access or other perform-
5 ance management experience, if applicable;

6 (2) the types of important destinations to which
7 the eligible entity intends to measure access;

8 (3) the types of data disaggregation the eligible
9 entity intends to pursue;

10 (4) a general description of the methodology the
11 eligible entity intends to apply; and

12 (5) if the applicant does not intend the pilot
13 program to apply to the full area under the jurisdic-
14 tion of the applicant, a description of the geographic
15 area in which the applicant intends the pilot pro-
16 gram to apply.

17 (f) SELECTION.—

18 (1) IN GENERAL.—The Secretary shall seek to
19 achieve diversity of participants in the pilot program
20 by selecting a range of eligible entities that shall in-
21 clude—

22 (A) States;

23 (B) metropolitan planning organizations
24 that serve an area with a population of 200,000
25 people or fewer;

1 (C) metropolitan planning organizations
2 that serve an area with a population of over
3 200,000 people; and

4 (D) regional transportation planning orga-
5 nizations.

6 (2) INCLUSIONS.—The Secretary shall seek to
7 ensure that, among the eligible entities selected
8 under paragraph (1), there is—

9 (A) a range of capacity and previous expe-
10 rience with measuring transportation access;
11 and

12 (B) a variety of proposed methodologies
13 and focus areas for measuring level of access.

14 (g) DUTIES.—For each eligible entity participating in
15 the pilot program, the Secretary shall—

16 (1) develop or acquire an accessibility data set
17 described in subsection (e); and

18 (2) submit the data set to the eligible entity.

19 (h) METHODOLOGY.—In calculating the measures for
20 the data set under the pilot program, the Secretary shall
21 ensure that methodology is open source.

22 (i) AVAILABILITY.—The Secretary shall make an ac-
23 cessibility data set under the pilot program available to—

1 (1) units of local government within the juris-
2 diction of the eligible entity participating in the pilot
3 program; and

4 (2) researchers.

5 (j) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, and every 2 years thereafter,
7 the Secretary shall submit to the Committee on Environ-
8 ment and Public Works of the Senate and the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives a report on the results of the pilot pro-
11 gram, including the feasibility of developing and providing
12 periodic accessibility data sets for all States, regions, and
13 localities.

14 (k) TRANSPORTATION SYSTEM ACCESS.—

15 (1) IN GENERAL.—The Secretary shall establish
16 consistent measures that States, metropolitan plan-
17 ning organizations, and regional transportation plan-
18 ning organizations may choose to adopt to assess the
19 level of safe and convenient access by surface trans-
20 portation modes to important destinations as de-
21 scribed in subsection (c)(1)(A).

22 (2) SAVINGS PROVISION.—Nothing in this sec-
23 tion provides the Secretary the authority—

24 (A) to establish a performance measure or
25 require States or metropolitan planning organi-

1 zations to set a performance target for access
2 as described in paragraph (1); or

3 (B) to establish any other Federal require-
4 ment.

5 (l) FUNDING.—The Secretary shall carry out the
6 pilot program using amounts made available to the Sec-
7 retary for administrative expenses to carry out programs
8 under the authority of the Secretary.

9 (m) SUNSET.—The pilot program shall terminate on
10 the date that is 8 years after the date on which the pilot
11 program is implemented.

12 **TITLE IV—INDIAN AFFAIRS**

13 **SEC. 14001. DEFINITION OF SECRETARY.**

14 In this title, the term “Secretary” means the Sec-
15 retary of the Interior.

16 **SEC. 14002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIB- 17 **AL TRANSPORTATION FACILITIES.****

18 (a) DEFINITION OF TRIBAL TRANSPORTATION SAFE-
19 TY PROJECT.—

20 (1) IN GENERAL.—In this section, the term
21 “tribal transportation safety project” means a
22 project described in paragraph (2) that is eligible for
23 funding under section 202 of title 23, United States
24 Code.

1 (2) PROJECT DESCRIBED.—A project described
2 in this paragraph is a project that corrects or im-
3 proves a hazardous road location or feature or ad-
4 dresses a highway safety problem through 1 or more
5 of the activities described in any of the clauses
6 under section 148(a)(4)(B) of title 23, United States
7 Code.

8 (b) REVIEWS OF TRIBAL TRANSPORTATION SAFETY
9 PROJECTS.—

10 (1) IN GENERAL.—The Secretary or the Sec-
11 retary of Transportation, as applicable, or the head
12 of another Federal agency responsible for a decision
13 related to a tribal transportation safety project shall
14 complete any approval or decision for the review of
15 the tribal transportation safety project required
16 under the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) or any other applica-
18 ble Federal law on an expeditious basis using the
19 shortest existing applicable process.

20 (2) REVIEW OF APPLICATIONS.—Not later than
21 45 days after the date of receipt of a complete appli-
22 cation by an Indian tribe for approval of a tribal
23 transportation safety project, the Secretary or the
24 Secretary of Transportation, as applicable, shall—

25 (A) take final action on the application; or

1 (B) provide the Indian tribe a schedule for
2 completion of the review described in paragraph
3 (1), including the identification of any other
4 Federal agency that has jurisdiction with re-
5 spect to the project.

6 (3) DECISIONS UNDER OTHER FEDERAL
7 LAWS.—In any case in which a decision under any
8 other Federal law relating to a tribal transportation
9 safety project (including the issuance or denial of a
10 permit or license) is required, not later than 45 days
11 after the Secretary or the Secretary of Transpor-
12 tation, as applicable, has made all decisions of the
13 lead agency under the National Environmental Pol-
14 icy Act of 1969 (42 U.S.C. 4321 et seq.) with re-
15 spect to the project, the head of the Federal agency
16 responsible for the decision shall—

17 (A) make the applicable decision; or

18 (B) provide the Indian tribe a schedule for
19 making the decision.

20 (4) EXTENSIONS.—The Secretary or the Sec-
21 retary of Transportation, as applicable, or the head
22 of the Federal agency may extend the period under
23 paragraph (2) or (3), as applicable, by an additional
24 30 days by providing the Indian tribe notice of the

1 extension, including a statement of the need for the
2 extension.

3 (5) NOTIFICATION AND EXPLANATION.—In any
4 case in which a required action is not completed by
5 the deadline under paragraph (2), (3), or (4), as ap-
6 plicable, the Secretary, the Secretary of Transpor-
7 tation, or the head of a Federal agency, as applica-
8 ble, shall—

9 (A) notify the Committees on Indian Af-
10 fairs and Environment and Public Works of the
11 Senate and the Committee on Natural Re-
12 sources of the House of Representatives of the
13 failure to comply with the deadline; and

14 (B) provide to the Committees described in
15 subparagraph (A) a detailed explanation of the
16 reasons for the failure to comply with the dead-
17 line.

18 **SEC. 14003. PROGRAMMATIC AGREEMENTS FOR TRIBAL**
19 **CATEGORICAL EXCLUSIONS.**

20 (a) IN GENERAL.—The Secretary and the Secretary
21 of Transportation shall enter into programmatic agree-
22 ments with Indian tribes that establish efficient adminis-
23 trative procedures for carrying out environmental reviews
24 for projects eligible for assistance under section 202 of
25 title 23, United States Code.

1 (b) INCLUSIONS.—A programmatic agreement under
2 subsection (a)—

3 (1) may include an agreement that allows an
4 Indian tribe to determine, on behalf of the Secretary
5 and the Secretary of Transportation, whether a
6 project is categorically excluded from the prepara-
7 tion of an environmental assessment or environ-
8 mental impact statement under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.); and

11 (2) shall—

12 (A) require that the Indian tribe maintain
13 adequate capability in terms of personnel and
14 other resources to carry out applicable agency
15 responsibilities pursuant to section 1507.2 of
16 title 40, Code of Federal Regulations (or suc-
17 cessor regulations);

18 (B) set forth the responsibilities of the In-
19 dian tribe for making categorical exclusion de-
20 terminations, documenting the determinations,
21 and achieving acceptable quality control and
22 quality assurance;

23 (C) allow—

24 (i) the Secretary and the Secretary of
25 Transportation to monitor compliance of

1 the Indian tribe with the terms of the
2 agreement; and

3 (ii) the Indian tribe to execute any
4 needed corrective action;

5 (D) contain stipulations for amendments,
6 termination, and public availability of the agree-
7 ment once the agreement has been executed;
8 and

9 (E) have a term of not more than 5 years,
10 with an option for renewal based on a review by
11 the Secretary and the Secretary of Transpor-
12 tation of the performance of the Indian tribe.

13 **SEC. 14004. USE OF CERTAIN TRIBAL TRANSPORTATION**
14 **FUNDS.**

15 Section 202(d) of title 23, United States Code, is
16 amended by striking paragraph (2) and inserting the fol-
17 lowing:

18 “(2) USE OF FUNDS.—Funds made available to
19 carry out this subsection shall be used—

20 “(A) to carry out any planning, design, en-
21 gineering, preconstruction, construction, and in-
22 spection of new or replacement tribal transpor-
23 tation facility bridges;

24 “(B) to replace, rehabilitate, seismically
25 retrofit, paint, apply calcium magnesium ace-

1 tate, sodium acetate/formate, or other environ-
2 mentally acceptable, minimally corrosive anti-
3 icing and deicing composition; or

4 “(C) to implement any countermeasure for
5 tribal transportation facility bridges classified
6 as in poor condition, having a low load capacity,
7 or needing geometric improvements, including
8 multiple-pipe culverts.”.

9 **SEC. 14005. BUREAU OF INDIAN AFFAIRS ROAD MAINTEN-**
10 **NANCE PROGRAM.**

11 There are authorized to be appropriated to the Direc-
12 tor of the Bureau of Indian Affairs to carry out the road
13 maintenance program of the Bureau—

- 14 (1) \$50,000,000 for fiscal year 2022;
15 (2) \$52,000,000 for fiscal year 2023;
16 (3) \$54,000,000 for fiscal year 2024;
17 (4) \$56,000,000 for fiscal year 2025; and
18 (5) \$58,000,000 for fiscal year 2026.

19 **SEC. 14006. STUDY OF ROAD MAINTENANCE ON INDIAN**
20 **LAND.**

21 (a) DEFINITIONS.—In this section:

- 22 (1) INDIAN LAND.—The term “Indian land”
23 has the meaning given the term “Indian lands” in
24 section 3 of the Native American Business Develop-

1 ment, Trade Promotion, and Tourism Act of 2000
2 (25 U.S.C. 4302).

3 (2) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 5304).

7 (3) ROAD.—The term “road” means a road
8 managed in whole or in part by the Bureau of In-
9 dian Affairs.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary, acting through the Assistant Sec-
12 retary for Indian Affairs.

13 (b) STUDY.—Not later than 2 years after the date
14 of enactment of this Act, the Secretary, in consultation
15 with the Secretary of Transportation, shall carry out a
16 study to evaluate—

17 (1) the long-term viability and useful life of ex-
18 isting roads on Indian land;

19 (2) any steps necessary to achieve the goal of
20 addressing the deferred maintenance backlog of ex-
21 isting roads on Indian land;

22 (3) programmatic reforms and performance en-
23 hancements necessary to achieve the goal of restruc-
24 turing and streamlining road maintenance programs

1 on existing or future roads located on Indian land;
2 and

3 (4) recommendations on how to implement ef-
4 forts to coordinate with States, counties, municipali-
5 ties, and other units of local government to maintain
6 roads on Indian land.

7 (c) TRIBAL CONSULTATION AND INPUT.—Before be-
8 ginning the study under subsection (b), the Secretary
9 shall—

10 (1) consult with any Indian tribes that have ju-
11 risdiction over roads eligible for funding under the
12 road maintenance program of the Bureau of Indian
13 Affairs; and

14 (2) solicit and consider the input, comments,
15 and recommendations of the Indian tribes described
16 in paragraph (1).

17 (d) REPORT.—On completion of the study under sub-
18 section (b), the Secretary, in consultation with the Sec-
19 retary of Transportation, shall submit to the Committees
20 on Indian Affairs and Environment and Public Works of
21 the Senate and the Committees on Natural Resources and
22 Transportation and Infrastructure of the House of Rep-
23 resentatives a report on the results and findings of the
24 study.

1 (e) STATUS REPORT.—Not later than 2 years after
2 the date of enactment of this Act, and not less frequently
3 than every 2 years thereafter, the Secretary, in consulta-
4 tion with the Secretary of Transportation, shall submit to
5 the Committees on Indian Affairs and Environment and
6 Public Works of the Senate and the Committees on Nat-
7 ural Resources and Transportation and Infrastructure of
8 the House of Representatives a report that includes a de-
9 scription of—

10 (1) the progress made toward addressing the
11 deferred maintenance needs of the roads on Indian
12 land, including a list of projects funded during the
13 fiscal period covered by the report;

14 (2) the outstanding needs of the roads that
15 have been provided funding to address the deferred
16 maintenance needs;

17 (3) the remaining needs of any of the projects
18 referred to in paragraph (1);

19 (4) how the goals described in subsection (b)
20 have been met, including—

21 (A) an identification and assessment of
22 any deficiencies or shortfalls in meeting the
23 goals; and

24 (B) a plan to address the deficiencies or
25 shortfalls in meeting the goals; and

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (b) BEST PRACTICES, STANDARDIZED CRASH RE-
4 PORT FORM.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Transportation, in consultation with the Secretary,
8 Indian tribes, Alaska Native villages, and State de-
9 partments of transportation shall develop—

10 (A) best practices for the compiling, anal-
11 ysis, and sharing of motor vehicle crash data
12 for crashes occurring on Indian reservations
13 and in Alaska Native communities; and

14 (B) a standardized form for use by Indian
15 tribes and Alaska Native communities to carry
16 out those best practices.

17 (2) PURPOSE.—The purpose of the best prac-
18 tices and standardized form developed under para-
19 graph (1) shall be to improve the quality and quan-
20 tity of crash data available to and used by the Fed-
21 eral Highway Administration, State departments of
22 transportation, Indian tribes, and Alaska Native vil-
23 lages.

24 (3) REPORT.—On completion of the develop-
25 ment of the best practices and standardized form

1 under paragraph (1), the Secretary of Transpor-
2 tation shall submit to the Committees on Indian Af-
3 fairs and Environment and Public Works of the Sen-
4 ate and the Committees on Natural Resources and
5 Transportation and Infrastructure of the House of
6 Representatives a report describing the best prac-
7 tices and standardized form.

8 (c) USE OF IMARS.—The Director of the Bureau of
9 Indian Affairs shall require all law enforcement offices of
10 the Bureau, for the purpose of reporting motor vehicle
11 crash data for crashes occurring on Indian reservations
12 and in Alaska Native communities—

13 (1) to use the crash report form of the applica-
14 ble State; and

15 (2) to upload the information on that form to
16 the Incident Management Analysis and Reporting
17 System (IMARS) of the Department of the Interior.

18 (d) TRIBAL TRANSPORTATION PROGRAM SAFETY
19 FUNDING.—Section 202(e)(1) of title 23, United States
20 Code, is amended by striking “2 percent” and inserting
21 “4 percent”.

22 **SEC. 14009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

23 Section 102 of title 49, United States Code, is
24 amended—

25 (1) in subsection (e)(1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “6 Assistant” and inserting “7
3 Assistant”;

4 (B) in subparagraph (C), by striking
5 “and” after the semicolon;

6 (C) by redesignating subparagraph (D) as
7 subparagraph (E); and

8 (D) by inserting after subparagraph (C)
9 the following:

10 “(D) an Assistant Secretary for Tribal
11 Government Affairs, who shall be appointed by
12 the President; and”;

13 (2) in subsection (f), by striking the subsection
14 designation and heading and all that follows through
15 the end of paragraph (1) and inserting the following:

16 “(f) OFFICE OF TRIBAL GOVERNMENT AFFAIRS.—

17 “(1) ESTABLISHMENT.—There is established in
18 the Department an Office of Tribal Government Af-
19 fairs, under the Assistant Secretary for Tribal Gov-
20 ernment Affairs—

21 “(A) to oversee the tribal self-governance
22 program under section 207 of title 23;

23 “(B) to plan, coordinate, and implement
24 policies and programs serving Indian Tribes
25 and Tribal organizations;

1 “(C) to coordinate Tribal transportation
2 programs and activities in all offices and ad-
3 ministrations of the Department; and

4 “(D) to be a participant in any negotiated
5 rulemakings relating to, or having an impact
6 on, projects, programs, or funding associated
7 with the Tribal transportation program under
8 section 202 of title 23.”.

9 **DIVISION B—SURFACE TRANS-**
10 **PORTATION INVESTMENT**
11 **ACT OF 2021**

12 **SEC. 20001. SHORT TITLE.**

13 This division may be cited as the “Surface Transpor-
14 tation Investment Act of 2021”.

15 **SEC. 20002. DEFINITIONS.**

16 In this division:

17 (1) DEPARTMENT.—The term “Department”
18 means the Department of Transportation.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Transportation.

1 **TITLE I—MULTIMODAL AND**
2 **FREIGHT TRANSPORTATION**
3 **Subtitle A—Multimodal Freight**
4 **Policy**

5 **SEC. 21101. OFFICE OF MULTIMODAL FREIGHT INFRA-**
6 **STRUCTURE AND POLICY.**

7 (a) IN GENERAL.—Chapter 1 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 118. Office of Multimodal Freight Infrastructure**
11 **and Policy**

12 “(a) DEFINITIONS.—In this section:

13 “(1) DEPARTMENT.—The term ‘Department’
14 means the Department of Transportation.

15 “(2) FREIGHT OFFICE.—The term ‘Freight Of-
16 fice’ means the Office of Multimodal Freight Infra-
17 structure and Policy established under subsection

18 (b).

19 “(3) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Transportation.

21 “(b) ESTABLISHMENT.—The Secretary shall estab-
22 lish within the Department an Office of Multimodal
23 Freight Infrastructure and Policy.

24 “(c) PURPOSES.—The purposes of the Freight Office
25 shall be—

1 “(1) to carry out the national multimodal
2 freight policy described in section 70101;

3 “(2) to administer and oversee certain
4 multimodal freight grant programs within the De-
5 partment in accordance with subsection (d);

6 “(3) to promote and facilitate the sharing of in-
7 formation between the private and public sectors
8 with respect to freight issues;

9 “(4) to conduct research on improving
10 multimodal freight mobility, and to oversee the
11 freight research activities of the various agencies
12 within the Department;

13 “(5) to assist cities and States in developing
14 freight mobility and supply chain expertise;

15 “(6) to liaise and coordinate with other Federal
16 departments and agencies; and

17 “(7) to carry out other duties, as prescribed by
18 the Secretary.

19 “(d) ADMINISTRATION OF POLICIES AND PRO-
20 GRAMS.—The Freight Office shall—

21 “(1) develop and manage—

22 “(A) the national freight strategic plan de-
23 scribed in section 70102; and

24 “(B) the National Multimodal Freight
25 Network established under section 70103;

1 “(2)(A) oversee the development and updating
2 of the State freight plans described in section
3 70202; and

4 “(B) provide guidance or best practices relating
5 to the development and updating of State freight
6 plans under that section;

7 “(3)(A) administer multimodal freight grant
8 programs, including multimodal freight grants estab-
9 lished under section 117 of title 23; and

10 “(B) establish procedures for analyzing and
11 evaluating applications for grants under those pro-
12 grams;

13 “(4) assist States in the establishment of—

14 “(A) State freight advisory committees
15 under section 70201; and

16 “(B) multi-State freight mobility compacts
17 under section 70204; and

18 “(5) provide to the Bureau of Transportation
19 Statistics input regarding freight data and planning
20 tools.

21 “(e) ASSISTANT SECRETARY.—

22 “(1) IN GENERAL.—The Freight Office shall be
23 headed by an Assistant Secretary for Multimodal
24 Freight, who shall—

1 “(A) be appointed by the President, by and
2 with the advice and consent of the Senate; and

3 “(B) have professional standing and dem-
4 onstrated knowledge in the field of freight
5 transportation.

6 “(2) DUTIES.—The Assistant Secretary shall—

7 “(A) report to the Under Secretary of
8 Transportation for Policy;

9 “(B) be responsible for the management
10 and oversight of the activities, decisions, oper-
11 ations, and personnel of the Freight Office;

12 “(C) work with the modal administrations
13 of the Department to encourage multimodal col-
14 laboration; and

15 “(D) carry out such additional duties as
16 the Secretary may prescribe.

17 “(f) CONSOLIDATION AND ELIMINATION OF DUPLI-
18 CATIVE OFFICES.—

19 “(1) CONSOLIDATION OF OFFICES AND OFFICE
20 FUNCTIONS.—The Secretary may consolidate into
21 the Freight Office any office or office function with-
22 in the Department that the Secretary determines
23 has duties, responsibilities, resources, or expertise
24 that support the purposes of the Freight Office.

1 “(2) ELIMINATION OF OFFICES.—The Sec-
2 retary may eliminate any office within the Depart-
3 ment if the Secretary determines that—

4 “(A) the purposes of the office are duplica-
5 tive of the purposes of the Freight Office;

6 “(B) the office or the functions of the of-
7 fice have been substantially consolidated with
8 the Freight Office pursuant to paragraph (1);

9 “(C) the elimination of the office will not
10 adversely affect the requirements of the Sec-
11 retary under any Federal law; and

12 “(D) the elimination of the office will im-
13 prove the efficiency and effectiveness of the pro-
14 grams and functions conducted by the office.

15 “(g) STAFFING AND BUDGETARY RESOURCES.—

16 “(1) IN GENERAL.—The Secretary shall ensure
17 that the Freight Office is adequately staffed and
18 funded.

19 “(2) STAFFING.—

20 “(A) TRANSFER OF POSITIONS TO
21 FREIGHT OFFICE.—Subject to subparagraph
22 (B), the Secretary may transfer to the Freight
23 Office any position within any other office of
24 the Department if the Secretary determines

1 that the position is necessary to carry out the
2 purposes of the Freight Office.

3 “(B) REQUIREMENT.—If the Secretary
4 transfers a position to the Freight Office pursu-
5 ant to subparagraph (A), the Secretary, in co-
6 ordination with the appropriate modal adminis-
7 tration of the Department, shall ensure that the
8 transfer of the position does not adversely af-
9 fect the requirements of the modal administra-
10 tion under any Federal law.

11 “(3) BUDGETARY RESOURCES.—

12 “(A) TRANSFER OF FUNDS FROM CON-
13 SOLIDATED OR ELIMINATED OFFICES.—

14 “(i) IN GENERAL.—To carry out the
15 purposes of the Freight Office, the Sec-
16 retary may transfer to the Freight Office
17 from any office or office function that is
18 consolidated or eliminated under sub-
19 section (f) any funds allocated for the con-
20 solidated or eliminated office or office
21 function.

22 “(ii) RETRANSFER.—Any portion of
23 any funds or limitations of obligations
24 transferred to the Freight Office pursuant

1 to clause (i) may be transferred back to,
2 and merged with, the original account.

3 “(B) TRANSFER OF FUNDS ALLOCATED
4 FOR ADMINISTRATIVE COSTS.—

5 “(i) IN GENERAL.—The Secretary
6 may transfer to the Freight Office any
7 funds allocated for the administrative costs
8 of the programs referred to in subsection
9 (d)(3).

10 “(ii) RETRANSFER.—Any portion of
11 any funds or limitations of obligations
12 transferred to the Freight Office pursuant
13 to clause (i) may be transferred back to,
14 and merged with, the original account.

15 “(h) WEBSITE.—

16 “(1) DESCRIPTION OF FREIGHT OFFICE.—The
17 Secretary shall make publicly available on the
18 website of the Department a description of the
19 Freight Office, including a description of—

20 “(A) the programs managed or made avail-
21 able by the Freight Office; and

22 “(B) the eligibility requirements for those
23 programs.

24 “(2) CLEARINGHOUSE.—The Secretary may es-
25 tablish a clearinghouse for tools, templates, guid-

1 ance, and best practices on a page of the website of
2 the Department that supports the purposes of this
3 section.

4 “(i) NOTIFICATION TO CONGRESS.—Not later than
5 1 year after the date of enactment of this section, and
6 not less frequently than once every 180 days thereafter
7 until the date on which the Secretary determines that the
8 requirements of this section have been met, the Secretary
9 shall submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a notification that—

13 “(1) describes—

14 “(A) the programs and activities adminis-
15 tered or overseen by the Freight Office; and

16 “(B) the status of those programs and ac-
17 tivities;

18 “(2) identifies—

19 “(A) the number of employees working in
20 the Freight Office as of the date of the notifica-
21 tion;

22 “(B) the total number of employees ex-
23 pected to join the Freight Office to support the
24 programs and activities described in paragraph
25 (1); and

1 “(C) the total number of positions that, as
2 a result of the consolidation of offices under
3 this section, were—

4 “(i) eliminated; or

5 “(ii) transferred, assigned, or joined
6 to the Freight Office;

7 “(3)(A) indicates whether the Secretary has
8 consolidated into the Freight Office any office or of-
9 fice function pursuant to subsection (f)(1); and

10 “(B) if the Secretary has consolidated such an
11 office or function, describes the rationale for the
12 consolidation;

13 “(4)(A) indicates whether the Secretary has
14 eliminated any office pursuant to subsection (f)(2);
15 and

16 “(B) if the Secretary has eliminated such an of-
17 fice, describes the rationale for the elimination;

18 “(5) describes any other actions carried out by
19 the Secretary to implement this section; and

20 “(6) describes any recommendations of the Sec-
21 retary for legislation that may be needed to further
22 implement this section.

23 “(j) SAVINGS PROVISIONS.—

24 “(1) EFFECT ON OTHER LAW.—Except as oth-
25 erwise provided in this section, nothing in this sec-

1 tion alters or affects any law (including regulations)
2 with respect to a program referred to in subsection
3 (d).

4 “(2) EFFECT ON RESPONSIBILITIES OF OTHER
5 AGENCIES.—Except as otherwise provided in this
6 section, nothing in this section abrogates the respon-
7 sibilities of any agency, operating administration, or
8 office within the Department that is otherwise
9 charged by law (including regulations) with any as-
10 pect of program administration, oversight, or project
11 approval or implementation with respect to a pro-
12 gram or project subject to the responsibilities of the
13 Freight Office under this section.

14 “(3) EFFECT ON PENDING APPLICATIONS.—
15 Nothing in this section affects any pending applica-
16 tion under a program referred to in subsection (d)
17 that was received by the Secretary on or before the
18 date of enactment of the Surface Transportation In-
19 vestment Act of 2021.

20 “(k) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to the Secretary such sums as are nec-
23 essary to carry out this section.

1 “(2) CERTAIN ACTIVITIES.—Authorizations
2 under subsections (f) and (g) are subject to appro-
3 priations.”.

4 (b) GAO REVIEW.—The Comptroller General of the
5 United States shall—

6 (1) conduct a review of the activities carried out
7 by the Secretary pursuant to section 118 of title 49,
8 United States Code; and

9 (2) develop recommendations regarding addi-
10 tional activities—

11 (A) to improve the consolidation of dupli-
12 cative functions within the Department; and

13 (B) to promote increased staff efficiency
14 for program management within the Depart-
15 ment.

16 (c) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 1 of title 49, United States Code, is amended by insert-
18 ing after the item relating to section 117 the following:

 “118. Office of Multimodal Freight Infrastructure and Policy.”.

19 (d) CONFORMING AMENDMENTS.—

20 (1) Section 70101(c) of title 49, United States
21 Code, is amended, in the matter preceding para-
22 graph (1), by striking “Under Secretary of Trans-
23 portation for Policy” and inserting “Assistant Sec-
24 retary for Multimodal Freight”.

1 (2) Section 70102 of title 49, United States
2 Code, is amended—

3 (A) in subsection (a), in the matter pre-
4 ceding paragraph (1), by striking “Not later”
5 and all that follows through “the Under Sec-
6 retary of Transportation for Policy” and insert-
7 ing “The Assistant Secretary for Multimodal
8 Freight (referred to in this section as the ‘As-
9 sistant Secretary)’”;

10 (B) in subsection (b)(4), in the matter pre-
11 ceding subparagraph (A), by striking “Under
12 Secretary” and inserting “Assistant Secretary”;

13 (C) in subsection (c), by striking “Under
14 Secretary” and inserting “Assistant Secretary”;
15 and

16 (D) in subsection (d), in the matter pre-
17 ceding paragraph (1), by striking “Under Sec-
18 retary” and inserting “Assistant Secretary”.

19 (3) Section 70103 of title 49, United States
20 Code, is amended—

21 (A) in subsection (a), in the matter pre-
22 ceding paragraph (1), by striking “Under Sec-
23 retary of Transportation for Policy” and insert-
24 ing “Assistant Secretary for Multimodal

1 Freight (referred to in this section as the ‘As-
2 sistant Secretary’);

3 (B) by striking subsection (b);

4 (C) by redesignating subsections (c) and
5 (d) as subsections (b) and (c), respectively;

6 (D) in subsection (b) (as so redesign-
7 nated)—

8 (i) in the subsection heading, by strik-
9 ing “FINAL NETWORK” and inserting
10 “DESIGNATION OF NATIONAL
11 MULTIMODAL FREIGHT NETWORK”;

12 (ii) in paragraph (1), in the matter
13 preceding subparagraph (A), by striking
14 “Not later” and all that follows through
15 “Under Secretary” and inserting “The As-
16 sistant Secretary”;

17 (iii) in paragraph (2), in the matter
18 preceding subparagraph (A), by striking
19 “Under Secretary” and inserting “Assist-
20 ant Secretary”; and

21 (iv) in paragraph (3), in the matter
22 preceding subparagraph (A), by striking
23 “Under Secretary” and inserting “Assist-
24 ant Secretary”; and

1 (E) in subsection (c) (as so redesign-
2 nated)—

3 (i) by striking “subsection (c)” each
4 place it appears and inserting “subsection
5 (b)”;

6 (ii) by striking “Under Secretary”
7 and inserting “Assistant Secretary”.

8 (4) Section 116(d)(1) of title 49, United States
9 Code, is amended by striking subparagraph (D).

10 **SEC. 21102. UPDATES TO NATIONAL FREIGHT PLAN.**

11 Section 70102(b) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (10), by striking “and” at the
14 end;

15 (2) in paragraph (11), by striking the period at
16 the end and inserting a semicolon; and

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

18 “(12) best practices for reducing environmental
19 impacts of freight movement (including reducing
20 local air pollution from freight movement,
21 stormwater runoff, and wildlife habitat loss resulting
22 from freight facilities, freight vehicles, or freight ac-
23 tivity);

24 “(13) possible strategies to increase the resil-
25 ience of the freight system, including the ability to

1 anticipate, prepare for, or adapt to conditions, or
2 withstand, respond to, or recover rapidly from dis-
3 ruptions, including extreme weather and natural dis-
4 asters;

5 “(14) strategies to promote United States eco-
6 nomic growth and international competitiveness;

7 “(15) consideration of any potential unique im-
8 pacts of the national freight system on rural and
9 other underserved and historically disadvantaged
10 communities;

11 “(16) strategies for decarbonizing freight move-
12 ment, as appropriate; and

13 “(17) consideration of the impacts of e-com-
14 merce on the national multimodal freight system.”.

15 **SEC. 21103. STATE COLLABORATION WITH NATIONAL**
16 **MULTIMODAL FREIGHT NETWORK.**

17 Subsection (b) of section 70103 of title 49, United
18 States Code (as redesignated by section 21101(d)(3)(C)),
19 is amended—

20 (1) in paragraph (3), by striking subparagraph
21 (C) and inserting the following:

22 “(C) provide to the States an opportunity
23 to submit proposed designations from the
24 States in accordance with paragraph (4).”; and

25 (2) in paragraph (4)—

1 (A) in subparagraph (C)(i), by striking
2 “20 percent” and inserting “30 percent”; and
3 (B) by adding at the end the following:
4 “(E) CONDITION FOR ACCEPTANCE.—The
5 Secretary shall accept from a State a designa-
6 tion under subparagraph (D) only if the Sec-
7 retary determines that the designation meets
8 the applicable requirements of subparagraph
9 (A).”.

10 **SEC. 21104. IMPROVING STATE FREIGHT PLANS.**

11 (a) IN GENERAL.—Section 70202 of title 49, United
12 States Code, is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (9), by striking “and” at
15 the end;

16 (B) by redesignating paragraph (10) as
17 paragraph (17); and

18 (C) by inserting after paragraph (9) the
19 following:

20 “(10) the most recent commercial motor vehicle
21 parking facilities assessment conducted by the State
22 under subsection (f);

23 “(11) the most recent supply chain cargo flows
24 in the State, expressed by mode of transportation;

1 “(12) an inventory of commercial ports in the
2 State;

3 “(13) if applicable, consideration of the findings
4 or recommendations made by any multi-State freight
5 compact to which the State is a party under section
6 70204;

7 “(14) the impacts of e-commerce on freight in-
8 frastructure in the State;

9 “(15) considerations of military freight;

10 “(16) strategies and goals to decrease—

11 “(A) the severity of impacts of extreme
12 weather and natural disasters on freight mobil-
13 ity;

14 “(B) the impacts of freight movement on
15 local air pollution;

16 “(C) the impacts of freight movement on
17 flooding and stormwater runoff; and

18 “(D) the impacts of freight movement on
19 wildlife habitat loss; and”;

20 (2) by adding at the end the following:

21 “(f) COMMERCIAL MOTOR VEHICLE PARKING FA-
22 CILITIES ASSESSMENTS.—As part of the development or
23 updating, as applicable, of a State freight plan under this
24 section, each State that receives funding under section 167

1 of title 23, in consultation with relevant State motor car-
2 rier safety personnel, shall conduct an assessment of—

3 “(1) the capability of the State, together with
4 the private sector in the State, to provide adequate
5 parking facilities and rest facilities for commercial
6 motor vehicles engaged in interstate transportation;

7 “(2) the volume of commercial motor vehicle
8 traffic in the State; and

9 “(3) whether there exist any areas within the
10 State with a shortage of adequate commercial motor
11 vehicle parking facilities, including an analysis (eco-
12 nomic or otherwise, as the State determines to be
13 appropriate) of the underlying causes of such a
14 shortage.

15 “(g) PRIORITY.—Each State freight plan under this
16 section shall include a requirement that the State, in car-
17 rying out activities under the State freight plan—

18 “(1) enhance reliability or redundancy of
19 freight transportation; or

20 “(2) incorporate the ability to rapidly restore
21 access and reliability with respect to freight trans-
22 portation.

23 “(h) APPROVAL.—

24 “(1) IN GENERAL.—The Secretary of Transpor-
25 tation shall approve a State freight plan described in

1 subsection (a) if the plan achieves compliance with
2 the requirements of this section.

3 “(2) SAVINGS PROVISION.—Nothing in this sub-
4 section establishes new procedural requirements for
5 the approval of a State freight plan described in
6 subsection (a).”.

7 (b) STUDIES.—For the purpose of facilitating the in-
8 tegration of intelligent transportation systems into the
9 freight transportation network powered by electricity, the
10 Secretary, acting through the Assistant Secretary for
11 Multimodal Freight, shall conduct a study relating to—

12 (1) preparing to supply power to applicable
13 electrical freight infrastructure; and

14 (2) safely integrating freight into intelligent
15 transportation systems.

16 (c) ALIGNMENT OF TRANSPORTATION PLANNING.—
17 Section 70202 of title 49, United States Code, is amend-
18 ed—

19 (1) in subsection (d), by striking “5-year” and
20 inserting “8-year”; and

21 (2) in subsection (e)(1), by striking “5 years”
22 and inserting “4 years”.

1 **SEC. 21105. IMPLEMENTATION OF NATIONAL MULTIMODAL**
2 **FREIGHT NETWORK.**

3 Not later than 30 days after the date of enactment
4 of this Act, the Secretary shall submit to the Committee
5 on Commerce, Science, and Transportation of the Senate
6 and the Committee on Transportation and Infrastructure
7 of the House of Representatives a report that—

8 (1) describes the status of the designation of
9 the final National Multimodal Freight Network re-
10 quired under section 70103 of title 49, United
11 States Code;

12 (2) explains the reasons why the designation of
13 the network referred to in paragraph (1) has not
14 been finalized, if applicable; and

15 (3) estimates the date by which that network
16 will be designated.

17 **SEC. 21106. MULTI-STATE FREIGHT CORRIDOR PLANNING.**

18 (a) IN GENERAL.—Chapter 702 of title 49, United
19 States Code, is amended—

20 (1) by redesignating section 70204 as section
21 70206; and

22 (2) by inserting after section 70203 the fol-
23 lowing:

24 **“§ 70204. Multi-State freight corridor planning**

25 **“(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY**
26 **COMPACTS.—Congress recognizes the right of States, cit-**

1 ies, regional planning organizations, federally recognized
2 Indian Tribes, and local public authorities (including pub-
3 lic port authorities) that are regionally linked with an in-
4 terest in a specific nationally or regionally significant
5 multi-State freight corridor to enter into multi-State com-
6 pacts to promote the improved mobility of goods, includ-
7 ing—

8 “(1) identifying projects along the corridor that
9 benefit multiple States;

10 “(2) assembling rights-of-way; and

11 “(3) performing capital improvements.

12 “(b) FINANCING.—A multi-State freight compact es-
13 tablished by entities under subsection (a) may provide
14 that, in order to carry out the compact, the relevant States
15 or other entities may—

16 “(1) accept contributions from a unit of State
17 or local government;

18 “(2) use any Federal or State funds made
19 available for freight mobility infrastructure planning
20 or construction, including applying for grants;

21 “(3) subject to such terms and conditions as
22 the States consider to be advisable—

23 “(A) borrow money on a short-term basis;

24 and

25 “(B) issue—

1 “(i) notes for borrowing under sub-
2 paragraph (A); and

3 “(ii) bonds; and

4 “(4) obtain financing by other means permitted
5 under applicable Federal or State law.

6 “(c) ADVISORY COMMITTEES.—

7 “(1) IN GENERAL.—A multi-State freight com-
8 pact under this section may establish a multi-State
9 freight corridor advisory committee, which shall in-
10 clude representatives of State departments of trans-
11 portation and other public and private sector entities
12 with an interest in freight mobility, such as—

13 “(A) ports;

14 “(B) freight railroads;

15 “(C) shippers;

16 “(D) carriers;

17 “(E) freight-related associations;

18 “(F) third-party logistics providers;

19 “(G) the freight industry workforce;

20 “(H) environmental organizations;

21 “(I) community organizations; and

22 “(J) units of local government.

23 “(2) ACTIVITIES.—An advisory committee es-
24 tablished under paragraph (1) may—

1 “(A) advise the parties to the applicable
2 multi-State freight compact with respect to
3 freight-related priorities, issues, projects, and
4 funding needs that impact multi-State—

5 “(i) freight mobility; and

6 “(ii) supply chains;

7 “(B) serve as a forum for States, Indian
8 Tribes, and other public entities to discuss deci-
9 sions affecting freight mobility;

10 “(C) communicate and coordinate multi-
11 State freight priorities with other organizations;

12 “(D) promote the sharing of information
13 between the private and public sectors with re-
14 spect to freight issues; and

15 “(E) provide information for consideration
16 in the development of State freight plans under
17 section 70202.

18 “(d) GRANTS.—

19 “(1) ESTABLISHMENT.—The Secretary of
20 Transportation (referred to in this section as the
21 ‘Secretary’) shall establish a program under which
22 the Secretary shall provide grants to multi-State
23 freight compacts, or States seeking to form a multi-
24 State freight compact, that seek to improve a route

1 or corridor that is a part of the National Multimodal
2 Freight Network established under section 70103.

3 “(2) NEW COMPACTS.—

4 “(A) IN GENERAL.—To incentivize the es-
5 tablishment of multi-State freight compacts, the
6 Secretary may award a grant for operations
7 costs in an amount of not more than
8 \$2,000,000 to—

9 “(i) a multi-State freight compact es-
10 tablished under subsection (a) during the
11 2-year period beginning on the date of es-
12 tablishment of the multi-State freight com-
13 pact; or

14 “(ii) States seeking to form a multi-
15 State freight compact described in that
16 subsection.

17 “(B) ELIGIBILITY.—

18 “(i) NEW MULTI-STATE FREIGHT
19 COMPACTS.—A multi-State freight compact
20 shall be eligible for a grant under this
21 paragraph only during the initial 2 years
22 of operation of the compact.

23 “(ii) STATES SEEKING TO FORM A
24 COMPACT.—States seeking to form a multi-

1 State freight compact shall be eligible for
2 a grant under this paragraph during—

3 “(I) the 2-year period beginning
4 on the date on which an application
5 for a grant under this paragraph with
6 respect to the proposed compact is
7 submitted to the Secretary; or

8 “(II) if the compact is formed be-
9 fore the date on which a grant under
10 this paragraph is awarded in accord-
11 ance with subclause (I), the initial 2
12 years of operation of the compact.

13 “(C) REQUIREMENTS.—To be eligible to
14 receive a grant under this paragraph, a multi-
15 State freight compact or the applicable States
16 seeking to form a multi-State freight compact
17 shall—

18 “(i) submit to the Secretary an appli-
19 cation at such time, in such manner, and
20 containing such information as the Sec-
21 retary may require;

22 “(ii) provide a non-Federal match
23 equal to not less than 25 percent of the op-
24 erating costs of the multi-State freight
25 compact; and

1 “(iii) commit to establishing a multi-
2 State freight corridor advisory committee
3 under subsection (c)(1) during the initial
4 2-year period of operation of the compact.

5 “(3) EXISTING COMPACTS.—

6 “(A) IN GENERAL.—The Secretary may
7 award a grant to multi-State freight compacts
8 that are not eligible to receive a grant under
9 paragraph (2) for operations costs in an
10 amount of not more than \$1,000,000.

11 “(B) REQUIREMENTS.—To be eligible to
12 receive a grant under this paragraph, a multi-
13 State freight compact shall—

14 “(i) submit to the Secretary an appli-
15 cation at such time, in such manner, and
16 containing such information as the Sec-
17 retary may require;

18 “(ii) provide a non-Federal match of
19 not less than 50 percent of the operating
20 costs of the compact; and

21 “(iii) demonstrate that the compact
22 has established a multi-State freight cor-
23 ridor advisory committee under subsection
24 (c)(1).

1 “(4) AUTHORIZATION OF APPROPRIATIONS.—
2 There is authorized to be appropriated to the Sec-
3 retary \$5,000,000 for each fiscal year to carry out
4 this subsection.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 702 of title 49, United States Code, is amended by
7 striking the item relating to section 70204 and inserting
8 the following:

 “70204. Multi-State freight corridor planning.
 “70206. Savings provision.”.

9 **SEC. 21107. STATE FREIGHT ADVISORY COMMITTEES.**

10 Section 70201 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a), by striking “representa-
13 tives of ports, freight railroads,” and all that follows
14 through the period at the end and inserting the fol-
15 lowing: “representatives of—

16 “(1) ports, if applicable;

17 “(2) freight railroads, if applicable;

18 “(3) shippers;

19 “(4) carriers;

20 “(5) freight-related associations;

21 “(6) third-party logistics providers;

22 “(7) the freight industry workforce;

23 “(8) the transportation department of the
24 State;

1 “(9) metropolitan planning organizations;

2 “(10) local governments;

3 “(11) the environmental protection department
4 of the State, if applicable;

5 “(12) the air resources board of the State, if
6 applicable;

7 “(13) economic development agencies of the
8 State; and

9 “(14) not-for-profit organizations or community
10 organizations.”;

11 (2) in subsection (b)(5), by striking “70202.”
12 and inserting “70202, including by providing advice
13 regarding the development of the freight investment
14 plan.”;

15 (3) by redesignating subsection (b) as sub-
16 section (c); and

17 (4) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) **QUALIFICATIONS.**—Each member of a freight
20 advisory committee established under subsection (a) shall
21 have qualifications sufficient to serve on a freight advisory
22 committee, including, as applicable—

23 “(1) general business and financial experience;

24 “(2) experience or qualifications in the areas of
25 freight transportation and logistics;

1 “(3) experience in transportation planning;

2 “(4) experience representing employees of the
3 freight industry;

4 “(5) experience representing a State, local gov-
5 ernment, or metropolitan planning organization; or

6 “(6) experience representing the views of a
7 community group or not-for-profit organization.”.

8 **Subtitle B—Multimodal Investment**

9 **SEC. 21201. NATIONAL INFRASTRUCTURE PROJECT ASSIST-** 10 **ANCE.**

11 Subtitle III of title 49, United States Code, is amend-
12 ed by adding at the end the following:

13 **“CHAPTER 67—MULTIMODAL** 14 **INFRASTRUCTURE INVESTMENTS**

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.

15 **“§ 6701. National infrastructure project assistance**

16 “(a) DEFINITIONS.—In this section:

17 “(1) DEPARTMENT.—The term ‘Department’
18 means the Department of Transportation.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State or a group of States;

22 “(B) a metropolitan planning organization;

23 “(C) a unit of local government;

24 “(D) a political subdivision of a State;

1 “(E) a special purpose district or public
2 authority with a transportation function, includ-
3 ing a port authority;

4 “(F) a Tribal government or a consortium
5 of Tribal governments;

6 “(G) a partnership between Amtrak and 1
7 or more entities described in subparagraphs (A)
8 through (F); and

9 “(H) a group of entities described in any
10 of subparagraphs (A) through (G).

11 “(3) PROGRAM.—The term ‘program’ means
12 the program established by subsection (b).

13 “(4) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Transportation.

15 “(5) STATE.—The term ‘State’ means—

16 “(A) any of the several States;

17 “(B) the District of Columbia;

18 “(C) the Commonwealth of Puerto Rico;

19 “(D) the Commonwealth of the Northern
20 Mariana Islands;

21 “(E) the United States Virgin Islands;

22 “(F) Guam;

23 “(G) American Samoa; and

24 “(H) any other territory or possession of
25 the United States.

1 “(b) ESTABLISHMENT.—There is established a pro-
2 gram under which the Secretary shall provide to eligible
3 entities grants, on a competitive basis pursuant to single-
4 year or multiyear grant agreements, for projects described
5 in subsection (d).

6 “(c) APPLICATIONS.—

7 “(1) IN GENERAL.—To be eligible for a grant
8 under the program, an eligible entity shall submit to
9 the Secretary an application at such time, in such
10 manner, and containing such information as the Sec-
11 retary determines to be appropriate.

12 “(2) PLAN FOR DATA COLLECTION.—An appli-
13 cation under paragraph (1) shall include a plan for
14 data collection and analysis described in subsection
15 (g).

16 “(d) ELIGIBLE PROJECTS.—The Secretary may pro-
17 vide a grant under the program only for a project—

18 “(1) that is—

19 “(A) a highway or bridge project carried
20 out on—

21 “(i) the National Multimodal Freight
22 Network established under section 70103;

23 “(ii) the National Highway Freight
24 Network established under section 167 of
25 title 23; or

1 “(iii) the National Highway System
2 (as defined in section 101(a) of title 23);

3 “(B) a freight intermodal (including public
4 ports) or freight rail project that provides a
5 public benefit;

6 “(C) a railway-highway grade separation
7 or elimination project;

8 “(D) an intercity passenger rail project;

9 “(E) a public transportation project that
10 is—

11 “(i) eligible for assistance under chap-
12 ter 53; and

13 “(ii) part of a project described in any
14 of subparagraphs (A) through (D); or

15 “(F) a grouping, combination, or program
16 of interrelated, connected, or dependent projects
17 of any of the projects described in subpara-
18 graphs (A) through (E); and

19 “(2) the eligible project costs of which are—

20 “(A) reasonably anticipated to equal or ex-
21 ceed \$500,000,000; or

22 “(B) for any project funded by the set-
23 aside under subsection (m)(2)—

24 “(i) more than \$100,000,000; but

25 “(ii) less than \$500,000,000.

1 “(E) the applicant has, or will have, suffi-
2 cient legal, financial, and technical capacity to
3 carry out the project.

4 “(2) EVALUATION CRITERIA.—In awarding a
5 grant under the program, the Secretary shall evalu-
6 ate—

7 “(A) the extent to which a project supports
8 achieving a state of good repair for each exist-
9 ing asset to be improved by the project;

10 “(B) the level of benefits a project is ex-
11 pected to generate, including—

12 “(i) the costs avoided by the preven-
13 tion of closure or reduced use of the asset
14 to be improved by the project;

15 “(ii) reductions in maintenance costs
16 over the life of the applicable asset;

17 “(iii) safety benefits, including the re-
18 duction of serious injuries and fatalities
19 and related costs;

20 “(iv) improved person or freight
21 throughput, including improved mobility
22 and reliability; and

23 “(v) environmental benefits and
24 health impacts, such as—

618

1 “(I) reductions in greenhouse gas
2 emissions;

3 “(II) air quality benefits;

4 “(III) preventing stormwater
5 runoff that would be a detriment to
6 aquatic species; and

7 “(IV) improved infrastructure re-
8 silience;

9 “(C) the benefits of the project, as com-
10 pared to the costs of the project;

11 “(D) the number of persons or volume of
12 freight, as applicable, supported by the project;
13 and

14 “(E) national and regional economic bene-
15 fits of the project, including with respect to
16 short- and long-term job access, growth, or cre-
17 ation.

18 “(3) ADDITIONAL CONSIDERATIONS.—In select-
19 ing projects to receive grants under the program, the
20 Secretary shall take into consideration—

21 “(A) contributions to geographical diver-
22 sity among grant recipients, including a balance
23 between the needs of rural and urban commu-
24 nities;

1 “(B) whether multiple States would benefit
2 from a project;

3 “(C) whether, and the degree to which, a
4 project uses—

5 “(i) construction materials or ap-
6 proaches that have—

7 “(I) demonstrated reductions in
8 greenhouse gas emissions; or

9 “(II) reduced the need for main-
10 tenance of other projects; or

11 “(ii) technologies that will allow for
12 future connectivity and automation;

13 “(D) whether a project would benefit—

14 “(i) a historically disadvantaged com-
15 munity or population; or

16 “(ii) an area of persistent poverty;

17 “(E) whether a project benefits users of
18 multiple modes of transportation, including—

19 “(i) pedestrians;

20 “(ii) bicyclists; and

21 “(iii) users of nonvehicular rail and
22 public transportation, including intercity
23 and commuter rail; and

24 “(F) whether a project improves
25 connectivity between modes of transportation

1 moving persons or goods nationally or region-
2 ally.

3 “(4) RATINGS.—

4 “(A) IN GENERAL.—In evaluating applica-
5 tions for a grant under the program, the Sec-
6 retary shall assign the project proposed in the
7 application a rating described in subparagraph
8 (B), based on the information contained in the
9 applicable notice published under paragraph
10 (5).

11 “(B) RATINGS.—

12 “(i) HIGHLY RECOMMENDED.—The
13 Secretary shall assign a rating of ‘highly
14 recommended’ to projects that, in the de-
15 termination of the Secretary—

16 “(I) are exemplary projects of
17 national or regional significance; and

18 “(II) would provide significant
19 public benefit, as determined based on
20 the applicable criteria described in
21 this subsection, if funded under the
22 program.

23 “(ii) RECOMMENDED.—The Secretary
24 shall assign a rating of ‘recommended’ to

1 projects that, in the determination of the
2 Secretary—

3 “(I) are of national or regional
4 significance; and

5 “(II) would provide public ben-
6 efit, as determined based on the appli-
7 cable criteria described in this sub-
8 section, if funded under the program.

9 “(iii) NOT RECOMMENDED.—The Sec-
10 retary shall assign a rating of ‘not rec-
11 ommended’ to projects that, in the deter-
12 mination of the Secretary, should not re-
13 ceive a grant under the program, based on
14 the applicable criteria described in this
15 subsection.

16 “(C) TECHNICAL ASSISTANCE.—

17 “(i) IN GENERAL.—On request of an
18 eligible entity that submitted an applica-
19 tion under subsection (c) for a project that
20 is not selected to receive a grant under the
21 program, the Secretary shall provide to the
22 eligible entity technical assistance and
23 briefings relating to the project.

24 “(ii) TREATMENT.—Technical assist-
25 ance provided under this subparagraph

1 shall not be considered a guarantee of fu-
2 ture selection of the applicable project
3 under the program.

4 “(5) PUBLICATION OF PROJECT EVALUATION
5 AND SELECTION CRITERIA.—Not later than 90 days
6 after the date of enactment of this chapter, the Sec-
7 retary shall publish and make publicly available on
8 the website of the Department a notice that contains
9 a detailed explanation of—

10 “(A) the method by which the Secretary
11 will determine whether a project satisfies the
12 applicable requirements described in paragraph
13 (1);

14 “(B) any additional ratings the Secretary
15 may assign to determine the means by which a
16 project addresses the selection criteria and ad-
17 ditional considerations described in paragraphs
18 (2) and (3); and

19 “(C) the means by which the project re-
20 quirements and ratings referred to in subpara-
21 graphs (A) and (B) will be used to assign an
22 overall rating for the project under paragraph
23 (4).

24 “(6) PROJECT SELECTION PRIORITY.—In
25 awarding grants under the program, the Secretary

1 shall give priority to projects to which the Secretary
2 has assigned a rating of ‘highly recommended’ under
3 paragraph (4)(B)(i).

4 “(g) DATA COLLECTION AND ANALYSIS.—

5 “(1) PLAN.—

6 “(A) IN GENERAL.—An eligible entity
7 seeking a grant under the program shall submit
8 to the Secretary, together with the grant appli-
9 cation, a plan for the collection and analysis of
10 data to identify in accordance with the frame-
11 work established under paragraph (2)—

12 “(i) the impacts of the project; and

13 “(ii) the accuracy of any forecast pre-
14 pared during the development phase of the
15 project and included in the grant applica-
16 tion.

17 “(B) CONTENTS.—A plan under subpara-
18 graph (A) shall include—

19 “(i) an approach to measuring—

20 “(I) the criteria described in sub-
21 section (f)(2); and

22 “(II) if applicable, the additional
23 requirements described in subsection
24 (f)(3);

1 “(ii) an approach for analyzing the
2 consistency of predicted project character-
3 istics with actual outcomes; and

4 “(iii) any other elements that the Sec-
5 retary determines to be necessary.

6 “(2) FRAMEWORK.—The Secretary may publish
7 a standardized framework for the contents of the
8 plans under paragraph (1), which may include, as
9 appropriate—

10 “(A) standardized forecasting and meas-
11 urement approaches;

12 “(B) data storage system requirements;
13 and

14 “(C) any other requirements the Secretary
15 determines to be necessary to carry out this
16 section.

17 “(3) MULTIYEAR GRANT AGREEMENTS.—The
18 Secretary shall require an eligible entity, as a condi-
19 tion of receiving funding pursuant to a multiyear
20 grant agreement under the program, to collect addi-
21 tional data to measure the impacts of the project
22 and to accurately track improvements made by the
23 project, in accordance with a plan described in para-
24 graph (1).

25 “(4) REPORTS.—

1 “(A) development-phase activities and
2 costs, including planning, feasibility analysis,
3 revenue forecasting, alternatives analysis, data
4 collection and analysis, environmental review
5 and activities to support environmental review,
6 preliminary engineering and design work, and
7 other preconstruction activities, including the
8 preparation of a data collection and post-con-
9 struction analysis plan under subsection (g);
10 and

11 “(B) construction, reconstruction, rehabili-
12 tation, acquisition of real property (including
13 land relating to the project and improvements
14 to that land), environmental mitigation (includ-
15 ing projects to replace or rehabilitate culverts
16 or reduce stormwater runoff for the purpose of
17 improving habitat for aquatic species), con-
18 struction contingencies, acquisition of equip-
19 ment, protection, and operational improvements
20 directly relating to the project.

21 “(2) INTEREST AND OTHER FINANCING
22 COSTS.—The interest and other financing costs of
23 carrying out any part of a project under a multiyear
24 grant agreement within a reasonable period of time
25 shall be considered to be an eligible project cost only

1 if the applicable eligible entity certifies to the Sec-
2 retary that the eligible entity has demonstrated rea-
3 sonable diligence in seeking the most favorable fi-
4 nancing terms.

5 “(i) COST SHARING.—

6 “(1) IN GENERAL.—The total amount awarded
7 for a project under the program may not exceed 60
8 percent of the total eligible project costs described in
9 subsection (h).

10 “(2) MAXIMUM FEDERAL INVOLVEMENT.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), Federal assistance other than a
13 grant awarded under the program may be pro-
14 vided for a project for which a grant is awarded
15 under the program.

16 “(B) LIMITATION.—The total amount of
17 Federal assistance provided for a project for
18 which a grant is awarded under the program
19 shall not exceed 80 percent of the total cost of
20 the project.

21 “(C) NON-FEDERAL SHARE.—Secured
22 loans or financing provided under section 603
23 of title 23 or section 22402 of this title and re-
24 paid with local funds or revenues shall be con-

1 sidered to be part of the local share of the cost
2 of a project.

3 “(3) APPLICATION TO MULTIYEAR AGREE-
4 MENTS.—Notwithstanding any other provision of
5 this title, in any case in which amounts are provided
6 under the program pursuant to a multiyear agree-
7 ment, the disbursed Federal share of the cost of the
8 project may exceed the limitations described in para-
9 graphs (1) and (2)(B) for 1 or more years if the
10 total amount of the Federal share of the cost of the
11 project, once completed, does not exceed those limi-
12 tations.

13 “(j) GRANT AGREEMENTS.—

14 “(1) IN GENERAL.—A project for which an eli-
15 gible entity receives a multiyear grant under the pro-
16 gram shall be carried out in accordance with this
17 subsection.

18 “(2) TERMS.—A multiyear grant agreement
19 under this subsection shall—

20 “(A) establish the terms of Federal partici-
21 pation in the applicable project;

22 “(B) establish the maximum amount of
23 Federal financial assistance for the project;

1 “(C) establish a schedule of anticipated
2 Federal obligations for the project that provides
3 for obligation of the full grant amount;

4 “(D) describe the period of time for com-
5 pleting the project, regardless of whether that
6 period extends beyond the period of an author-
7 ization; and

8 “(E) facilitate timely and efficient manage-
9 ment of the applicable project by the eligible en-
10 tity carrying out the project, in accordance with
11 applicable law.

12 “(3) SPECIAL RULES.—

13 “(A) IN GENERAL.—A multiyear grant
14 agreement under this subsection—

15 “(i) shall provide for the obligation of
16 an amount of available budget authority
17 specified in law;

18 “(ii) may include a commitment, con-
19 tingent on amounts to be specified in law
20 in advance for commitments under this
21 paragraph, to obligate an additional
22 amount from future available budget au-
23 thority specified in law; and

24 “(iii) shall provide that any funds dis-
25 bursed under the program for the project

1 before the completion of any review re-
2 quired under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.) may only cover costs associated with
5 development-phase activities described in
6 subsection (h)(1)(A).

7 “(B) CONTINGENT COMMITMENT.—A con-
8 tingent commitment under this paragraph is
9 not an obligation of the Federal Government,
10 including for purposes of section 1501 of title
11 31.

12 “(4) SINGLE-YEAR GRANTS.—The Secretary
13 may only provide to an eligible entity a full grant
14 under the program in a single year if all reviews re-
15 quired under the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4321 et seq.) with respect to the
17 applicable project have been completed before the re-
18 ceipt of any program funds.

19 “(k) CONGRESSIONAL NOTIFICATION.—

20 “(1) IN GENERAL.—Not later than 30 days be-
21 fore the date on which the Secretary publishes the
22 selection of projects to receive grants under the pro-
23 gram, the Secretary shall submit to the Committee
24 on Commerce, Science, and Transportation of the
25 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a
2 written notice that includes—

3 “(A) a list of all project applications re-
4 viewed by the Secretary as part of the selection
5 process;

6 “(B) the rating assigned to each project
7 under subsection (f)(4);

8 “(C) an evaluation and justification with
9 respect to each project for which the Secretary
10 will—

11 “(i) provide a grant under the pro-
12 gram; and

13 “(ii) enter into a multiyear grant
14 agreement under the program;

15 “(D) a description of the means by which
16 the Secretary anticipates allocating among se-
17 lected projects the amounts made available to
18 the Secretary to carry out the program; and

19 “(E) anticipated funding levels required
20 for the 3 fiscal years beginning after the date
21 of submission of the notice for projects selected
22 for grants under the program, based on infor-
23 mation available to the Secretary as of that
24 date.

1 “(2) CONGRESSIONAL DISAPPROVAL.—The Sec-
2 retary may not provide a grant or any other obliga-
3 tion or commitment to fund a project under the pro-
4 gram if a joint resolution is enacted disapproving
5 funding for the project before the last day of the 30-
6 day period described in paragraph (1).

7 “(1) REPORTS.—

8 “(1) TRANSPARENCY.—Not later than 60 days
9 after the date on which the grants are announced
10 under the program, the Secretary shall publish on
11 the website of the Department a report that in-
12 cludes—

13 “(A) a list of all project applications re-
14 viewed by the Secretary as part of the selection
15 process under the program;

16 “(B) the rating assigned to each project
17 under subsection (f)(4); and

18 “(C) a description of each project for
19 which a grant has been provided under the pro-
20 gram.

21 “(2) COMPTROLLER GENERAL.—

22 “(A) ASSESSMENT.—The Comptroller Gen-
23 eral of the United States shall conduct an as-
24 sessment of the administrative establishment,
25 solicitation, selection, and justification process

1 with respect to the funding of grants under the
2 program.

3 “(B) REPORT.—Not later than 18 months
4 after the date on which the initial grants are
5 awarded for projects under the program, the
6 Comptroller General shall submit to the Com-
7 mittee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on
9 Transportation and Infrastructure of the House
10 of Representatives a report that describes, as
11 applicable—

12 “(i) the adequacy and fairness of the
13 process by which the projects were se-
14 lected; and

15 “(ii) the justification and criteria used
16 for the selection of the projects.

17 “(m) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated to the Secretary to carry out the pro-
20 gram \$2,000,000,000 for each of fiscal years 2022
21 through 2026.

22 “(2) OTHER PROJECTS.—Of the amounts made
23 available under paragraph (1), 50 percent shall be
24 set aside for projects that have a project cost of—

25 “(A) more than \$100,000,000; but

1 “(B) less than \$500,000,000.

2 “(3) ADMINISTRATIVE EXPENSES.—Of the
3 amounts made available to carry out the program
4 for each fiscal year, the Secretary may reserve not
5 more than 2 percent for the costs of—

6 “(A) administering and overseeing the pro-
7 gram; and

8 “(B) hiring personnel for the program, in-
9 cluding personnel dedicated to processing per-
10 mitting and environmental review issues.

11 “(4) TRANSFER OF AUTHORITY.—The Sec-
12 retary may transfer any portion of the amounts re-
13 served under paragraph (3) for a fiscal year to the
14 Administrator of any of the Federal Highway Ad-
15 ministration, the Federal Transit Administration,
16 the Federal Railroad Administration, or the Mari-
17 time Administration to award and oversee grants in
18 accordance with this section.

19 “(n) ADDITIONAL REQUIREMENTS.—

20 “(1) IN GENERAL.—Each project that receives
21 a grant under this chapter shall achieve compliance
22 with the applicable requirements of—

23 “(A) subchapter IV of chapter 31 of title
24 40;

1 “(B) title VI of the Civil Rights Act of
2 1964 (42 U.S.C. 2000d et seq.); and

3 “(C) the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.).

5 “(2) MODAL REQUIREMENTS.—The Secretary
6 shall, with respect to a project funded by a grant
7 under this section, apply—

8 “(A) the requirements of title 23 to a high-
9 way, road, or bridge project;

10 “(B) the requirements of chapter 53 to a
11 transit project; and

12 “(C) the requirements of section 22905 to
13 a rail project.

14 “(3) MULTIMODAL PROJECTS.—

15 “(A) IN GENERAL.—Except as otherwise
16 provided in this paragraph, if an eligible project
17 is a multimodal project, the Secretary shall—

18 “(i) determine the predominant modal
19 component of the project; and

20 “(ii) apply the applicable requirements
21 described in paragraph (2) of the predomi-
22 nant modal component to the project.

23 “(B) EXCEPTIONS.—

24 “(i) PASSENGER OR FREIGHT RAIL
25 COMPONENT.—The requirements of section

1 22905 shall apply to any passenger or
2 freight rail component of a project.

3 “(ii) PUBLIC TRANSPORTATION COM-
4 PONENT.—The requirements of section
5 5333 shall apply to any public transpor-
6 tation component of a project.”.

7 **SEC. 21202. LOCAL AND REGIONAL PROJECT ASSISTANCE.**

8 (a) IN GENERAL.—Chapter 67 of subtitle III of title
9 49, United States Code (as added by section 21201), is
10 amended by adding at the end the following:

11 **“§ 6702. Local and regional project assistance**

12 “(a) DEFINITIONS.—In this section:

13 “(1) AREA OF PERSISTENT POVERTY.—The
14 term ‘area of persistent poverty’ means—

15 “(A) any county (or equivalent jurisdic-
16 tion) in which, during the 30-year period ending
17 on the date of enactment of this chapter, 20
18 percent or more of the population continually
19 lived in poverty, as measured by—

20 “(i) the 1990 decennial census;

21 “(ii) the 2000 decennial census; and

22 “(iii) the most recent annual small
23 area income and poverty estimate of the
24 Bureau of the Census;

1 “(B) any census tract with a poverty rate
2 of not less than 20 percent, as measured by the
3 5-year data series available from the American
4 Community Survey of the Bureau of the Census
5 for the period of 2014 through 2018; and

6 “(C) any territory or possession of the
7 United States.

8 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means—

10 “(A) a State;

11 “(B) the District of Columbia;

12 “(C) any territory or possession of the
13 United States;

14 “(D) a unit of local government;

15 “(E) a public agency or publicly chartered
16 authority established by 1 or more States;

17 “(F) a special purpose district or public
18 authority with a transportation function, includ-
19 ing a port authority;

20 “(G) a federally recognized Indian Tribe or
21 a consortium of such Indian Tribes;

22 “(H) a transit agency; and

23 “(I) a multi-State or multijurisdictional
24 group of entities described in any of subpara-
25 graphs (A) through (H).

1 “(3) ELIGIBLE PROJECT.—The term ‘eligible
2 project’ means—

3 “(A) a highway or bridge project eligible
4 for assistance under title 23;

5 “(B) a public transportation project eligi-
6 ble for assistance under chapter 53;

7 “(C) a passenger rail or freight rail trans-
8 portation project eligible for assistance under
9 this title;

10 “(D) a port infrastructure investment, in-
11 cluding—

12 “(i) inland port infrastructure; and

13 “(ii) a land port-of-entry;

14 “(E) the surface transportation compo-
15 nents of an airport project eligible for assist-
16 ance under part B of subtitle VII;

17 “(F) a project for investment in a surface
18 transportation facility located on Tribal land,
19 the title or maintenance responsibility of which
20 is vested in the Federal Government;

21 “(G) a project to replace or rehabilitate a
22 culvert or prevent stormwater runoff for the
23 purpose of improving habitat for aquatic species
24 that will advance the goal of the program de-
25 scribed in subsection (b)(2); and

1 “(H) any other surface transportation in-
2 rastructure project that the Secretary con-
3 siders to be necessary to advance the goal of
4 the program.

5 “(4) PROGRAM.—The term ‘program’ means
6 the Local and Regional Project Assistance Program
7 established under subsection (b)(1).

8 “(5) RURAL AREA.—The term ‘rural area’
9 means an area that is located outside of an urban-
10 ized area.

11 “(6) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Transportation.

13 “(7) URBANIZED AREA.—The term ‘urbanized
14 area’ means an area with a population of more than
15 200,000 residents, based on the most recent decen-
16 nial census.

17 “(b) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish and carry out a program, to be known as the
20 ‘Local and Regional Project Assistance Program’, to
21 provide for capital investments in surface transpor-
22 tation infrastructure.

23 “(2) GOAL.—The goal of the program shall be
24 to fund eligible projects that will have a significant

1 local or regional impact and improve transportation
2 infrastructure.

3 “(c) GRANTS.—

4 “(1) IN GENERAL.—In carrying out the pro-
5 gram, the Secretary may make grants to eligible en-
6 tities, on a competitive basis, in accordance with this
7 section.

8 “(2) AMOUNT.—Except as otherwise provided
9 in this section, each grant made under the program
10 shall be in an amount equal to—

11 “(A) not less than \$5,000,000 for an ur-
12 banized area;

13 “(B) not less than \$1,000,000 for a rural
14 area; and

15 “(C) not more than \$25,000,000.

16 “(3) LIMITATION.—Not more than 15 percent
17 of the funds made available to carry out the pro-
18 gram for a fiscal year may be awarded to eligible
19 projects in a single State during that fiscal year.

20 “(d) SELECTION OF ELIGIBLE PROJECTS.—

21 “(1) NOTICE OF FUNDING OPPORTUNITY.—Not
22 later than 60 days after the date on which funds are
23 made available to carry out the program, the Sec-
24 retary shall publish a notice of funding opportunity
25 for the funds.

1 “(2) APPLICATIONS.—To be eligible to receive a
2 grant under the program, an eligible entity shall
3 submit to the Secretary an application—

4 “(A) in such form and containing such in-
5 formation as the Secretary considers to be ap-
6 propriate; and

7 “(B) by such date as the Secretary may
8 establish, subject to the condition that the date
9 shall be not later than 90 days after the date
10 on which the Secretary issues the solicitation
11 under paragraph (1).

12 “(3) PRIMARY SELECTION CRITERIA.—In
13 awarding grants under the program, the Secretary
14 shall evaluate the extent to which a project—

15 “(A) improves safety;

16 “(B) improves environmental sustain-
17 ability;

18 “(C) improves the quality of life of rural
19 areas or urbanized areas;

20 “(D) increases economic competitiveness
21 and opportunity, including increasing tourism
22 opportunities;

23 “(E) contributes to a state of good repair;
24 and

1 “(F) improves mobility and community
2 connectivity.

3 “(4) ADDITIONAL SELECTION CRITERIA.—In
4 selecting projects to receive grants under the pro-
5 gram, the Secretary shall take into consideration the
6 extent to which—

7 “(A) the project sponsors collaborated with
8 other public and private entities;

9 “(B) the project adopts innovative tech-
10 nologies or techniques, including—

11 “(i) innovative technology;

12 “(ii) innovative project delivery tech-
13 niques; and

14 “(iii) innovative project financing;

15 “(C) the project has demonstrated readi-
16 ness; and

17 “(D) the project is cost effective.

18 “(5) TRANSPARENCY.—

19 “(A) IN GENERAL.—The Secretary, shall
20 evaluate, through a methodology that is discern-
21 ible and transparent to the public, the means by
22 which each application submitted under para-
23 graph (2) addresses the criteria under para-
24 graphs (3) and (4) or otherwise established by
25 the Secretary.

1 “(B) PUBLICATION.—The methodology
2 under subparagraph (A) shall be published by
3 the Secretary as part of the notice of funding
4 opportunity under the program.

5 “(6) AWARDS.—Not later than 270 days after
6 the date on which amounts are made available to
7 provide grants under the program for a fiscal year,
8 the Secretary shall announce the selection by the
9 Secretary of eligible projects to receive the grants in
10 accordance with this section.

11 “(7) TECHNICAL ASSISTANCE.—

12 “(A) IN GENERAL.—On request of an eligi-
13 ble entity that submitted an application under
14 paragraph (2) for a project that is not selected
15 to receive a grant under the program, the Sec-
16 retary shall provide to the eligible entity tech-
17 nical assistance and briefings relating to the
18 project.

19 “(B) TREATMENT.—Technical assistance
20 provided under this paragraph shall not be con-
21 sidered a guarantee of future selection of the
22 applicable project under the program.

23 “(e) FEDERAL SHARE.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), the Federal share of the cost of an eligi-

1 ble project carried out using a grant provided under
2 the program shall not exceed 80 percent.

3 “(2) EXCEPTION.—The Federal share of the
4 cost of an eligible project carried out in a rural area,
5 a historically disadvantaged community, or an area
6 of persistent poverty using a grant under this sub-
7 section may exceed 80 percent, at the discretion of
8 the Secretary.

9 “(3) TREATMENT OF OTHER FEDERAL
10 FUNDS.—Amounts provided under any of the fol-
11 lowing programs shall be considered to be a part of
12 the non-Federal share for purposes of this sub-
13 section:

14 “(A) The tribal transportation program
15 under section 202 of title 23.

16 “(B) The Federal lands transportation
17 program under section 203 of title 23.

18 “(C) The TIFIA program (as defined in
19 section 601(a) of title 23).

20 “(D) The Railroad Rehabilitation and Im-
21 provement Financing Program under chapter
22 224.

23 “(f) OTHER CONSIDERATIONS.—

1 “(1) IN GENERAL.—Of the total amount made
2 available to carry out the program for each fiscal
3 year—

4 “(A) not more than 50 percent shall be al-
5 located for eligible projects located in rural
6 areas; and

7 “(B) not more than 50 percent shall be al-
8 located for eligible projects located in urbanized
9 areas.

10 “(2) HISTORICALLY DISADVANTAGED COMMU-
11 NITIES AND AREAS OF PERSISTENT POVERTY.—Of
12 the total amount made available to carry out the
13 program for each fiscal year, not less than 1 percent
14 shall be awarded for projects in historically dis-
15 advantaged communities or areas of persistent pov-
16 erty.

17 “(3) MULTIMODAL AND GEOGRAPHICAL CON-
18 siderations.—In selecting projects to receive
19 grants under the program, the Secretary shall take
20 into consideration geographical and modal diversity.

21 “(g) PROJECT PLANNING.—Of the amounts made
22 available to carry out the program for each fiscal year,
23 not less than 5 percent shall be made available for the
24 planning, preparation, or design of eligible projects.

1 “(h) TRANSFER OF AUTHORITY.—Of the amounts
2 made available to carry out the program for each fiscal
3 year, the Secretary may transfer not more than 2 percent
4 for a fiscal year to the Administrator of any of the Federal
5 Highway Administration, the Federal Transit Administra-
6 tion, the Federal Railroad Administration, or the Mari-
7 time Administration to award and oversee grants and
8 credit assistance in accordance with this section.

9 “(i) CREDIT PROGRAM COSTS.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 at the request of an eligible entity, the Secretary
12 may use a grant provided to the eligible entity under
13 the program to pay the subsidy or credit risk pre-
14 mium, and the administrative costs, of an eligible
15 project that is eligible for Federal credit assistance
16 under—

17 “(A) chapter 224; or

18 “(B) chapter 6 of title 23.

19 “(2) LIMITATION.—Not more than 20 percent
20 of the funds made available to carry out the pro-
21 gram for a fiscal year may be used to carry out
22 paragraph (1).

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 \$1,500,000,000 for each of fiscal years 2022 through

1 2026, to remain available for a period of 3 fiscal years
2 following the fiscal year for which the amounts are appro-
3 priated.

4 “(k) REPORTS.—

5 “(1) ANNUAL REPORT.—The Secretary shall
6 make available on the website of the Department of
7 Transportation at the end of each fiscal year an an-
8 nual report that describes each eligible project for
9 which a grant was provided under the program dur-
10 ing that fiscal year.

11 “(2) COMPTROLLER GENERAL.—Not later than
12 1 year after the date on which the initial grants are
13 awarded for eligible projects under the program, the
14 Comptroller General of the United States shall—

15 “(A) review the administration of the pro-
16 gram, including—

17 “(i) the solicitation process; and

18 “(ii) the selection process, including—

19 “(I) the adequacy and fairness of
20 the process; and

21 “(II) the selection criteria; and

22 “(B) submit to the Committee on Com-
23 merce, Science, and Transportation of the Sen-
24 ate and the Committee on Transportation and
25 Infrastructure of the House of Representatives

1 a report describing the findings of the review
2 under subparagraph (A), including rec-
3 ommendations for improving the administration
4 of the program, if any.”.

5 (b) STUDY.—Not later than 1 year after the date of
6 enactment of this Act, the Comptroller General of the
7 United States shall conduct, and submit to the Committee
8 on Commerce, Science, and Transportation of the Senate
9 and the Committee on Transportation and Infrastructure
10 of the House of Representatives a report describing the
11 results of, a study of how changes to Federal share match-
12 ing requirements and selection criteria, such as using
13 State population data in Department discretionary pro-
14 grams, may impact the allocations made to States.

15 (c) CLERICAL AMENDMENT.—The analysis for sub-
16 title III of title 49, United States Code, is amended by
17 adding at the end the following:

“CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.”.

18 **SEC. 21203. NATIONAL CULVERT REMOVAL, REPLACEMENT,**
19 **AND RESTORATION GRANT PROGRAM.**

20 (a) IN GENERAL.—Chapter 67 of title 49, United
21 States Code (as amended by section 21202(a)), is amend-
22 ed by adding at the end the following:

1 **“§ 6703. National culvert removal, replacement, and**
2 **restoration grant program**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DIRECTOR.—The term ‘Director’ means
5 the Director of the United States Fish and Wildlife
6 Service.

7 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
8 has the meaning given the term in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 “(3) PROGRAM.—The term ‘program’ means
12 the annual competitive grant program established
13 under subsection (b).

14 “(4) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Transportation.

16 “(5) UNDERSECRETARY.—The term ‘Undersec-
17 retary’ means the Undersecretary of Commerce for
18 Oceans and Atmosphere.

19 “(b) ESTABLISHMENT.—The Secretary, in consulta-
20 tion with the Undersecretary, shall establish an annual
21 competitive grant program to award grants to eligible enti-
22 ties for projects for the replacement, removal, and repair
23 of culverts or weirs that—

24 “(1) would meaningfully improve or restore fish
25 passage for anadromous fish; and

26 “(2) with respect to weirs, may include—

1 “(A) infrastructure to facilitate fish pas-
2 sage around or over the weir; and

3 “(B) weir improvements.

4 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
5 ceive a grant under the program is—

6 “(1) a State;

7 “(2) a unit of local government; or

8 “(3) an Indian Tribe.

9 “(d) GRANT SELECTION PROCESS.—The Secretary,
10 in consultation with the Undersecretary and the Director,
11 shall establish a process for determining criteria for
12 awarding grants under the program, subject to subsection
13 (e).

14 “(e) PRIORITIZATION.—The Secretary, in consulta-
15 tion with the Undersecretary and the Director, shall estab-
16 lish procedures to prioritize awarding grants under the
17 program to—

18 “(1) projects that would improve fish passage
19 for—

20 “(A) anadromous fish stocks listed as an
21 endangered species or a threatened species
22 under section 4 of the Endangered Species Act
23 of 1973 (16 U.S.C. 1533);

24 “(B) anadromous fish stocks identified by
25 the Undersecretary or the Director that could

1 reasonably become listed as an endangered spe-
2 cies or a threatened species under that section;

3 “(C) anadromous fish stocks identified by
4 the Undersecretary or the Director as prey for
5 endangered species, threatened species, or pro-
6 tected species, including Southern resident
7 orcas (*Orcinus orcas*); or

8 “(D) anadromous fish stocks identified by
9 the Undersecretary or the Director as climate
10 resilient stocks; and

11 “(2) projects that would open up more than
12 200 meters of upstream habitat before the end of
13 the natural habitat.

14 “(f) FEDERAL SHARE.—The Federal share of the
15 cost of a project carried out with a grant to a State or
16 a unit of local government under the program shall be not
17 more than 80 percent.

18 “(g) TECHNICAL ASSISTANCE.—The Secretary, in
19 consultation with the Undersecretary and the Director,
20 shall develop a process to provide technical assistance to
21 Indian Tribes and underserved communities to assist in
22 the project design and grant process and procedures.

23 “(h) ADMINISTRATIVE EXPENSES.—Of the amounts
24 made available for each fiscal year to carry out the pro-
25 gram, the Secretary, the Undersecretary, and the Director

1 may use not more than 2 percent to pay the administrative
2 expenses necessary to carry out this section.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out the program
5 \$800,000,000 for each of fiscal years 2022 through
6 2026.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 67 of title 49, United States Code (as added by section
9 21202(c)), is amended by adding at the end the following:
“6703. National culvert removal, replacement, and restoration grant program.”.

10 **SEC. 21204. NATIONAL MULTIMODAL COOPERATIVE**
11 **FREIGHT RESEARCH PROGRAM.**

12 (a) IN GENERAL.—Chapter 702 of title 49, United
13 States Code (as amended by section 21106(a)), is amend-
14 ed by inserting after section 70204 the following:

15 **“§ 70205. National multimodal cooperative freight re-**
16 **search program**

17 “(a) ESTABLISHMENT.—Not later than 1 year after
18 the date of enactment of this section, the Secretary of
19 Transportation (referred to in this section as the ‘Sec-
20 retary’) shall establish and support a national cooperative
21 freight transportation research program.

22 “(b) ADMINISTRATION BY NATIONAL ACADEMY OF
23 SCIENCES.—

24 “(1) IN GENERAL.—The Secretary shall enter
25 into an agreement with the National Academy of

1 Sciences to support and carry out administrative
2 and management activities under the program estab-
3 lished under subsection (a).

4 “(2) ADVISORY COMMITTEE.—To assist the Na-
5 tional Academy of Sciences in carrying out this sub-
6 section, the National Academy shall establish an ad-
7 visory committee, the members of which represent a
8 cross-section of multimodal freight stakeholders, in-
9 cluding—

10 “(A) the Department of Transportation
11 and other relevant Federal departments and
12 agencies;

13 “(B) State (including the District of Co-
14 lumbia) departments of transportation;

15 “(C) units of local government, including
16 public port authorities;

17 “(D) nonprofit entities;

18 “(E) institutions of higher education;

19 “(F) labor organizations representing em-
20 ployees in freight industries; and

21 “(G) private sector entities representing
22 various transportation modes.

23 “(c) ACTIVITIES.—

24 “(1) NATIONAL RESEARCH AGENDA.—

1 “(A) IN GENERAL.—The advisory com-
2 mittee established under subsection (b)(2), in
3 consultation with interested parties, shall rec-
4 ommend a national research agenda for the
5 program in accordance with subsection (d),
6 which shall include a multiyear strategic plan.

7 “(B) ACTION BY INTERESTED PARTIES.—
8 For purposes of subparagraph (A), an inter-
9 ested party may—

10 “(i) submit to the advisory committee
11 research proposals;

12 “(ii) participate in merit reviews of re-
13 search proposals and peer reviews of re-
14 search products; and

15 “(iii) receive research results.

16 “(2) RESEARCH CONTRACTS AND GRANTS.—

17 “(A) IN GENERAL.—The National Acad-
18 emy of Sciences may award research contracts
19 and grants under the program established
20 under subsection (a) through—

21 “(i) open competition; and

22 “(ii) merit review, conducted on a reg-
23 ular basis.

24 “(B) EVALUATION.—

1 “(i) PEER REVIEW.—A contract or
2 grant for research under subparagraph (A)
3 may allow peer review of the research re-
4 sults.

5 “(ii) PROGRAMMATIC EVALUATIONS.—
6 The National Academy of Sciences may
7 conduct periodic programmatic evaluations
8 on a regular basis of a contract or grant
9 for research under subparagraph (A).

10 “(C) DISSEMINATION OF FINDINGS.—The
11 National Academy of Sciences shall disseminate
12 the findings of any research conducted under
13 this paragraph to relevant researchers, practi-
14 tioners, and decisionmakers through—

15 “(i) conferences and seminars;

16 “(ii) field demonstrations;

17 “(iii) workshops;

18 “(iv) training programs;

19 “(v) presentations;

20 “(vi) testimony to government offi-
21 cials;

22 “(vii) publicly accessible websites;

23 “(viii) publications for the general
24 public; and

25 “(ix) other appropriate means.

1 “(3) REPORT.—Not later than 1 year after the
2 date of establishment of the program under sub-
3 section (a), and annually thereafter, the Secretary
4 shall make available on a public website a report
5 that describes the ongoing research and findings
6 under the program.

7 “(d) AREAS FOR RESEARCH.—The national research
8 agenda under subsection (c)(1) shall consider research in
9 the following areas:

10 “(1) Improving the efficiency and resiliency of
11 freight movement, including—

12 “(A) improving the connections between
13 rural areas and domestic and foreign markets;

14 “(B) maximizing infrastructure utility, in-
15 cluding improving urban curb-use efficiency;

16 “(C) quantifying the national impact of
17 blocked railroad crossings;

18 “(D) improved techniques for estimating
19 and quantifying public benefits derived from
20 freight transportation projects; and

21 “(E) low-cost methods to reduce conges-
22 tion at bottlenecks.

23 “(2) Adapting to future trends in freight, in-
24 cluding—

1 “(A) considering the impacts of e-com-
2 merce;

3 “(B) automation; and

4 “(C) zero-emissions transportation.

5 “(3) Workforce considerations in freight, in-
6 cluding—

7 “(A) diversifying the freight transportation
8 industry workforce; and

9 “(B) creating and transitioning a work-
10 force capable of designing, deploying, and oper-
11 ating emerging technologies.

12 “(e) FEDERAL SHARE.—

13 “(1) IN GENERAL.—The Federal share of the
14 cost of an activity carried out under this section
15 shall be up to 100 percent.

16 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
17 tion to using funds made available to carry out this
18 section, the National Academy of Sciences may seek
19 and accept additional funding from public and pri-
20 vate entities capable of accepting funding from the
21 Department of Transportation, States, units of local
22 government, nonprofit entities, and the private sec-
23 tor.

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Secretary

1 \$3,750,000 for each fiscal year to carry out the program
2 established under subsection (a), to remain available until
3 expended.

4 “(g) SUNSET.—The program established under sub-
5 section (a) shall terminate 5 years after the date of enact-
6 ment of this section.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 702 of title 49, United States Code (as amended by
9 section 21106(b)), is amended by inserting after the item
10 relating to section 70204 the following:

“70205. National multimodal cooperative freight research program.”.

11 **SEC. 21205. RURAL AND TRIBAL INFRASTRUCTURE AD-**
12 **VANCEMENT.**

13 (a) DEFINITIONS.—In this section:

14 (1) BUILD AMERICA BUREAU.—The term
15 “Build America Bureau” means the National Sur-
16 face Transportation and Innovative Finance Bureau
17 established under section 116 of title 49, United
18 States Code.

19 (2) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means—

21 (A) a unit of local government or political
22 subdivision that is located outside of an urban-
23 ized area with a population of more than
24 150,000 residents, as determined by the Bureau
25 of the Census;

1 (B) a State seeking to advance a project
2 located in an area described in subparagraph
3 (A);

4 (C) a federally recognized Indian Tribe;
5 and

6 (D) the Department of Hawaiian Home
7 Lands.

8 (3) ELIGIBLE PROGRAM.—The term “eligible
9 program” means any program described in—

10 (A) subparagraph (A) or (B) of section
11 116(d)(1) of title 49, United States Code;

12 (B) section 118(d)(3)(A) of that title (as
13 added by section 21101(a)); or

14 (C) chapter 67 of that title (as added by
15 section 21201).

16 (4) PILOT PROGRAM.—The term “pilot pro-
17 gram” means the Rural and Tribal Assistance Pilot
18 Program established under subsection (b)(1).

19 (b) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary shall establish
21 within the Build America Bureau a pilot program,
22 to be known as the “Rural and Tribal Assistance
23 Pilot Program”, to provide to eligible entities the as-
24 sistance and information described in paragraph (2).

1 (2) ASSISTANCE AND INFORMATION.—In car-
2 rying out the pilot program, the Secretary may pro-
3 vide to an eligible entity the following:

4 (A) Financial, technical, and legal assist-
5 ance to evaluate potential projects reasonably
6 expected to be eligible to receive funding or fi-
7 nancing assistance under an eligible program.

8 (B) Assistance with development-phase ac-
9 tivities, including—

- 10 (i) project planning;
- 11 (ii) feasibility studies;
- 12 (iii) revenue forecasting and funding
13 and financing options analyses;
- 14 (iv) environmental review;
- 15 (v) preliminary engineering and de-
16 sign work;
- 17 (vi) economic assessments and cost-
18 benefit analyses;
- 19 (vii) public benefit studies;
- 20 (viii) statutory and regulatory frame-
21 work analyses;
- 22 (ix) value for money studies;
- 23 (x) evaluations of costs to sustain the
24 project;

- 1 (xi) evaluating opportunities for pri-
2 vate financing and project bundling; and
3 (xii) any other activity determined to
4 be appropriate by the Secretary.

5 (C) Information regarding innovative fi-
6 nancing best practices and case studies, if the
7 eligible entity is interested in using innovative
8 financing methods.

9 (c) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
10 retary may retain the services of expert firms, including
11 counsel, in the field of municipal and project finance to
12 assist in providing financial, technical, and legal assistance
13 to eligible entities under the pilot program.

14 (d) WEBSITE.—

15 (1) DESCRIPTION OF PILOT PROGRAM.—

16 (A) IN GENERAL.—The Secretary shall
17 make publicly available on the website of the
18 Department a description of the pilot program,
19 including—

20 (i) the resources available to eligible
21 entities under the pilot program; and

22 (ii) the application process established
23 under paragraph (2)(A).

24 (B) CLEARINGHOUSE.—The Secretary may
25 establish a clearinghouse for tools, templates,

1 and best practices on the page of the website of
2 the Department that contains the information
3 described in subparagraph (A).

4 (2) APPLICATIONS.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this Act,
7 the Secretary shall establish a process by which
8 an eligible entity may submit to the Secretary
9 an application under the pilot program, in such
10 form and containing such information as the
11 Secretary may require.

12 (B) ONLINE PORTAL.—The Secretary shall
13 develop and make available to the public an on-
14 line portal through which the Secretary may re-
15 ceive applications under subparagraph (A), on a
16 rolling basis.

17 (C) APPROVAL.—

18 (i) IN GENERAL.—Not later than 60
19 days after the date on which the Secretary
20 receives a complete application under sub-
21 paragraph (A), the Secretary shall provide
22 to each eligible entity that submitted the
23 application a notice describing whether the
24 application is approved or disapproved.

1 (ii) ADDITIONAL WRITTEN NOTIFICA-
2 TION.—

3 (I) IN GENERAL.—Not later than
4 30 days after the date on which the
5 Secretary provides to an eligible entity
6 a notification under clause (i), the
7 Secretary shall provide to the eligible
8 entity an additional written notifica-
9 tion of the approval or disapproval of
10 the application.

11 (II) DISAPPROVED APPLICA-
12 TIONS.—If the application of an eligi-
13 ble entity is disapproved under this
14 subparagraph, the additional written
15 notification provided to the eligible en-
16 tity under subclause (I) shall include
17 an offer for a written or telephonic
18 debrief by the Secretary that will pro-
19 vide an explanation of, and guidance
20 regarding, the reasons why the appli-
21 cation was disapproved.

22 (iii) INSUFFICIENT APPLICATIONS.—
23 The Secretary shall not approve an appli-
24 cation under this subparagraph if the ap-

1 plication fails to meet the applicable cri-
2 teria established under this section.

3 (3) DASHBOARD.—The Secretary shall publish
4 on the website of the Department a monthly report
5 that includes, for each application received under the
6 pilot program—

7 (A) the type of eligible entity that sub-
8 mitted the application;

9 (B) the location of each potential project
10 described in the application;

11 (C) a brief description of the assistance re-
12 quested;

13 (D) the date on which the Secretary re-
14 ceived the application; and

15 (E) the date on which the Secretary pro-
16 vided the notice of approval or disapproval
17 under paragraph (2)(C)(i).

18 (e) EXPERTS.—An eligible entity that receives assist-
19 ance under the pilot program may retain the services of
20 an expert for any phase of a project carried out using the
21 assistance, including project development, regardless of
22 whether the expert is retained by the Secretary under sub-
23 section (c).

24 (f) FUNDING.—

1 (1) IN GENERAL.—For each of fiscal years
2 2022 through 2026, the Secretary may use to carry
3 out the pilot program, including to retain the serv-
4 ices of expert firms under subsection (c), any
5 amount made available to the Secretary to provide
6 credit assistance under an eligible program that is
7 not otherwise obligated, subject to paragraph (2).

8 (2) LIMITATION.—The amount used under
9 paragraph (1) to carry out the pilot program shall
10 be not more than—

11 (A) \$1,600,000 for fiscal year 2022;

12 (B) \$1,800,000 for fiscal year 2023;

13 (C) \$2,000,000 for fiscal year 2024;

14 (D) \$2,200,000 for fiscal year 2025; and

15 (E) \$2,400,000 for fiscal year 2026.

16 (3) GEOGRAPHICAL DISTRIBUTION.—Not more
17 than 20 percent of the funds made available to carry
18 out the pilot program for a fiscal year may be used
19 for projects in a single State during that fiscal year.

20 (g) SUNSET.—The pilot program shall terminate on
21 the date that is 5 years after the date of enactment of
22 this Act.

23 (h) NONAPPLICABILITY.—Nothing in this section
24 limits the ability of the Build America Bureau or the Sec-

1 retary to establish or carry out any other assistance pro-
 2 gram under title 23 or title 49, United States Code.

3 (i) ADMINISTRATION BY BUILD AMERICA BUREAU.—
 4 Section 116(d)(1) of title 49, United States Code (as
 5 amended by section 21101(d)(4)), is amended by adding
 6 at the end the following:

7 “(D) The Rural and Tribal Assistance
 8 Pilot Program established under section
 9 21205(b)(1) of the Surface Transportation In-
 10 vestment Act of 2021.”.

11 **Subtitle C—Railroad Rehabilita-**
 12 **tion and Improvement Financ-**
 13 **ing Reforms**

14 **SEC. 21301. RRIF CODIFICATION AND REFORMS.**

15 (a) CODIFICATION OF TITLE V OF THE RAILROAD
 16 REVITALIZATION AND REGULATORY REFORM ACT OF
 17 1976.—Part B of subtitle V of title 49, United States
 18 Code, is amended—

19 (1) by inserting after chapter 223 the following
 20 chapter analysis:

“CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

“Sec.

“22401. Definitions.

“22402. Direct loans and loan guarantees.

“22403. Administration of direct loans and loan guarantees.

“22404. Employee protection.

“22405. Substantive criteria and standards.

“22406. Authorization of appropriations.”;

1 (2) by inserting after the chapter analysis the
2 following section headings:

3 **“§ 22401. Definitions**

4 **“§ 22402. Direct loans and loan guarantees**

5 **“§ 22403. Administration of direct loans and loan**
6 **guarantees**

7 **“§ 22404. Employee protection”;**

8 (3) by inserting after the section heading for
9 section 22401, as added by paragraph (2), the text
10 of section 501 of the Railroad Revitalization and
11 Regulatory Reform Act of 1976 (45 U.S.C. 821);

12 (4) by inserting after the section heading for
13 section 22402, as added by paragraph (2), the text
14 of section 502 of the Railroad Revitalization and
15 Regulatory Reform Act of 1976 (45 U.S.C. 822);

16 (5) by inserting after the section heading for
17 section 22403, as added by paragraph (2), the text
18 of section 503 of the Railroad Revitalization and
19 Regulatory Reform Act of 1976 (45 U.S.C. 823);
20 and

21 (6) by inserting after the section heading for
22 section 22404, as added by paragraph (2), the text
23 of section 504 of the Railroad Revitalization and
24 Regulatory Reform Act of 1976 (45 U.S.C. 836).

25 (b) CONFORMING REPEALS.—

1 (1) REPEALS.—

2 (A) Sections 501, 502, 503, and 504 of the
3 Railroad Revitalization and Regulatory Reform
4 Act of 1976 (45 U.S.C. 821, 822, 823, and
5 836) are repealed.

6 (B) Section 9003(j) of the Safe, Account-
7 able, Flexible, Efficient Transportation Equity
8 Act: A Legacy for Users (45 U.S.C. 822 note)
9 is repealed.

10 (2) SAVINGS PROVISION.—The repeals under
11 paragraph (1) shall not affect the rights and duties
12 that matured under the repealed sections, the pen-
13 alties that were incurred under such sections, or any
14 proceeding authorized under any such section that
15 commenced before the date of enactment of this Act.

16 (c) DEFINITIONS.—

17 (1) HEADINGS.—Section 22401 of title 49,
18 United States Code, as added by subsection (a)(2),
19 and amended by subsection (a)(3), is further amend-
20 ed—

21 (A) in paragraph (1)—

22 (i) by striking “(1)(A) The” and in-
23 sserting the following:

24 “(1) COST.—

25 “(A) The”; and

1 (ii) by indenting subparagraphs (B)
2 through (F) appropriately; and
3 (B) in each of paragraphs (2) through
4 (14), by inserting a paragraph heading, the text
5 of which is comprised of the term defined in the
6 paragraph.

7 (2) OTHER TECHNICAL AMENDMENTS.—Section
8 22401 of title 49, United States Code, as added by
9 subsection (a)(2), and amended by subsection (a)(3)
10 and paragraph (1) of this subsection, is further
11 amended—

12 (A) in the matter preceding paragraph (1),
13 by striking “For purposes of this title:” and in-
14 serting “In this chapter:”;

15 (B) in paragraph (11), by striking “under
16 this title” and inserting “under this chapter”;

17 (C) by amending paragraph (12) to read
18 as follows:

19 “(12) RAILROAD.—The term ‘railroad’ in-
20 cludes—

21 “(A) any railroad or railroad carrier (as
22 such terms are defined in section 20102); and

23 “(B) any rail carrier (as defined in section
24 24102).”;

1 (D) by redesignating paragraph (14) as
2 paragraph (15); and

3 (E) by inserting after paragraph (13) the
4 following:

5 “(14) SECRETARY.—The term ‘Secretary’
6 means the Secretary of Transportation.”.

7 (d) DIRECT LOANS AND LOAN GUARANTEES.—Sec-
8 tion 22402 of title 49, United States Code, as added by
9 subsection (a)(2), and amended by subsection (a)(4), is
10 further amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2), by inserting “entities
13 implementing” before “interstate compacts”;

14 (B) in paragraph (5)—

15 (i) by inserting “entities participating
16 in” before “joint ventures”; and

17 (ii) by striking “and” at the end; and

18 (C) by striking paragraph (6) and insert-
19 ing the following:

20 “(6) limited option freight shippers that own or
21 operate a plant or other facility, solely for the pur-
22 pose of constructing a rail connection between a
23 plant or facility and a railroad; and

1 “(7) private entities with controlling ownership
2 in 1 or more freight railroads other than Class I car-
3 riers.”;

4 (2) in subsection (b)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) IN GENERAL.—Direct loans and loan guar-
8 antees authorized under this section shall be used—

9 “(A) to acquire, improve, or rehabilitate
10 intermodal or rail equipment or facilities, in-
11 cluding track, components of track, cuts and
12 fills, stations, tunnels, bridges, yards, buildings,
13 and shops, and to finance costs related to those
14 activities, including pre-construction costs;

15 “(B) to develop or establish new inter-
16 modal or railroad facilities;

17 “(C) to develop landside port infrastruc-
18 ture for seaports serviced by rail;

19 “(D) to refinance outstanding debt in-
20 curred for the purposes described in subpara-
21 graph (A) , (B), or (C);

22 “(E) to reimburse planning, permitting,
23 and design expenses relating to activities de-
24 scribed in subparagraph (A), (B), or (C); or

1 “(F) to finance economic development, in-
2 cluding commercial and residential development,
3 and related infrastructure and activities, that—

4 “(i) incorporates private investment of
5 greater than 20 percent of total project
6 costs;

7 “(ii) is physically connected to, or is
8 within 1/2 mile of, a fixed guideway transit
9 station, an intercity bus station, a pas-
10 senger rail station, or a multimodal sta-
11 tion, provided that the location includes
12 service by a railroad;

13 “(iii) demonstrates the ability of the
14 applicant to commence the contracting
15 process for construction not later than 90
16 days after the date on which the direct
17 loan or loan guarantee is obligated for the
18 project under this chapter; and

19 “(iv) demonstrates the ability to gen-
20 erate new revenue for the relevant pas-
21 senger rail station or service by increasing
22 ridership, increasing tenant lease pay-
23 ments, or carrying out other activities that
24 generate revenue exceeding costs.”; and

25 (B) by striking paragraph (3);

1 (3) in subsection (c)—

2 (A) in paragraph (1), by striking “of title
3 49, United States Code”; and

4 (B) in paragraph (5), by striking “title 49,
5 United States Code,” and inserting “this title”;

6 (4) in subsection (e), by amending paragraph
7 (1) to read as follows:

8 “(1) DIRECT LOANS.—The interest rate on a
9 direct loan under this section shall be not less than
10 the yield on United States Treasury securities of a
11 similar maturity to the maturity of the secured loan
12 on the date of execution of the loan agreement.”;

13 (5) in subsection (f)—

14 (A) in paragraph (3)—

15 (i) in the matter preceding subpara-
16 graph (A)—

17 (I) by striking “An applicant
18 may propose and” and inserting
19 “Upon receipt of a proposal from an
20 applicant under this section,”; and

21 (II) by striking “tangible asset”
22 and inserting “collateral described in
23 paragraph (6)”;

24 (ii) in subparagraph (B)(ii), by insert-
25 ing “, including operating or tenant

1 charges, facility rents, or other fees paid
2 by transportation service providers or oper-
3 ators for access to, or the use of, infra-
4 structure, including rail lines, bridges, tun-
5 nels, yards, or stations” after “user fees”;

6 (iii) in subparagraph (C), by striking
7 “\$75,000,000” and inserting
8 “\$150,000,000”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(D) Revenue from projected freight or
12 passenger demand for the project based on re-
13 gionally developed economic forecasts, including
14 projections of any modal diversion resulting
15 from the project.”; and

16 (B) by adding at the end the following:

17 “(5) COHORTS OF LOANS.—Subject to the
18 availability of funds appropriated by Congress under
19 section 22406(a)(2), for any direct loan issued be-
20 fore the date of enactment of the Fixing America’s
21 Surface Transportation Act (Public Law 114–94)
22 pursuant to sections 501 through 504 of the Rail-
23 road Revitalization and Regulatory Reform Act of
24 1976 (Public Law 94-210), the Secretary shall repay

1 the credit risk premiums of such loan, with interest
2 accrued thereon, not later than—

3 “(A) 60 days after the date of enactment
4 of the Surface Transportation Investment Act
5 of 2021 if the borrower has satisfied all obliga-
6 tions attached to such loan; or

7 “(B) if the borrower has not yet satisfied
8 all obligations attached to such loan, 60 days
9 after the date on which all obligations attached
10 to such loan have been satisfied.

11 “(6) COLLATERAL.—

12 “(A) TYPES OF COLLATERAL.—An appli-
13 cant or infrastructure partner may propose tan-
14 gible and intangible assets as collateral, exclu-
15 sive of goodwill. The Secretary, after evaluating
16 each such asset—

17 “(i) shall accept a net liquidation
18 value of collateral; and

19 “(ii) shall consider and may accept—

20 “(I) the market value of collat-
21 eral; or

22 “(II) in the case of a blanket
23 pledge or assignment of an entire op-
24 erating asset or basket of assets as
25 collateral, the market value of assets,

676

1 or, the market value of the going con-
2 cern, considering—

3 “(aa) inclusion in the pledge
4 of all the assets necessary for
5 independent operational utility of
6 the collateral, including tangible
7 assets such as real property,
8 track and structure, motive
9 power, equipment and rolling
10 stock, stations, systems and
11 maintenance facilities and intan-
12 gible assets such as long-term
13 shipping agreements, easements,
14 leases and access rights such as
15 for trackage and haulage;

16 “(bb) interchange commit-
17 ments; and

18 “(cc) the value of the asset
19 as determined through the cost
20 or market approaches, or the
21 market value of the going con-
22 cern, with the latter considering
23 discounted cash flows for a pe-
24 riod not to exceed the term of the
25 direct loan or loan guarantee.

1 “(B) APPRAISAL STANDARDS.—In evalu-
2 ating appraisals of collateral under subpara-
3 graph (A), the Secretary shall consider—

4 “(i) adherence to the substance and
5 principles of the Uniform Standards of
6 Professional Appraisal Practice, as devel-
7 oped by the Appraisal Standards Board of
8 the Appraisal Foundation; and

9 “(ii) the qualifications of the apprais-
10 ers to value the type of collateral offered.

11 “(7) REPAYMENT OF CREDIT RISK PRE-
12 MIUMS.—The Secretary shall return credit risk pre-
13 miums paid, and interest accrued on such premiums,
14 to the original source when all obligations of a loan
15 or loan guarantee have been satisfied. This para-
16 graph applies to any project that has been granted
17 assistance under this section after the date of enact-
18 ment of the Surface Transportation Investment Act
19 of 2021.”;

20 (6) in subsection (g), by amending paragraph
21 (1) the read as follows:

22 “(1) repayment of the obligation is required to
23 be made within a term that is not longer than the
24 shorter of—

1 “(A) 75 years after the date of substantial
2 completion of the project;

3 “(B) the estimated useful life of the rail
4 equipment or facilities to be acquired, rehabili-
5 tated, improved, developed, or established, sub-
6 ject to an adequate determination of long-term
7 risk; or

8 “(C) for projects determined to have an es-
9 timated useful life that is longer than 35 years,
10 the period that is equal to the sum of—

11 “(i) 35 years; and

12 “(ii) the product of—

13 “(I) the difference between the
14 estimated useful life and 35 years;
15 multiplied by

16 “(II) 75 percent.”;

17 (7) in subsection (h)—

18 (A) in paragraph (3)—

19 (i) in subparagraph (A)—

20 (I) by striking “of title 49,
21 United States Code”;

22 (II) by striking “the National
23 Railroad Passenger Corporation” and
24 inserting “Amtrak”; and

1 (III) by striking “of that title”;

2 and

3 (ii) in subparagraph (B), by striking

4 “section 504 of this Act” and inserting

5 “section 22404”; and

6 (B) in paragraph (4), by striking

7 “(b)(1)(E)” and inserting “(b)(1)(F)”;

8 (8) in subsection (i)—

9 (A) by amending paragraph (4) to read as

10 follows:

11 “(4) STREAMLINED APPLICATION REVIEW

12 PROCESS.—

13 “(A) IN GENERAL.—Not later than 180

14 days after the date of enactment of the Surface

15 Transportation Investment Act of 2021, the

16 Secretary shall implement procedures and

17 measures to economize and make available an

18 streamlined application process or processes at

19 the request of applicants seeking loans or loan

20 guarantees.

21 “(B) CRITERIA.—Applicants seeking loans

22 and loan guarantees under this section shall—

23 “(i) seek a total loan or loan guar-

24 antee value not exceeding \$150,000,000;

1 “(ii) meet eligible project purposes de-
2 scribed in subparagraphs (A) and (B) of
3 subsection (b)(1); and

4 “(iii) meet other criteria considered
5 appropriate by the Secretary, in consulta-
6 tion with the Council on Credit and Fi-
7 nance of the Department of Transpor-
8 tation.

9 “(C) EXPEDITED CREDIT REVIEW.—The
10 total period between the submission of an appli-
11 cation and the approval or disapproval of an
12 application for a direct loan or loan guarantee
13 under this paragraph may not exceed 90 days.
14 If an application review conducted under this
15 paragraph exceeds 90 days, the Secretary
16 shall—

17 “(i) provide written notice to the ap-
18 plicant, including a justification for the
19 delay and updated estimate of the time
20 needed for approval or disapproval; and

21 “(ii) publish the notice on the dash-
22 board described in paragraph (5).”;

23 (B) in paragraph (5)—

24 (i) in subparagraph (E), by striking
25 “and” at the end;

1 (ii) in subparagraph (F), by adding “;
2 and” at the end; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(G) whether the project utilized the
6 streamlined application process under para-
7 graph (4).”; and

8 (C) by adding at the end the following:

9 “(6) CREDITWORTHINESS REVIEW STATUS.—

10 “(A) IN GENERAL.—The Secretary shall
11 maintain status information related to each ap-
12 plication for a loan or loan guarantee, which
13 shall be provided to the applicant upon request,
14 including—

15 “(i) the total value of the proposed
16 loan or loan guarantee;

17 “(ii) the name of the applicant or ap-
18 plicants submitting the application;

19 “(iii) the proposed capital structure of
20 the project to which the loan or loan guar-
21 antee would be applied, including the pro-
22 posed Federal and non-Federal shares of
23 the total project cost;

24 “(iv) the type of activity to receive
25 credit assistance, including whether the

1 project is new construction, the rehabilita-
2 tion of existing rail equipment or facilities,
3 or the refinancing an existing loan or loan
4 guarantee;

5 “(v) if a deferred payment is pro-
6 posed, the length of such deferment;

7 “(vi) the credit rating or ratings pro-
8 vided for the applicant;

9 “(vii) if other credit instruments are
10 involved, the proposed subordination rela-
11 tionship and a description of such other
12 credit instruments;

13 “(viii) a schedule for the readiness of
14 proposed investments for financing;

15 “(ix) a description of any Federal per-
16 mits required, including under the Na-
17 tional Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.) and any waivers
19 under section 5323(j) (commonly known as
20 the ‘Buy America Act’);

21 “(x) other characteristics of the pro-
22 posed activity to be financed, borrower, key
23 agreements, or the nature of the credit
24 that the Secretary considers to be funda-
25 mental to the creditworthiness review;

1 “(xi) the status of the application in
2 the pre-application review and selection
3 process;

4 “(xii) the cumulative amounts paid by
5 the Secretary to outside advisors related to
6 the application, including financial and
7 legal advisors;

8 “(xiii) a description of the key rating
9 factors used by the Secretary to determine
10 credit risk, including—

11 “(I) the factors used to deter-
12 mine risk for the proposed applica-
13 tion;

14 “(II) an adjectival risk rating for
15 each identified factor, ranked as ei-
16 ther low, moderate, or high;

17 “(xiv) a nonbinding estimate of the
18 credit risk premium, which may be in the
19 form of—

20 “(I) a range, based on the assess-
21 ment of risk factors described in
22 clause (xiii); or

23 “(II) a justification for why the
24 estimate of the credit risk premium

1 cannot be determined based on avail-
2 able information; and

3 “(xv) a description of the key infor-
4 mation the Secretary needs from the appli-
5 cant to complete the credit review process
6 and make a final determination of the
7 credit risk premium.

8 “(B) REPORT UPON REQUEST.—The Sec-
9 retary shall provide the information described
10 in subparagraph (A) not later than 30 days
11 after a request from the applicant.

12 “(C) EXCEPTION.—Applications processed
13 using the streamlined application review process
14 under paragraph (4) are not subject to the re-
15 quirements under this paragraph.”;

16 (9) in subsection (l)(2)(A)(iii), by striking
17 “under this title” and inserting “under this chap-
18 ter”;

19 (10) in subsection (m)(1), by striking “under
20 this title” and inserting “under this chapter”; and

21 (11) by adding at the end the following:

22 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
23 provided under this section may be used as the non-Fed-
24 eral share of project costs for any grant program adminis-

1 tered by the Secretary if such loan is repayable from non-
2 Federal funds.”.

3 (e) ADMINISTRATION OF DIRECT LOANS AND LOAN
4 GUARANTEES.—Section 22403 of title 49, United States
5 Code, as added by subsection (a)(2), and amended by sub-
6 section (a)(5), is further amended—

7 (1) in subsection (a)—

8 (A) by striking “The Secretary shall” and
9 inserting the following:

10 “(1) IN GENERAL.—The Secretary shall”;

11 (B) in paragraph (1), as designated by
12 subparagraph (A), by striking “section 502”
13 and inserting “section 22402”; and

14 (C) by adding at the end the following:

15 “(2) DOCUMENTATION.—An applicant meeting
16 the size standard for small business concerns estab-
17 lished under section 3(a)(2) of the Small Business
18 Act (15 U.S.C. 632(a)(2)) may provide unaudited fi-
19 nancial statements as documentation of historical fi-
20 nancial information if such statements are accom-
21 panied by the applicant’s Federal tax returns and
22 Internal Revenue Service tax verifications for the
23 corresponding years.”;

24 (2) in subsection (d)(3), by striking “section
25 502(f)” and inserting “section 22402(f)”;

1 (3) in subsection (l)(3)(B), by striking “serving
2 a direct loan” and inserting “servicing a direct
3 loan”; and

4 (4) in each of subsections (b) through (m), as
5 applicable—

6 (A) by striking “section 502” each place it
7 appears and inserting “section 22402”; and

8 (B) by striking “this title” each place it
9 appears and inserting “this chapter”.

10 (f) EMPLOYEE PROTECTION.—Section 22404 of title
11 49, United States Code, as added by subsection (a)(2),
12 and amended by subsection (a)(6), is further amended—

13 (1) in subsection (a)—

14 (A) by striking “not otherwise protected
15 under title V of the Regional Rail Reorganiza-
16 tion Act of 1973 (45 U.S.C. 771 et seq.),”;

17 (B) by striking “under this title” and in-
18 serting “under this chapter”;

19 (C) by striking “within 120 days after the
20 date of enactment of this title” and inserting
21 “not later than 120 days after February 5,
22 1976”; and

23 (D) by striking “within 150 days after the
24 date of enactment of this title” and inserting

1 “not later than 150 days after February 5,
2 1976”;

3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph
5 (1)—

6 (i) by striking “applicable financial
7 assistance under this title” and inserting
8 “applicable financial assistance under this
9 chapter”; and

10 (ii) by striking “from financial assist-
11 ance under this title” and inserting “from
12 financial assistance under this chapter”;

13 (B) in paragraph (3), by striking “under
14 this title” and inserting “under this chapter”;
15 and

16 (C) in paragraph (4), by striking “to this
17 title” and inserting “to this chapter”; and

18 (3) in subsection (c), by striking “to this title”
19 and inserting “to this chapter”.

20 (g) SUBSTANTIVE CRITERIA AND STANDARDS.—

21 Chapter 224 of title 49, United States Code, as added by
22 subsection (a), and amended by subsections (c) through
23 (f), is further amended by adding at the end the following:

24 “§ 22405. **Substantive criteria and standards**

25 “The Secretary shall—

1 “(1) publish in the Federal Register and post
2 on a website of the Department of Transportation
3 the substantive criteria and standards used by the
4 Secretary to determine whether to approve or dis-
5 approve applications submitted under section 22402;
6 and

7 “(2) ensure that adequate procedures and
8 guidelines are in place to permit the filing of com-
9 plete applications not later than 30 days after the
10 publication referred to in paragraph (1).”.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—Chapter
12 224 of title 49, United States Code, as added by sub-
13 section (a), and amended by subsections (c) through (g),
14 is further amended by adding at the end the following:

15 **“§ 22406. Authorization of appropriations.**

16 “(a) AUTHORIZATION.—

17 “(1) IN GENERAL.—There is authorized to be
18 appropriated for credit assistance under this chap-
19 ter, which shall be provided at the discretion of the
20 Secretary, \$50,000,000 for each of fiscal years 2022
21 through 2026.

22 “(2) REFUND OF PREMIUM.—There is author-
23 ized to be appropriated to the Secretary
24 \$70,000,000 to repay the credit risk premium in ac-
25 cordance with section 22402(f)(5).

1 (1) NATIONAL TRAILS SYSTEM ACT.—Section
2 8(d) of the National Trails System Act (16 U.S.C.
3 1247(d)) is amended by inserting “(45 U.S.C. 801
4 et seq.) and chapter 224 of title 49, United States
5 Code” after “1976”.

6 (2) PASSENGER RAIL REFORM AND INVEST-
7 MENT ACT.—Section 11315(e) of the Passenger Rail
8 Reform and Investment Act of 2015 (23 U.S.C. 322
9 note; Public Law 114–94) is amended by striking
10 “sections 502 and 503 of the Railroad Revitalization
11 and Regulatory Reform Act of 1976” and inserting
12 “sections 22402 and 22403 of title 49, United
13 States Code”.

14 (3) PROVISIONS CLASSIFIED IN TITLE 45,
15 UNITED STATES CODE.—

16 (A) RAILROAD REVITALIZATION AND REG-
17 ULATORY REFORM ACT OF 1976.—Section 101
18 of the Railroad Revitalization and Regulatory
19 Reform Act of 1976 (45 U.S.C. 801) is amend-
20 ed—

21 (i) in subsection (a), in the matter
22 preceding paragraph (1), by striking “It is
23 the purpose of the Congress in this Act to”
24 and inserting “The purpose of this Act and

1 chapter 224 of title 49, United States
2 Code, is to”]; and

3 (ii) in subsection (b), in the matter
4 preceding paragraph (1), by striking “It is
5 declared to be the policy of the Congress in
6 this Act” and inserting “The policy of this
7 Act and chapter 224 of title 49, United
8 States Code, is”.

9 (B) RAILROAD INFRASTRUCTURE FINANC-
10 ING IMPROVEMENT ACT.—The Railroad Infra-
11 structure Financing Improvement Act (subtitle
12 F of title XI of Public Law 114–94) is amend-
13 ed—

14 (i) in section 11607(b) (45 U.S.C.
15 821 note), by striking “All provisions
16 under sections 502 through 504 of the
17 Railroad Revitalization and Regulatory Re-
18 form Act of 1976 (45 U.S.C. 801 et seq.)”
19 and inserting “All provisions under section
20 22402 through 22404 of title 49, United
21 States Code,”]; and

22 (ii) in section 11610(b) (45 U.S.C.
23 821 note), by striking “section 502(f) of
24 the Railroad Revitalization and Regulatory
25 Reform Act of 1976 (45 U.S.C. 822(f)), as

1 amended by section 11607 of this Act”
2 and inserting “section 22402(f) of title 49,
3 United States Code”.

4 (C) TRANSPORTATION EQUITY ACT FOR
5 THE 21ST CENTURY.—Section 7203(b)(2) of the
6 Transportation Equity Act for the 21st Century
7 (Public Law 105–178; 45 U.S.C. 821 note) is
8 amended by striking “title V of the Railroad
9 Revitalization and Regulatory Reform Act of
10 1976 (45 U.S.C. 821 et seq.)” and inserting
11 “chapter 224 of title 49, United States Code,”.

12 (D) HAMM ALERT MARITIME SAFETY ACT
13 OF 2018.—Section 212(d)(1) of Hamm Alert
14 Maritime Safety Act of 2018 (title II of Public
15 Law 115–265; 45 U.S.C. 822 note) is amended,
16 in the matter preceding subparagraph (A), by
17 striking “for purposes of section 502(f)(4) of
18 the Railroad Revitalization and Regulatory Re-
19 form Act of 1976 (45 U.S.C. 822(f)(4))” and
20 inserting “for purposes of section 22402 of title
21 49, United States Code”.

22 (E) MILWAUKEE RAILROAD RESTRUC-
23 TURING ACT.—Section 15(f) of the Milwaukee
24 Railroad Restructuring Act (45 U.S.C. 914(f))
25 is amended by striking “Section 516 of the

1 Railroad Revitalization and Regulatory Reform
2 Act of 1976 (45 U.S.C. 836)” and inserting
3 “Section 22404 of title 49, United States
4 Code,”.

5 (F) ROCK ISLAND RAILROAD TRANSITION
6 AND EMPLOYEE ASSISTANCE ACT.—Section
7 104(b) of the Rock Island Railroad Transition
8 and Employee Assistance Act (45 U.S.C.
9 1003(b)) is amended—

10 (i) in paragraph (1)—

11 (I) by striking “title V of the
12 Railroad Revitalization and Regu-
13 latory Reform Act of 1976 (45 U.S.C.
14 821 et seq.)” and inserting “chapter
15 224 of title 49, United States Code,”;
16 and

17 (II) by striking “and section
18 18(b) of the Milwaukee Railroad Re-
19 structuring Act”; and

20 (ii) in paragraph (2), by striking
21 “title V of the Railroad Revitalization and
22 Regulatory Reform Act of 1976, and sec-
23 tion 516 of such Act (45 U.S.C. 836)” and
24 inserting “chapter 224 of title 49, United

1 States Code, including section 22404 of
2 such title,”.

3 (4) TITLE 49.—

4 (A) NATIONAL SURFACE TRANSPORTATION
5 AND INNOVATIVE FINANCE BUREAU.—Section
6 116(d)(1)(B) of title 49, United States Code, is
7 amended by striking “sections 501 through 503
8 of the Railroad Revitalization and Regulatory
9 Reform Act of 1976 (45 U.S.C. 821–823)” and
10 inserting “sections 22401 through 22403”.

11 (B) PROHIBITED DISCRIMINATION.—Sec-
12 tion 306(b) of title 49, United States Code, is
13 amended—

14 (i) by striking “chapter 221 or 249 of
15 this title,” and inserting “chapter 221,
16 224, or 249 of this title, or”; and

17 (ii) by striking “, or title V of the
18 Railroad Revitalization and Regulatory Re-
19 form Act of 1976 (45 U.S.C. 821 et
20 seq.)”.

21 (C) PASSENGER RAIL REFORM AND IN-
22 VESTMENT ACT OF 2015.—Section 11311(d) of
23 the Passenger Rail Reform and Investment Act
24 of 2015 (Public Law 114–94; 49 U.S.C. 20101
25 note) is amended by striking “, and section 502

1 of the Railroad Revitalization and Regulatory
2 Reform Act of 1976 (45 U.S.C. 822)”.

3 (D) GRANT CONDITIONS.—Section
4 22905(c)(2)(B) of title 49, United States Code,
5 is amended by striking “section 504 of the Rail-
6 road Revitalization and Regulatory Reform Act
7 of 1976 (45 U.S.C. 836)” and inserting “sec-
8 tion 22404”.

9 (E) PASSENGER RAIL INVESTMENT AND
10 IMPROVEMENT ACT OF 2008.—Section 205(g) of
11 the Passenger Rail Investment and Improve-
12 ment Act of 2008 (division B of Public Law
13 110–432; 49 U.S.C. 24101 note) is amended by
14 striking “title V of the Railroad Revitalization
15 and Regulatory Reform Act of 1976 (45 U.S.C.
16 821 et seq.)” and inserting “chapter 224 of
17 title 49, United States Code”.

18 (F) AMTRAK AUTHORITY.—Section 24903
19 of title 49, United States Code, is amended—

20 (i) in subsection (a)(6), by striking
21 “and the Railroad Revitalization and Reg-
22 ulatory Reform Act of 1976 (45 U.S.C.
23 801 et seq.)” and inserting “, the Railroad
24 Revitalization and Regulatory Reform Act

1 of 1976 (45 U.S.C. 801 et seq.), and chap-
2 ter 224 of this title”; and

3 (ii) in subsection (c)(2), by striking
4 “and the Railroad Revitalization and Reg-
5 ulatory Reform Act of 1976 (45 U.S.C.
6 801 et seq.)” and inserting “, the Railroad
7 Revitalization and Regulatory Reform Act
8 of 1976 (45 U.S.C. 801 et seq.), and chap-
9 ter 224 of this title”.

10 **SEC. 21302. SUBSTANTIVE CRITERIA AND STANDARDS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Secretary shall update the publicly avail-
13 able credit program guide in accordance with the provi-
14 sions of chapter 224 of title 49, United States Code, as
15 added by section 21301.

16 **SEC. 21303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED**
17 **DEVELOPMENT ELIGIBILITY.**

18 Not later than 6 months after the date of enactment
19 of this Act, and every 6 months thereafter, the Secretary
20 shall submit a report to the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives that identifies—

24 (1) the number of applications submitted to the
25 Department for a direct loan or loan guarantee

1 under section 22402(b)(1)(E) of title 49, United
2 States Code, as amended by section 21301;

3 (2) the number of such loans or loan guaran-
4 tees that were provided to the applicants; and

5 (3) for each such application, the reasons for
6 providing or declining to provide the requested loan
7 or loan guarantee.

8 **TITLE II—RAIL**

9 **SEC. 22001. SHORT TITLE.**

10 This title may be cited as the “Passenger Rail Expan-
11 sion and Rail Safety Act of 2021”.

12 **Subtitle A—Authorization of** 13 **Appropriations**

14 **SEC. 22101. GRANTS TO AMTRAK.**

15 (a) NORTHEAST CORRIDOR.—There are authorized
16 to be appropriated to the Secretary for grants to Amtrak
17 for activities associated with the Northeast Corridor the
18 following amounts:

19 (1) For fiscal year 2022, \$1,570,000,000.

20 (2) For fiscal year 2023, \$1,100,000,000.

21 (3) For fiscal year 2024, \$1,200,000,000.

22 (4) For fiscal year 2025, \$1,300,000,000.

23 (5) For fiscal year 2026, \$1,400,000,000.

24 (b) NATIONAL NETWORK.—There are authorized to
25 be appropriated to the Secretary for grants to Amtrak for

1 activities associated with the National Network the fol-
2 lowing amounts:

3 (1) For fiscal year 2022, \$2,300,000,000.

4 (2) For fiscal year 2023, \$2,200,000,000.

5 (3) For fiscal year 2024, \$2,450,000,000.

6 (4) For fiscal year 2025, \$2,700,000,000.

7 (5) For fiscal year 2026, \$3,000,000,000.

8 (c) OVERSIGHT.—The Secretary may withhold up to
9 0.5 percent from the amount appropriated for each fiscal
10 year pursuant to subsections (a) and (b) for the costs of
11 oversight of Amtrak.

12 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
13 Secretary may withhold up to \$3,000,000 from the
14 amount appropriated for each fiscal year pursuant to sub-
15 section (b) for use by the State-Supported Route Com-
16 mittee established under section 24712(a) of title 49,
17 United States Code.

18 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
19 retary may withhold up to \$6,000,000 from the amount
20 appropriated for each fiscal year pursuant to subsection
21 (a) for use by the Northeast Corridor Commission estab-
22 lished under section 24905(a) of title 49, United States
23 Code.

24 (f) INTERSTATE RAIL COMPACTS.—The Secretary
25 may withhold up to \$3,000,000 from the amount appro-

1 priated for each fiscal year pursuant to subsection (b) for
2 grants authorized under section 22910 of title 49, United
3 States Code.

4 (g) ACCESSIBILITY UPGRADES.—

5 (1) IN GENERAL.—The Secretary shall withhold
6 \$50,000,000 from the amount appropriated for each
7 fiscal year pursuant to subsections (a) and (b) for
8 grants to assist Amtrak in financing capital projects
9 to upgrade the accessibility of the national rail pas-
10 senger transportation system by increasing the num-
11 ber of existing facilities that are compliant with the
12 requirements under the Americans with Disabilities
13 Act of 1990 (42 U.S.C. 12101 et seq.) until the Sec-
14 retary determines Amtrak’s existing facilities are in
15 compliance with such requirements.

16 (2) SAVINGS PROVISION.—Nothing in para-
17 graph (1) may be construed to prevent Amtrak from
18 using additional funds appropriated pursuant to this
19 section to carry out the activities authorized under
20 such paragraph.

21 (h) CORRIDOR DEVELOPMENT.—In addition to the
22 activities authorized under subsection (b), Amtrak may
23 use up to 10 percent of the amounts appropriated under
24 subsection (b) in each fiscal year to support Amtrak-oper-
25 ated corridors selected under section 22306 for—

- 1 (1) planning and capital costs; and
- 2 (2) operating assistance consistent with the
- 3 Federal funding limitations under section 22908 of
- 4 title 49, United States Code.

5 **SEC. 22102. FEDERAL RAILROAD ADMINISTRATION.**

6 (a) SAFETY AND OPERATIONS.—There are author-
7 ized to be appropriated to the Secretary for the operations
8 of the Federal Railroad Administration and to carry out
9 railroad safety activities the following amounts:

- 10 (1) For fiscal year 2022, \$248,000,000.
- 11 (2) For fiscal year 2023, \$254,000,000.
- 12 (3) For fiscal year 2024, \$263,000,000.
- 13 (4) For fiscal year 2025, \$271,000,000.
- 14 (5) For fiscal year 2026, \$279,000,000.

15 (b) RAILROAD RESEARCH AND DEVELOPMENT.—
16 There are authorized to be appropriated to the Secretary
17 for the use of the Federal Railroad Administration for ac-
18 tivities associated with railroad research and development
19 the following amounts:

- 20 (1) For fiscal year 2022, \$43,000,000.
- 21 (2) For fiscal year 2023, \$44,000,000.
- 22 (3) For fiscal year 2024, \$45,000,000.
- 23 (4) For fiscal year 2025, \$46,000,000.
- 24 (5) For fiscal year 2026, \$47,000,000.

1 (c) TRANSPORTATION TECHNOLOGY CENTER.—The
2 Secretary may withhold up to \$3,000,000 from the
3 amount appropriated for each fiscal year pursuant to sub-
4 section (b) for activities authorized under section
5 20108(d) of title 49, United States Code.

6 (d) RAIL RESEARCH AND DEVELOPMENT CENTER OF
7 EXCELLENCE.—The Secretary may withhold up to 10 per-
8 cent of the amount appropriated for each fiscal year under
9 subsection (b) for grants authorized under section
10 20108(j) of title 49, United States Code.

11 **SEC. 22103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
12 **SAFETY IMPROVEMENTS GRANTS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to the Secretary for grants under section 22907
15 of title 49, United States Code, \$1,000,000,000 for each
16 of fiscal years 2022 through 2026.

17 (b) OVERSIGHT.—The Secretary may withhold up to
18 2 percent from the amount appropriated for each fiscal
19 year pursuant to subsection (a) for the costs of project
20 management oversight of grants authorized under title 49,
21 United States Code.

22 **SEC. 22104. RAILROAD CROSSING ELIMINATION PROGRAM.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated to the Secretary for grants under section 22909
25 of title 49, United States Code, as added by section

1 22305, \$500,000,000 for each of fiscal years 2022
2 through 2026.

3 (b) PLANNING PROJECTS.—Not less than 3 percent
4 of the amount appropriated in each fiscal year pursuant
5 to subsection (a) year shall be used for planning projects
6 described in section 22909(d)(6) of title 49, United States
7 Code.

8 (c) HIGHWAY-RAIL GRADE CROSSING SAFETY IN-
9 FORMATION AND EDUCATION PROGRAM.—Of the amount
10 appropriated under subsection (a) in each fiscal year, 0.25
11 percent shall be used for contracts or grants to carry out
12 a highway-rail grade crossing safety information and edu-
13 cation program—

14 (1) to help prevent and reduce pedestrian,
15 motor vehicle, and other accidents, incidents, inju-
16 ries, and fatalities; and

17 (2) to improve awareness along railroad rights-
18 of-way and at highway-rail grade crossings.

19 (d) OVERSIGHT.—The Secretary may withhold up to
20 2 percent from the amount appropriated for each fiscal
21 year pursuant to subsection (a) for the costs of project
22 management oversight of grants authorized under title 49,
23 United States Code.

1 **SEC. 22105. RESTORATION AND ENHANCEMENT GRANTS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the Secretary for grants under section 22908
4 of title 49, United States Code, \$50,000,000 for each of
5 fiscal years 2022 through 2026.

6 (b) OVERSIGHT.—The Secretary may withhold up to
7 1 percent of the amount appropriated for each fiscal year
8 pursuant to subsection (a) for the costs of project manage-
9 ment oversight of grants authorized under title 49, United
10 States Code.

11 **SEC. 22106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**
12 **PASSENGER RAIL GRANTS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to the Secretary for grants under section 24911
15 of title 49, United States Code, \$1,500,000,000 for each
16 of fiscal years 2022 through 2026.

17 (b) OVERSIGHT.—The Secretary may withhold up to
18 2 percent of the amount appropriated under subsection
19 (a) for the costs of project management oversight of
20 grants authorized under title 49, United States Code.

21 **SEC. 22107. AMTRAK OFFICE OF INSPECTOR GENERAL.**

22 There are authorized to be appropriated to the Office
23 of Inspector General of Amtrak the following amounts:

- 24 (1) For fiscal year 2022, \$26,500,000.
25 (2) For fiscal year 2023, \$27,000,000.
26 (3) For fiscal year 2024, \$27,500,000.

1 (4) For fiscal year 2025, \$28,000,000.

2 (5) For fiscal year 2026, \$28,500,000.

3 **Subtitle B—Amtrak Reforms**

4 **SEC. 22201. AMTRAK FINDINGS, MISSION, AND GOALS.**

5 (a) FINDINGS.—Section 24101(a) of title 49, United
6 States Code, is amended—

7 (1) in paragraph (1), by striking “between
8 crowded urban areas and in other areas of” and in-
9 serting “throughout”;

10 (2) in paragraph (4), by striking “to Amtrak to
11 achieve a performance level sufficient to justify ex-
12 pending public money” and inserting “in order to
13 meet the intercity passenger rail needs of the United
14 States”;

15 (3) in paragraph (5)—

16 (A) by inserting “intercity passenger and”
17 before “commuter”; and

18 (B) by inserting “and rural” after “major
19 urban;” and

20 (4) by adding at the end the following:

21 “(9) Long-distance routes are valuable resources of
22 the United States that are used by rural and urban com-
23 munities.”.

24 (b) GOALS.—Section 24101(c) of title 49, United
25 States Code, is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) use its best business judgment in acting to
4 maximize the benefits of Federal investments, in-
5 cluding—

6 “(A) offering competitive fares;

7 “(B) increasing revenue from the transpor-
8 tation of mail and express;

9 “(C) offering food service that meets the
10 needs of its customers;

11 “(D) improving its contracts with rail car-
12 riers over whose tracks Amtrak operates;

13 “(E) controlling or reducing management
14 and operating costs; and

15 “(F) providing economic benefits to the
16 communities it serves;”;

17 (2) in paragraph (11), by striking “and” at the
18 end;

19 (3) in paragraph (12), by striking the period at
20 the end and inserting “; and”; and

21 (4) by adding at the end the following:

22 “(13) support and maintain established long-
23 distance routes to provide value to the Nation by
24 serving customers throughout the United States and
25 connecting urban and rural communities.”.

1 (c) INCREASING REVENUES.—Section 24101(d) of
2 title 49, United States Code, is amended to read as fol-
3 lows:

4 “(d) INCREASING REVENUES.—Amtrak is encour-
5 aged to make agreements with private sector entities and
6 to undertake initiatives that are consistent with good busi-
7 ness judgment and designed to generate additional reve-
8 nues to advance the goals described in subsection (c).”.

9 **SEC. 22202. COMPOSITION OF AMTRAK’S BOARD OF DIREC-**
10 **TORS.**

11 (a) SELECTION; COMPOSITION; CHAIR.—Section
12 24302(a) of title 49, United States Code, is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (B), by striking
15 “President” and inserting “Chief Executive Of-
16 ficer”; and

17 (B) in subparagraph (C), by inserting “, at
18 least 1 of whom shall be an individual with a
19 disability (as defined in section 3 of the Ameri-
20 cans with Disabilities Act of 1990 (42 U.S.C.
21 12102)) who has a demonstrated history of, or
22 experience with, accessibility, mobility, and in-
23 clusive transportation in passenger rail or com-
24 muter rail” before the period at the end;

1 (2) in paragraph (2), by striking “and try to
2 provide adequate and balanced representation of the
3 major geographic regions of the United States
4 served by Amtrak”;

5 (3) by redesignating paragraph (5) as para-
6 graph (7); and

7 (4) by striking paragraph (4) and inserting the
8 following:

9 “(4) Of the individuals appointed pursuant to
10 paragraph (1)(C)—

11 “(A) 2 individuals shall reside in or near
12 a location served by a regularly scheduled Am-
13 trak service along the Northeast Corridor;

14 “(B) 4 individuals shall reside in or near
15 regions of the United States that are geographi-
16 cally distributed outside of the Northeast Cor-
17 ridor, of whom—

18 “(i) 2 individuals shall reside in
19 States served by a long-distance route op-
20 erated by Amtrak;

21 “(ii) 2 individuals shall reside in
22 States served by a State-supported route
23 operated by Amtrak; and

24 “(iii) an individual who resides in a
25 State that is served by a State-supported

1 route and a long-distance route may be ap-
2 pointed to serve either position referred to
3 in clauses (i) and (ii);

4 “(C) 2 individuals shall reside either—

5 “(i) in or near a location served by a
6 regularly scheduled Amtrak service on the
7 Northeast Corridor; or

8 “(ii) in a State served by long-dis-
9 tance or a State-supported route; and

10 “(D) each individual appointed to the
11 Board pursuant to this paragraph may only fill
12 1 of the allocations set forth in subparagraphs
13 (A) through (C).

14 “(5) The Board shall elect a chairperson and
15 vice chairperson, other than the Chief Executive Of-
16 ficer of Amtrak, from among its membership. The
17 vice chairperson shall act as chairperson in the ab-
18 sence of the chairperson.

19 “(6) The Board shall meet at least annually
20 with—

21 “(A) representatives of Amtrak employees;

22 “(B) representatives of persons with dis-
23 abilities; and

1 “(C) the general public, in an open meet-
2 ing with a virtual attendance option, to discuss
3 financial performance and service results.”.

4 (b) **RULE OF CONSTRUCTION.**—None of the amend-
5 ments made by subsection (a) may be construed as affect-
6 ing the term of any director serving on the Amtrak Board
7 of Directors under section 24302(a)(1)(C) of title 49,
8 United States Code, as of the date of enactment of this
9 Act.

10 **SEC. 22203. STATION AGENTS.**

11 Section 24312 of title 49, United States Code, is
12 amended by adding at the end the following:

13 “(c) **AVAILABILITY OF STATION AGENTS.**—

14 “(1) **IN GENERAL.**—Except as provided in para-
15 graph (2), beginning on the date that is 1 year after
16 the date of enactment of the Passenger Rail Expans-
17 sion and Rail Safety Act of 2021, Amtrak shall en-
18 sure that at least 1 Amtrak ticket agent is employed
19 at each station building—

20 “(A) that Amtrak owns, or operates service
21 through, as part of a long-distance or Northeast
22 Corridor passenger service route;

23 “(B) where at least 1 Amtrak ticket agent
24 was employed on or after October 1, 2017; and

1 “(C) for which an average of 40 pas-
2 sengers boarded or deboarded an Amtrak train
3 per day during all of the days in fiscal year
4 2017 when the station was serviced by Amtrak,
5 regardless of the number of Amtrak trains serv-
6 icing the station per day.

7 “(2) EXCEPTION.—Paragraph (1) shall not
8 apply to any station building in which a commuter
9 rail ticket agent has the authority to sell Amtrak
10 tickets.”.

11 **SEC. 22204. INCREASING OVERSIGHT OF CHANGES TO AM-**
12 **TRAK LONG-DISTANCE ROUTES AND OTHER**
13 **INTERCITY SERVICES.**

14 (a) AMTRAK ANNUAL OPERATIONS REPORT.—Sec-
15 tion 24315(a)(1) of title 49, United States Code, is
16 amended—

17 (1) in subparagraph (G), by striking “and” at
18 the end;

19 (2) in subparagraph (H), by adding “and” at
20 the end; and

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

22 “(I) any change made to a route’s or serv-
23 ice’s frequency or station stops;”.

24 (b) 5-YEAR BUSINESS LINE PLANS.—Section
25 24320(b)(2) of title 49, United States Code, is amended—

1 (1) by redesignating subparagraphs (B)
2 through (L) as subparagraphs (C) through (M), re-
3 spectively; and

4 (2) by inserting after subparagraph (A) the fol-
5 lowing:

6 “(B) a detailed description of any plans to
7 permanently change a route’s or service’s fre-
8 quency or station stops for the service line;”.

9 **SEC. 22205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNT-**
10 **ING.**

11 Section 24317 of title 49, United States Code, is
12 amended—

13 (1) in subsection (a)(2), by striking “and costs
14 among Amtrak business lines” and inserting “, in-
15 cluding Federal grant funds, and costs among Am-
16 trak service lines”;

17 (2) by amending subsection (b) to read as fol-
18 lows:

19 “(b) ACCOUNT STRUCTURE.—

20 “(1) IN GENERAL.—The Secretary of Transpor-
21 tation, in consultation with Amtrak, shall define,
22 maintain, and periodically update an account struc-
23 ture and improvements to accounting methodologies,
24 as necessary, to support the Northeast Corridor and
25 the National Network.

1 “(2) NOTIFICATION OF SUBSTANTIVE
2 CHANGES.—The Secretary shall notify the Com-
3 mittee on Commerce, Science, and Transportation of
4 the Senate, the Committee on Appropriations of the
5 Senate, the Committee on Transportation and Infra-
6 structure of the House of Representatives, and the
7 Committee on Appropriations of the House of Rep-
8 resentatives regarding any substantive changes made
9 to the account structure, including changes to—

10 “(A) the service lines described in section
11 24320(b)(1); and

12 “(B) the asset lines described in section
13 24320(c)(1).”;

14 (3) in subsection (e), in the matter preceding
15 paragraph (1), by inserting “, maintaining, and up-
16 dating” after “defining”;

17 (4) in subsection (d), in the matter preceding
18 paragraph (1), by inserting “, maintaining, and up-
19 dating” after “defining”;

20 (5) by amending subsection (e) to read as fol-
21 lows:

22 “(e) IMPLEMENTATION AND REPORTING.—

23 “(1) IN GENERAL.—Amtrak, in consultation
24 with the Secretary of Transportation, shall maintain
25 and implement any account structures and improve-

1 ments defined under subsection (b) to enable Am-
2 trak to produce sources and uses statements for
3 each of the service lines described in section
4 24320(b)(1) and, as appropriate, each of the asset
5 lines described in section 24320(c)(1), that identify
6 sources and uses of revenues, appropriations, and
7 transfers between accounts.

8 “(2) UPDATED SOURCES AND USES STATE-
9 MENTS.—Not later than 30 days after the imple-
10 mentation of subsection (b), and monthly thereafter,
11 Amtrak shall submit to the Secretary of Transpor-
12 tation updated sources and uses statements for each
13 of the service lines and asset lines referred to in
14 paragraph (1). The Secretary and Amtrak may
15 agree to a different frequency of reporting.”;

16 (6) by striking subsection (h); and

17 (7) by redesignating subsection (i) as subsection
18 (h).

19 **SEC. 22206. IMPROVED OVERSIGHT OF AMTRAK SPENDING.**

20 (a) ALLOCATION OF COSTS AND REVENUES.—Sec-
21 tion 24318(a) of title 49, United States Code, is amended
22 by striking “Not later than 180 days after the date of
23 enactment of the Passenger Rail Reform and Investment
24 Act of 2015,”.

1 (b) GRANT PROCESS AND REPORTING.—Section
2 24319 of title 49, United States Code, is amended—

3 (1) in the section heading, by inserting “**and**
4 **reporting**” after “**process**”;

5 (2) by amending subsection (a) to read as fol-
6 lows:

7 “(a) PROCEDURES FOR GRANT REQUESTS.—The
8 Secretary of Transportation shall—

9 “(1) establish and maintain substantive and
10 procedural requirements, including schedules, for
11 grant requests under this section; and

12 “(2) report any changes to such procedures
13 to—

14 “(A) the Committee on Commerce,
15 Science, and Transportation of the Senate;

16 “(B) the Committee on Appropriations of
17 the Senate;

18 “(C) the Committee on Transportation and
19 Infrastructure of the House of Representatives;
20 and

21 “(D) the Committee on Appropriations of
22 the House of Representatives.”;

23 (3) in subsection (b), by striking “grant re-
24 quests” and inserting “a grant request annually, or
25 as additionally required,”;

1 (4) by amending subsection (c) to read as fol-
2 lows:

3 “(c) CONTENTS.—

4 “(1) IN GENERAL.—Each grant request under
5 subsection (b) shall, as applicable—

6 “(A) categorize and identify, by source, the
7 Federal funds and program income that will be
8 used for the upcoming fiscal year for each of
9 the Northeast Corridor and National Network
10 in 1 of the categories or subcategories set forth
11 in paragraph (2);

12 “(B) describe the operations, services, pro-
13 grams, projects, and other activities to be fund-
14 ed within each of the categories set forth in
15 paragraph (2), including—

16 “(i) the estimated scope, schedule,
17 and budget necessary to complete each
18 project and program; and

19 “(ii) the performance measures used
20 to quantify expected and actual project
21 outcomes and benefits, aggregated by fiscal
22 year, project milestone, and any other ap-
23 propriate grouping; and

24 “(C) describe the status of efforts to im-
25 prove Amtrak’s safety culture.

1 “(2) GRANT CATEGORIES.—

2 “(A) OPERATING EXPENSES.—Each grant
3 request to use Federal funds for operating ex-
4 penses shall—

5 “(i) include estimated net operating
6 costs not covered by other Amtrak revenue
7 sources;

8 “(ii) specify Federal funding re-
9 quested for each service line described in
10 section 24320(b)(1); and

11 “(iii) be itemized by route.

12 “(B) DEBT SERVICE.—A grant request to
13 use Federal funds for expenses related to debt,
14 including payment of principle and interest, as
15 allowed under section 205 of the Passenger Rail
16 Investment and Improvement Act of 2008
17 (Public Law 110–432; 49 U.S.C. 24101 note).

18 “(C) CAPITAL.—A grant request to use
19 Federal funds and program income for capital
20 expenses shall include capital projects and pro-
21 grams primarily associated with—

22 “(i) normalized capital replacement
23 programs, including regularly recurring
24 work programs implemented on a system-
25 atic basis on classes of physical railroad

1 assets, such as track, structures, electric
2 traction and power systems, rolling stock,
3 and communications and signal systems, to
4 maintain and sustain the condition and
5 performance of such assets to support con-
6 tinued railroad operations;

7 “(ii) improvement projects to support
8 service and safety enhancements, including
9 discrete projects implemented in accord-
10 ance with a fixed scope, schedule, and
11 budget that result in enhanced or new in-
12 frastructure, equipment, or facilities;

13 “(iii) backlog capital replacement
14 projects, including discrete projects imple-
15 mented in accordance with a fixed scope,
16 schedule, and budget that primarily replace
17 or rehabilitate major infrastructure assets,
18 including tunnels, bridges, stations, and
19 similar assets, to reduce the state of good
20 repair backlog on the Amtrak network;

21 “(iv) strategic initiative projects, in-
22 cluding discrete projects implemented in
23 accordance with a fixed scope, schedule,
24 and budget that primarily improve overall
25 operational performance, lower costs, or

1 otherwise improve Amtrak’s corporate effi-
2 ciency; and

3 “(v) statutory, regulatory, or other le-
4 gally mandated projects, including discrete
5 projects implemented in accordance with a
6 fixed scope, schedule, and budget that en-
7 able Amtrak to fulfill specific legal or regu-
8 latory mandates.

9 “(D) CONTINGENCY.—A grant request to
10 use Federal funds for operating and capital ex-
11 pense contingency shall include—

12 “(i) contingency levels for specified
13 activities and operations; and

14 “(ii) a process for the utilization of
15 such contingency.

16 “(3) MODIFICATION OF CATEGORIES.—The
17 Secretary of Transportation and Amtrak may jointly
18 agree to modify the categories set forth in paragraph
19 (2) if such modifications are necessary to improve
20 the transparency, oversight, or delivery of projects
21 funded through grant requests under this section.”;

22 (5) in subsection (d)(1)(A)—

23 (A) by inserting “complete” after “submits
24 a”;

1 (B) by striking “shall complete” and in-
2 serting “shall finish”; and

3 (C) in clause (ii), by striking “incomplete
4 or”;

5 (6) in subsection (e)—

6 (A) in paragraph (1)—

7 (i) by striking “and other activities to
8 be funded by the grant” and inserting
9 “programs, projects, and other activities to
10 be funded by the grant, consistent with the
11 categories required for Amtrak in a grant
12 request under subsection (e)(1)(A)”; and

13 (ii) by striking “or activities” and in-
14 serting “programs, projects, and other ac-
15 tivities”; and

16 (B) in paragraph (3)—

17 (i) by redesignating subparagraphs
18 (A) and (B) as subparagraphs (B) and
19 (C), respectively; and

20 (ii) by inserting before subparagraph
21 (B), as redesignated, the following:

22 “(A) using an otherwise allowable ap-
23 proach to the method prescribed for a specific
24 project or category of projects under paragraph
25 (2) if the Secretary and Amtrak agree that a

1 different payment method is necessary to more
2 successfully implement and report on an oper-
3 ation, service, program, project, or other activ-
4 ity;”;

5 (7) by redesignating subsection (h) as sub-
6 section (j); and

7 (8) by inserting after subsection (g) the fol-
8 lowing:

9 “(h) APPLICABLE LAWS AND REGULATIONS.—

10 “(1) SINGLE AUDIT ACT OF 1984.—Notwith-
11 standing section 24301(a)(3) of this title and section
12 7501(a)(13) of title 31, Amtrak shall be deemed a
13 ‘non-Federal entity’ for purposes of chapter 75 of
14 title 31.

15 “(2) REGULATIONS AND GUIDANCE.—The Sec-
16 retary of Transportation may apply some or all of
17 the requirements set forth in the regulations and
18 guidance promulgated by the Secretary relating to
19 the management, administration, cost principles, and
20 audit requirements for Federal awards.

21 “(i) AMTRAK GRANT REPORTING.—The Secretary of
22 Transportation shall determine the varying levels of detail
23 and information that will be included in reports for oper-
24 ations, services, program, projects, program income, cash

1 on hand, and other activities within each of the grant cat-
2 egories described in subsection (c)(2).”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) REPORTS AND AUDITS.—Section
5 24315(b)(1) of title 49, United States Code, is
6 amended—

7 (A) in subparagraph (A), by striking “the
8 goal of section 24902(b) of this title; and” and
9 inserting “the goal described in section
10 24902(a);”;

11 (B) in subparagraph (B), by striking the
12 period at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(C) shall incorporate the category de-
15 scribed in section 24319(e)(2)(C).”.

16 (2) CLERICAL AMENDMENT.—The analysis for
17 chapter 243 of title 49, United States Code, is
18 amended by striking the item relating to section
19 24319 and inserting the following:

“24319. Grant process and reporting.”.

20 **SEC. 22207. INCREASING SERVICE LINE AND ASSET LINE**
21 **PLAN TRANSPARENCY.**

22 (a) IN GENERAL.—Section 24320 of title 49, United
23 States Code, is amended—

1 (1) in the section heading, by striking “**busi-**
2 **ness line and asset plans**” and inserting
3 “**service line and asset line plans**”;

4 (2) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) by striking “of each year” and in-
7 serting “, 2020, and biennially thereafter”;

8 (ii) by striking “5-year business line
9 plans and 5-year asset plans” and insert-
10 ing “5-year service line plans and 5-year
11 asset line plans”; and

12 (iii) by adding at the end the fol-
13 lowing: “During each year in which Am-
14 trak is not required to submit a plan under
15 this paragraph, Amtrak shall submit to
16 Congress updated financial sources and
17 uses statements and forecasts with the an-
18 nual report required under section
19 24315(b).”; and

20 (B) in paragraph (2), by striking “asset
21 plan required in” and inserting “asset line plan
22 required under”;

23 (3) in subsection (b)—

24 (A) in the subsection heading, by striking
25 “BUSINESS” and inserting “SERVICE”;

1 (B) in paragraph (1)—

2 (i) in the paragraph heading, by strik-
3 ing “BUSINESS” and inserting “SERVICE”;

4 (ii) by striking “business” each place
5 such term appears and inserting “service”;

6 (iii) by amending subparagraph (B) to
7 read as follows:

8 “(B) Amtrak State-supported train serv-
9 ices.”;

10 (iv) in subparagraph (C), by striking
11 “routes” and inserting “train services”;

12 and

13 (v) by adding at the end the following:

14 “(E) Infrastructure access services for use
15 of Amtrak-owned or Amtrak-controlled infra-
16 structure and facilities.”;

17 (C) in paragraph (2)—

18 (i) in the paragraph heading, by strik-
19 ing “BUSINESS” and inserting “SERVICE”;

20 (ii) by striking “business” each place
21 such term appears and inserting “service”;

22 (iii) in subparagraph (A), by striking
23 “Strategic Plan and 5-year asset plans”

24 and inserting “5-year asset line plans”;

1 (iv) in subparagraph (F) (as redesignig-
2 nated by section 22204(b)(1)), by striking
3 “profit and loss” and inserting “sources
4 and uses”;

5 (v) by striking subparagraph (G) (as
6 redesignated by section 22204(b)(1));

7 (vi) by redesignating subparagraphs
8 (H) through (M) (as redesignated by sec-
9 tion 22204(b)(1)) as subparagraphs (G)
10 through (L), respectively; and

11 (vii) by amending subparagraph (I)
12 (as so redesignated) to read as follows:

13 “(I) financial performance for each route,
14 if deemed applicable by the Secretary, within
15 each service line, including descriptions of the
16 cash operating loss or contribution;”;

17 (D) in paragraph (3)—

18 (i) in the paragraph heading, by strik-
19 ing “BUSINESS” and inserting “SERVICE”;

20 (ii) by striking “business” each place
21 such term appears and inserting “service”;

22 (iii) by redesignating subparagraphs
23 (A), (B), (C), and (D) as clauses (i), (ii),
24 (iii), and (iv), respectively, and moving
25 such clauses 2 ems to the right;

1 (iv) by inserting before clause (i), as
2 redesignated, the following:

3 “(A) not later than 180 days after the date
4 of enactment of the Passenger Rail Expansion
5 and Rail Safety Act of 2021, submit to the Sec-
6 retary, for approval, a consultation process for
7 the development of each service line plan that
8 requires Amtrak to—”;

9 (v) in subparagraph (A), as amended
10 by clause (iv)—

11 (I) in clause (iii), as redesign-
12 nated, by inserting “and submit the
13 final service line plan required under
14 subsection (a)(1) to the State-Sup-
15 ported Route Committee” before the
16 semicolon at the end;

17 (II) in clause (iv), as redesign-
18 nated, by inserting “and” after the
19 semicolon at the end; and

20 (III) by adding at the end the
21 following:

22 “(v) for the infrastructure access serv-
23 ice line plan, consult with the Northeast
24 Corridor Commission and other entities, as
25 appropriate, and submit the final asset line

1 plan under subsection (a)(1) to the North-
2 east Corridor Commission;” and

3 (vi) by redesignating subparagraphs
4 (E) and (F) as subparagraphs (B) and
5 (C), respectively;

6 (E) by redesignating paragraph (4) as
7 paragraph (5); and

8 (F) by inserting after paragraph (3)(C), as
9 redesignated, the following:

10 “(4) 5-YEAR SERVICE LINE PLANS UPDATES.—
11 Amtrak may modify the content to be included in
12 the service line plans described in paragraph (1),
13 upon the approval of the Secretary, if the Secretary
14 determines that such modifications are necessary to
15 improve the transparency, oversight, and delivery of
16 Amtrak services and the use of Federal funds by
17 Amtrak.”; and

18 (4) in subsection (c)—

19 (A) in the subsection heading, by inserting
20 “LINE” after “ASSET”;

21 (B) in paragraph (1)—

22 (i) in the paragraph heading, by strik-
23 ing “CATEGORIES” and inserting “LINES”;

24 (ii) in the matter preceding subpara-
25 graph (A), by striking “asset plan for each

1 of the following asset categories” and in-
2 sserting “asset line plan for each of the fol-
3 lowing asset lines”;

4 (iii) by redesignating subparagraphs
5 (A), (B), (C), and (D) as subparagraphs
6 (B), (C), (D), and (E), respectively;

7 (iv) by inserting before subparagraph
8 (B), as redesignated, the following:

9 “(A) Transportation, including activities
10 and resources associated with the operation and
11 movement of Amtrak trains, onboard services,
12 and amenities.”;

13 (v) in subparagraph (B), as redesign-
14 ated, by inserting “and maintenance-of-
15 way equipment” after “facilities”; and

16 (vi) in subparagraph (C), as redesign-
17 ated, by striking “Passenger rail equip-
18 ment” and inserting “Equipment”;

19 (C) in paragraph (2)—

20 (i) in the paragraph heading, by in-
21 sserting “LINE” after “ASSET”;

22 (ii) in the matter preceding subpara-
23 graph (A), by inserting “line” after
24 “asset”;

1 (iii) in subparagraph (A), by striking
2 “category” and inserting “line”;

3 (iv) in subparagraph (C)(iii)(III), by
4 striking “and” at the end;

5 (v) by amending subparagraph (D) to
6 read as follows:

7 “(D) annual sources and uses statements
8 and forecasts for each asset line; and”; and

9 (vi) by adding at the end the fol-
10 lowing:

11 “(E) other elements that Amtrak elects to
12 include.”;

13 (D) in paragraph (3)—

14 (i) in the paragraph heading, by in-
15 serting “LINE” after “ASSET”;

16 (ii) by redesignating subparagraphs
17 (A) and (B) as clauses (i) and (ii) and
18 moving such clauses 2 ems to the right;

19 (iii) by inserting before clause (i), as
20 redesignated, the following:

21 “(A) not later than 180 days after the date
22 of enactment of the Passenger Rail Expansion
23 and Rail Safety Act of 2021, submit to the Sec-
24 retary, for approval, a consultation process for

1 the development of each asset line plan that re-
2 quires Amtrak to—”;

3 (iv) in subparagraph (A), as added by
4 clause (iii)—

5 (I) in clause (i), as redesign-
6 nated—

7 (aa) by striking “business”
8 each place such term appears
9 and inserting “service”;

10 (bb) by inserting “line”
11 after “asset” each place such
12 term appears; and

13 (cc) by adding “and” at the
14 end; and

15 (II) in clause (ii), as redesign-
16 nated—

17 (aa) by inserting “consult
18 with the Secretary of Transpor-
19 tation in the development of
20 asset line plans and,” before “as
21 applicable”; and

22 (bb) by inserting “line”
23 after “5-year asset”;

24 (v) by redesignating subparagraph (C)
25 as subparagraph (B); and

1 (vi) in subparagraph (B), as redesignig-
2 nated, by striking “category” and inserting
3 “line”;

4 (E) by redesignating paragraphs (4), (5),
5 (6), and (7) as paragraphs (5), (6), (7), and
6 (8), respectively;

7 (F) by inserting after paragraph (3) the
8 following:

9 “(4) 5-YEAR ASSET LINE PLAN UPDATES.—Am-
10 trak may modify the content to be included in the
11 asset line plans described in paragraph (1), on ap-
12 proval of the Secretary, if the Secretary determines
13 that such modifications are necessary to improve the
14 transparency, oversight, and delivery of Amtrak
15 services and the use of Federal funds by Amtrak.”;

16 (G) in paragraph (5)(A), as redesignated,
17 by inserting “, but shall not include corporate
18 services (as defined pursuant to section
19 24317(b))” after “national assets”; and

20 (H) in paragraph (7), as redesignated, by
21 striking “paragraph (4)” and inserting “para-
22 graph (5)”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 243 of title 49, United States Code, is amended by

1 striking the item relating to section 24320 and inserting
2 the following:

“24320. Amtrak 5-year service line and asset line plans.”.

3 (c) EFFECTIVE DATES.—Section 11203(b) of the
4 Passenger Rail Reform and Investment Act of 2015 (49
5 U.S.C. 24320 note) is amended—

6 (1) by striking “business” each place such term
7 appears and inserting “service”; and

8 (2) by inserting “line” after “asset” each place
9 such term appears.

10 **SEC. 22208. PASSENGER EXPERIENCE ENHANCEMENT.**

11 (a) IN GENERAL.—Section 24305(c)(4) of title 49,
12 United States Code, is amended by striking “only if reve-
13 nues from the services each year at least equal the cost
14 of providing the services”.

15 (b) FOOD AND BEVERAGE SERVICE WORKING
16 GROUP.—

17 (1) IN GENERAL.—Section 24321 of title 49,
18 United States Code, is amended to read as follows:

19 **“§ 24321. Food and beverage service**

20 **“(a) WORKING GROUP.—**

21 **“(1) ESTABLISHMENT.—**Not later than 180
22 days after enactment of the Passenger Rail Expan-
23 sion and Rail Safety Act of 2021, Amtrak shall es-
24 tablish a working group to provide recommendations

1 to improve Amtrak’s onboard food and beverage
2 service.

3 “(2) MEMBERSHIP.—The working group shall
4 consist of individuals representing—

5 “(A) Amtrak;

6 “(B) the labor organizations representing
7 Amtrak employees who prepare or provide on-
8 board food and beverage service;

9 “(C) nonprofit organizations representing
10 Amtrak passengers; and

11 “(D) States that are providing funding for
12 State-supported routes.

13 “(b) REPORT.—Not later than 1 year after the estab-
14 lishment of the working group pursuant to subsection (a),
15 the working group shall submit a report to the Committee
16 on Commerce, Science, and Transportation of the Senate
17 and the Committee on Transportation and Infrastructure
18 of the House of Representatives containing recommenda-
19 tions for improving Amtrak’s food and beverage service,
20 including—

21 “(1) ways to improve the financial performance
22 of Amtrak;

23 “(2) ways to increase and retain ridership;

1 “(3) the differing needs of passengers traveling
2 on long-distance routes, State supported routes, and
3 the Northeast Corridor;

4 “(4) Amtrak passenger survey data about the
5 food and beverages offered on Amtrak trains;

6 “(5) ways to incorporate local food and bev-
7 erage items on State-supported routes; and

8 “(6) any other issue that the working group de-
9 termines to be appropriate.

10 “(c) IMPLEMENTATION.—Not later than 180 days
11 after the submission of the report pursuant to subsection
12 (b), Amtrak shall submit a plan for implementing the rec-
13 ommendations of the working group, and an explanation
14 for any of the working group’s recommendations it does
15 not agree with and does not plan on implementing to the
16 Committee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Transportation and In-
18 frastructure of the House of Representatives.

19 “(d) SAVINGS CLAUSE.—Amtrak shall ensure that no
20 Amtrak employee who held a position on a long-distance
21 or Northeast Corridor route as of the date of enactment
22 of the Passenger Rail Expansion and Rail Safety Act of
23 2021, is involuntarily separated because of the develop-
24 ment and implementation of the plan required under this
25 section.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 243 of title 49, United States Code, is
3 amended by striking the item relating to section
4 24321 and inserting the following:

“24321. Food and beverage service.”.

5 **SEC. 22209. AMTRAK SMOKING POLICY.**

6 (a) IN GENERAL.—Chapter 243 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 24323. Prohibition on smoking on Amtrak trains**

10 “(a) PROHIBITION.—Beginning on the date of enact-
11 ment of this section, Amtrak shall prohibit smoking, in-
12 cluding the use of electronic cigarettes, onboard all Am-
13 trak trains.

14 “(b) ELECTRONIC CIGARETTE DEFINED.—In this
15 section, the term ‘electronic cigarette’ means a device that
16 delivers nicotine or other substances to a user of the device
17 in the form of a vapor that is inhaled to simulate the expe-
18 rience of smoking.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 243 of title 49, United States Code, is amended by
21 adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

1 **SEC. 22210. PROTECTING AMTRAK ROUTES THROUGH**
2 **RURAL COMMUNITIES.**

3 Section 24706 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “subsection
6 (b) of this section, at least 180 days” and inserting
7 “subsection (c), not later than 180 days”;

8 (2) by redesignating subsections (b) and (c) as
9 subsections (c) and (e), respectively;

10 (3) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) DISCONTINUANCE OR SUBSTANTIAL ALTER-
13 ATION OF LONG-DISTANCE ROUTES.—Except as provided
14 in subsection (c), in an emergency, or during maintenance
15 or construction outages impacting Amtrak routes, Amtrak
16 may not discontinue, reduce the frequency of, suspend, or
17 substantially alter the route of rail service on any segment
18 of any long-distance route in any fiscal year in which Am-
19 trak receives adequate Federal funding for such route on
20 the National Network.”; and

21 (4) by inserting after subsection (c), as redesign-
22 nated, the following:

23 “(d) CONGRESSIONAL NOTIFICATION OF DIS-
24 CONTINUANCE.—Except as provided in subsection (c), not
25 later than 210 days before discontinuing service over a
26 route, Amtrak shall give written notice of such discontinu-

1 ance to all of the members of Congress representing any
2 State or district in which the discontinuance would
3 occur.”.

4 **SEC. 22211. STATE-SUPPORTED ROUTE COMMITTEE.**

5 (a) STATE-SUPPORTED ROUTE COMMITTEE.—Sec-
6 tion 24712(a) of title 49, United States Code, is amend-
7 ed—

8 (1) in paragraph (1)—

9 (A) by striking “Not later than 180 days
10 after the date of enactment of the Passenger
11 Rail Reform and Investment Act of 2015, the
12 Secretary of Transportation shall establish”
13 and inserting “There is established”; and

14 (B) by inserting “current and future” be-
15 fore “rail operations”;

16 (2) by redesignating paragraphs (4), (5), and
17 (6) as paragraphs (5), (6), and (7), respectively;

18 (3) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) ABILITY TO CONDUCT CERTAIN BUSI-
21 NESS.—If all of the members of 1 voting bloc de-
22 scribed in paragraph (3) abstain from a Committee
23 decision, agreement between the other 2 voting blocs
24 consistent with the procedures set forth in such

1 paragraph shall be deemed sufficient for purpose of
2 achieving unanimous consent.”;

3 (4) in paragraph (5), as redesignated, in the
4 matter preceding subparagraph (A)—

5 (A) by striking “convene a meeting and
6 shall define and implement” and inserting “de-
7 fine and periodically update”; and

8 (B) by striking “not later than 180 days
9 after the date of establishment of the Com-
10 mittee by the Secretary”; and

11 (5) in paragraph (7), as redesignated—

12 (A) in the paragraph heading, by striking
13 “ALLOCATION METHODOLOGY” and inserting
14 “METHODOLOGY POLICY”;

15 (B) in subparagraph (A), by striking “allo-
16 cation methodology” and inserting “method-
17 ology policy”;

18 (C) by amending subparagraph (B) to read
19 as follows:

20 “(B) REVISIONS TO COST METHODOLOGY
21 POLICY.—

22 “(i) REQUIREMENT TO REVISE AND
23 UPDATE.—Subject to rules and procedures
24 established pursuant to clause (iii), not
25 later than March 31, 2022, the Committee

1 shall revise and update the cost method-
2 ology policy required and previously ap-
3 proved under section 209 of the Passenger
4 Rail Investment and Improvement Act of
5 2008 (49 U.S.C. 20901 note). The Com-
6 mittee shall implement a revised cost meth-
7 odology policy during fiscal year 2023. Not
8 later than 30 days after the adoption of
9 the revised cost methodology policy, the
10 Committee shall submit a report docu-
11 menting and explaining any changes to the
12 cost methodology policy and plans for im-
13 plementation of such policy, including a de-
14 scription of the improvements to the ac-
15 counting information provided by Amtrak
16 to the States, to the Committee on Com-
17 merce, Science, and Transportation of the
18 Senate and the Committee on Transpor-
19 tation and Infrastructure of the House of
20 Representatives. The revised cost method-
21 ology policy shall ensure that States will be
22 responsible for costs attributable to the
23 provision of service for their routes.

24 “(ii) IMPLEMENTATION IMPACTS ON
25 FEDERAL FUNDING.—To the extent that a

1 revision developed pursuant to clause (i)
2 assigns to Amtrak costs that were pre-
3 viously allocated to States, Amtrak shall
4 request with specificity such additional
5 funding in the general and legislative an-
6 nual report required under section 24315
7 or in any appropriate subsequent Federal
8 funding request for the fiscal year in which
9 the revised cost methodology policy will be
10 implemented.

11 “(iii) PROCEDURES FOR CHANGING
12 METHODOLOGY.—Notwithstanding section
13 209(b) of the Passenger Rail Investment
14 and Improvement Act of 2008 (49 U.S.C.
15 20901 note), the rules and procedures im-
16 plemented pursuant to paragraph (5) shall
17 include—

18 “(I) procedures for changing the
19 cost methodology policy in accordance
20 with clause (i); and

21 “(II) procedures or broad guide-
22 lines for conducting financial plan-
23 ning, including operating and capital
24 forecasting, reporting, data sharing,
25 and governance.”;

1 (D) in subparagraph (C)—

2 (i) in the matter preceding clause (i),
3 by striking “allocation methodology” and
4 inserting “methodology policy”;

5 (ii) in clause (i), by striking “and” at
6 the end;

7 (iii) in clause (ii)—

8 (I) by striking “allocate” and in-
9 serting “assign”; and

10 (II) by striking the period and
11 inserting “; and”; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(iii) promote increased efficiency in
15 Amtrak’s operating and capital activities.”;

16 and

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

18 “(D) INDEPENDENT EVALUATION.—Not
19 later than March 31 of each year, the Com-
20 mittee shall ensure that an independent entity
21 selected by the Committee has completed an
22 evaluation to determine whether State pay-
23 ments for the most recently concluded fiscal
24 year are accurate and comply with the applica-
25 ble cost allocation methodology.”.

1 (b) INVOICES AND REPORTS.—Section 24712(b) of
2 title 49, United States Code, is amended to read as fol-
3 lows:

4 “(b) INVOICES AND REPORTS.—

5 “(1) INVOICES.—Amtrak shall provide monthly
6 invoices to the Committee and to each State that
7 sponsors a State-supported route that identify the
8 operating costs for such route, including fixed costs
9 and third-party costs.

10 “(2) REPORTS.—

11 “(A) IN GENERAL.—The Committee shall
12 determine the frequency and contents of—

13 “(i) the financial and performance re-
14 ports that Amtrak is required to provide to
15 the Committee and the States; and

16 “(ii) the planning and demand reports
17 that the States are required to provide to
18 the Committee and Amtrak.

19 “(B) MONTHLY STATISTICAL REPORT.—

20 “(i) DEVELOPMENT.—Consistent with
21 the revisions to the policy required under
22 subsection (a)(7)(B), the Committee shall
23 develop a report that contains the general
24 ledger data and operating statistics from

1 Amtrak’s accounting systems used to cal-
2 culate payments to States.

3 “(ii) PROVISION OF NECESSARY
4 DATA.—Not later than 30 days after the
5 last day of each month, Amtrak shall pro-
6 vide to the States and to the Committee
7 the necessary data to complete the report
8 developed pursuant to clause (i) for such
9 month.”.

10 (c) DISPUTE RESOLUTION.—Section 24712(e) of title
11 49, United States Code, is amended—

12 (1) in paragraph (1)—

13 (A) by striking “(a)(4)” and inserting
14 “(a)(5)”; and

15 (B) by striking “(a)(6)” and inserting
16 “(a)(7)”; and

17 (2) in paragraph (4), by inserting “related to a
18 State-supported route that a State sponsors that is”
19 after “amount”.

20 (d) PERFORMANCE METRICS.—Section 24712(e) of
21 title 49, United States Code, is amended by inserting “,
22 including incentives to increase revenue, reduce costs, fi-
23 nalize contracts by the beginning of the fiscal year, and
24 require States to promptly make payments for services de-
25 livered” before the period at the end.

1 (e) STATEMENT OF GOALS AND OBJECTIVES.—Sec-
2 tion 24712(f) of title 49, United States Code, is amend-
3 ed—

4 (1) in paragraph (1), by inserting “, and review
5 and update, as necessary,” after “shall develop”;

6 (2) in paragraph (2), by striking “Not later
7 than 2 years after the date of enactment of the Pas-
8 senger Rail Reform and Investment Act of 2015, the
9 Committee shall transmit the statement” and insert-
10 ing “As applicable, based on updates, the Committee
11 shall submit an updated statement”; and

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

13 “(3) SENSE OF CONGRESS.—It is the sense of
14 Congress that—

15 “(A) the Committee shall be the forum
16 where Amtrak and the States collaborate on the
17 planning, improvement, and development of cor-
18 ridor routes across the National Network; and

19 “(B) such collaboration should include reg-
20 ular consultation with interstate rail compact
21 parties and other regional planning organiza-
22 tions that address passenger rail.”.

23 (f) OTHER REFORMS RELATED TO STATE-SUP-
24 PORTED ROUTES.—Section 24712 of title 49, United

1 States Code, as amended by subsections (a) through (e),
2 is further amended—

3 (1) by redesignating subsections (g) and (h) as
4 subsections (k) and (l), respectively; and

5 (2) by inserting after subsection (f) the fol-
6 lowing:

7 “(g) NEW STATE-SUPPORTED ROUTES.—

8 “(1) CONSULTATION.—In developing a new
9 State-supported route, Amtrak shall consult with—

10 “(A) the State or States and local municipi-
11 palities through which such new service would
12 operate;

13 “(B) commuter authorities and regional
14 transportation authorities in the areas that
15 would be served by the planned route;

16 “(C) host railroads;

17 “(D) the Administrator of the Federal
18 Railroad Administration; and

19 “(E) other stakeholders, as appropriate.

20 “(2) STATE COMMITMENTS.—Notwithstanding
21 any other provision of law, before beginning con-
22 struction necessary for, or beginning operation of, a
23 State-supported route that is initiated on or after
24 the date of enactment of the Passenger Rail Expans-
25 sion and Rail Safety Act of 2021, Amtrak shall

1 enter into a memorandum of understanding, or oth-
2 erwise secure an agreement, with each State that
3 would be providing funding for such route for shar-
4 ing—

5 “(A) ongoing operating costs and capital
6 costs in accordance with the cost methodology
7 policy referred to in subsection (a)(7) then in
8 effect; or

9 “(B) ongoing operating costs and capital
10 costs in accordance with the maximum funding
11 limitations described in section 22908(e).

12 “(3) APPLICATION OF TERMS.—In this sub-
13 section, the terms ‘capital costs’ and ‘operating
14 costs’ shall apply in the same manner as such terms
15 apply under the cost methodology policy developed
16 pursuant to subsection (a)(7).

17 “(h) COST METHODOLOGY POLICY UPDATE IMPLE-
18 MENTATION REPORT.—Not later than 18 months after
19 the updated cost methodology policy required under sub-
20 section (a)(7)(B) is implemented, the Committee shall
21 submit a report to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives that assesses the implementation of the up-
25 dated policy.

1 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
2 CHANGES.—Amtrak shall—

3 “(1) not later than 120 days before the submis-
4 sion of the general and legislative annual report re-
5 quired under section 24315(b), consult with the
6 Committee and any additional States through which
7 a State-supported route may operate regarding any
8 proposed changes to such route; and

9 “(2) include in such report an update of any
10 planned or proposed changes to State-supported
11 routes, including the introduction of new State-sup-
12 ported routes, including—

13 “(A) the timeframe in which such changes
14 would take effect; and

15 “(B) whether Amtrak has entered into
16 commitments with the affected States pursuant
17 subsection (g)(2).

18 “(j) ECONOMIC ANALYSIS.—Not later than 3 years
19 after the date of enactment of the Passenger Rail Expan-
20 sion and Rail Safety Act of 2021, the Committee shall
21 submit a report to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives that—

1 “(1) describes the role of the State-supported
2 routes in economic development; and

3 “(2) examines the impacts of the State-sup-
4 ported routes on local station areas, job creation,
5 transportation efficiency, State economies, and the
6 national economy.”.

7 **SEC. 22212. ENHANCING CROSS BORDER SERVICE.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, Amtrak, after consultation
10 with the Secretary, the Secretary of Homeland Security,
11 relevant State departments of transportation, Canadian
12 governmental agencies and entities, and owners of the rel-
13 evant rail infrastructure and facilities, shall submit a re-
14 port to the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 regarding enhancing Amtrak passenger rail service be-
18 tween the United States and Canada that—

19 (1) identifies challenges to Amtrak operations
20 in Canada, including delays associated with custom
21 and immigration inspections in both the United
22 States and Canada; and

23 (2) includes recommendations to improve such
24 cross border service, including the feasibility of and

1 costs associated with a preclearance facility or facili-
2 ties.

3 (b) ASSISTANCE AND SUPPORT.—The Secretary, the
4 Secretary of State, and the Secretary of Homeland Secu-
5 rity may provide assistance and support requested by Am-
6 trak that is necessary to carry out this section, as deter-
7 mined appropriate by the respective Secretary.

8 **SEC. 22213. CREATING QUALITY JOBS.**

9 Section 121 of the Amtrak Reform and Account-
10 ability Act of 1997 (49 U.S.C. 24312 note) is amended—

11 (1) by redesignating subsection (d) as sub-
12 section (f); and

13 (2) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) FURLOUGHED WORK.—Amtrak may not con-
16 tract out work within the classification of work performed
17 by an employee in a bargaining unit covered by a collective
18 bargaining agreement entered into between Amtrak and
19 an organization representing Amtrak employees during
20 the period such employee has been laid off and has not
21 been recalled to perform such work.

22 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
23 OUT.—This section does not—

24 “(1) supersede a prohibition or limitation on
25 contracting out work covered by an agreement en-

1 tered into between Amtrak and an organization rep-
2 resenting Amtrak employees; or

3 “(2) prohibit Amtrak and an organization rep-
4 resenting Amtrak employees from entering into an
5 agreement that allows for contracting out the work
6 of a furloughed employee that would otherwise be
7 prohibited under subsection (d).”.

8 **SEC. 22214. AMTRAK DAILY LONG-DISTANCE SERVICE**
9 **STUDY.**

10 (a) IN GENERAL.—The Secretary shall conduct a
11 study to evaluate the restoration of daily intercity rail pas-
12 senger service along—

13 (1) any Amtrak long-distance routes that, as of
14 the date of enactment of this Act, were discontinued;
15 and

16 (2) any Amtrak long-distance routes that, as of
17 the date of enactment of this Act, occur on a
18 nondaily basis.

19 (b) INCLUSIONS.—The study under subsection (a)
20 shall—

21 (1) evaluate all options for restoring or enhanc-
22 ing to daily-basis intercity rail passenger service
23 along each Amtrak route described in that sub-
24 section;

1 (2) select a preferred option for restoring or en-
2 hancing the service described in paragraph (1);

3 (3) develop a prioritized inventory of capital
4 projects and other actions that are required to re-
5 store or enhance the service described in paragraph
6 (1), including cost estimates for those projects and
7 actions;

8 (4) develop recommendations for methods by
9 which Amtrak could work with local communities
10 and organizations to develop activities and programs
11 to continuously improve public use of intercity pas-
12 senger rail service along each route; and

13 (5) identify Federal and non-Federal funding
14 sources required to restore or enhance the service
15 described in paragraph (1), including—

16 (A) increased Federal funding for Amtrak
17 based on applicable reductions or
18 discontinuations in service; and

19 (B) options for entering into public-private
20 partnerships to restore that service.

21 (c) OTHER FACTORS WHEN CONSIDERING EXPAN-
22 SIONS.—In evaluating intercity passenger rail routes
23 under this section, the Secretary may evaluate potential
24 new Amtrak long-distance routes, including with specific
25 attention provided to routes in service as of April 1971

1 but not continued by Amtrak, taking into consideration
2 whether those new routes would—

3 (1) link and serve large and small communities
4 as part of a regional rail network;

5 (2) advance the economic and social well-being
6 of rural areas of the United States;

7 (3) provide enhanced connectivity for the na-
8 tional long-distance passenger rail system; and

9 (4) reflect public engagement and local and re-
10 gional support for restored passenger rail service.

11 (d) CONSULTATION.—In conducting the study under
12 this section, the Secretary shall consult, through working
13 groups or other forums as the Secretary determines to be
14 appropriate, with—

15 (1) Amtrak;

16 (2) each State along a relevant route;

17 (3) regional transportation planning organiza-
18 tions and metropolitan planning organizations, mu-
19 nicipalities, and communities along those relevant
20 routes, to be selected by the Secretary;

21 (4) host railroad carriers the tracks of which
22 may be used for a service described in subsection
23 (a);

24 (5) organizations representing onboard Amtrak
25 employees;

1 (6) nonprofit organizations representing Am-
2 trak passengers;

3 (7) relevant regional passenger rail authorities
4 and federally recognized Indian Tribes; and

5 (8) such other entities as the Secretary may se-
6 lect.

7 (e) REPORT.—Not later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Commerce, Science, and Transportation
10 of the Senate and the Committee on Transportation and
11 Infrastructure of the House of Representatives a report
12 that includes—

13 (1) the preferred options selected under sub-
14 section (b)(2), including the reasons for selecting
15 each option;

16 (2) the information described in subsection
17 (b)(3);

18 (3) the funding sources identified pursuant to
19 subsection (b)(5);

20 (4) the estimated costs and public benefits of
21 restoring or enhancing intercity rail passenger trans-
22 portation in the region impacted for each relevant
23 Amtrak route; and

24 (5) any other information the Secretary deter-
25 mines to be appropriate.

1 (f) FUNDING.—There are authorized to be appro-
2 priated to the Secretary to conduct the study under this
3 section and to carry out the consultations required by sub-
4 section (d)—

5 (1) \$7,500,000 for fiscal year 2022; and

6 (2) \$7,500,000 for fiscal year 2023.

7 **Subtitle C—Intercity Passenger**
8 **Rail Policy**

9 **SEC. 22301. NORTHEAST CORRIDOR PLANNING.**

10 Section 24904 of title 49, United States Code, is
11 amended—

12 (1) by striking subsections (a) and (d);

13 (2) by redesignating subsections (b) and (c) as
14 subsections (c) and (d), respectively;

15 (3) by inserting before subsection (c), as redес-
16 igned, the following:

17 “(a) NORTHEAST CORRIDOR SERVICE DEVELOP-
18 MENT PLAN.—

19 “(1) IN GENERAL.—Not later than March 31,
20 2022, the Northeast Corridor Commission estab-
21 lished under section 24905 (referred to in this sec-
22 tion as the ‘Commission’) shall submit a service de-
23 velopment plan to Congress.

24 “(2) CONTENTS.—The plan required under
25 paragraph (1) shall—

1 “(A) identify key state-of-good-repair, ca-
2 capacity expansion, and capital improvement
3 projects planned for the Northeast Corridor;

4 “(B) provide a coordinated and consensus-
5 based plan covering a 15-year period;

6 “(C) identify service objectives and the
7 capital investments required to meet such objec-
8 tives;

9 “(D) provide a delivery-constrained strat-
10 egy that identifies—

11 “(i) capital investment phasing;

12 “(ii) an evaluation of workforce needs;

13 and

14 “(iii) strategies for managing re-
15 sources and mitigating construction im-
16 pacts on operations; and

17 “(E) include a financial strategy that iden-
18 tifies funding needs and potential funding
19 sources.

20 “(3) UPDATES.—The Commission shall update
21 the service development plan not less frequently than
22 once every 5 years.

23 “(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT
24 PLAN.—

1 “(1) IN GENERAL.—Not later than November 1
2 of each year, the Commission shall—

3 “(A) develop an annual capital investment
4 plan for the Northeast Corridor; and

5 “(B) submit the capital investment plan
6 to—

7 “(i) the Secretary of Transportation;

8 “(ii) the Committee on Commerce,
9 Science, and Transportation of the Senate;
10 and

11 “(iii) the Committee on Transpor-
12 tation and Infrastructure of the House of
13 Representatives.

14 “(2) CONTENTS.—The plan required under
15 paragraph (1) shall—

16 “(A) reflect coordination across the entire
17 Northeast Corridor;

18 “(B) integrate the individual capital plans
19 developed by Amtrak, States, and commuter au-
20 thorities in accordance with the cost allocation
21 policy developed and approved under section
22 24905(c);

23 “(C) cover a period of 5 fiscal years, begin-
24 ning with the fiscal year during which the plan
25 is submitted;

1 “(D) notwithstanding section 24902(b),
2 document the projects and programs being un-
3 dertaken to advance the service objectives and
4 capital investments identified in the Northeast
5 Corridor service development plan developed
6 under subsection (a), and the asset condition
7 needs identified in the Northeast Corridor asset
8 management plans, after considering—

9 “(i) the benefits and costs of capital
10 investments in the plan;

11 “(ii) project and program readiness;

12 “(iii) the operational impacts; and

13 “(iv) Federal and non-Federal fund-
14 ing availability;

15 “(E) categorize capital projects and pro-
16 grams as primarily associated with 1 of the cat-
17 egories listed under section 24319(c)(2)(C);

18 “(F) identify capital projects and pro-
19 grams that are associated with more than 1
20 category described in subparagraph (E); and

21 “(G) include a financial plan that identi-
22 fies—

23 “(i) funding sources and financing
24 methods;

1 “(ii) the status of cost sharing agree-
2 ments pursuant to the cost allocation pol-
3 icy developed under section 24905(c);

4 “(iii) the projects and programs that
5 the Commission expects will receive Fed-
6 eral financial assistance; and

7 “(iv) the eligible entity or entities that
8 the Commission expects—

9 “**(I)** to receive the Federal finan-
10 cial assistance referred to in clause
11 (iii); and

12 “**(II)** to implement each capital
13 project.

14 “(3) **REVIEW AND COORDINATION.**—The Com-
15 mission shall require that the information described
16 in paragraph (2) be submitted in a timely manner
17 to allow for a reasonable period of review by, and co-
18 ordination with, affected agencies before the Com-
19 mission submits the capital investment plan pursu-
20 ant to paragraph (1).”;

21 (4) in subsection (c), as redesignated, by strik-
22 ing “spent only on—” and all that follows and in-
23 serting “spent only on capital projects and programs
24 contained in the Commission’s capital investment
25 plan for the prior fiscal year.”; and

1 (5) by amending subsection (d), as redesignig-
2 nated, to read as follows:

3 “(d) NORTHEAST CORRIDOR CAPITAL ASSET MAN-
4 AGEMENT SYSTEM.—

5 “(1) IN GENERAL.—Amtrak and other infra-
6 structure owners that provide or support intercity
7 rail passenger transportation along the Northeast
8 Corridor shall develop an asset management system
9 and use and update such system, as necessary, to
10 develop submissions to the Northeast Corridor cap-
11 ital investment plan described in subsection (b).

12 “(2) FEATURES.—The system required under
13 paragraph (1) shall develop submissions that—

14 “(A) are consistent with the transit asset
15 management system (as defined in section
16 5326(a)(3)); and

17 “(B) include—

18 “(i) an inventory of all capital assets
19 owned by the developer of the plan;

20 “(ii) an assessment of condition of
21 such capital assets;

22 “(iii) a description of the resources
23 and processes that will be necessary to
24 bring or to maintain such capital assets in
25 a state of good repair; and

1 “(iv) a description of changes in the
2 condition of such capital assets since the
3 submission of the prior version of the
4 plan.”.

5 **SEC. 22302. NORTHEAST CORRIDOR COMMISSION.**

6 Section 24905 of title 49, United States Code, is
7 amended—

8 (1) in subsection (a)(1)(D), by inserting “au-
9 thorities” after “carriers”;

10 (2) in subsection (b)(3)(B)—

11 (A) in clause (i)—

12 (i) by inserting “, including ridership
13 trends,” after “transportation”; and

14 (ii) by striking “and” at the end;

15 (B) in clause (ii)—

16 (i) by inserting “first year of the”
17 after “the delivery of the”; and

18 (ii) by striking the period at the end
19 and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(iii) progress in assessing and elimi-
22 nating the state-of-good-repair backlog.”;

23 (3) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) in the paragraph heading, by strik-
2 ing “DEVELOPMENT OF POLICY” and in-
3 sserting “POLICY”;

4 (ii) in subparagraph (A), by striking
5 “develop a standardized policy” and insert-
6 ing “develop and maintain the standard-
7 ized policy first approved on September 17,
8 2015, and update, as appropriate,”;

9 (iii) by amending subparagraph (B) to
10 read as follows:

11 “(B) develop timetables for implementing
12 and maintaining the policy;”;

13 (iv) in subparagraph (C), by striking
14 “the policy and the timetable” and insert-
15 ing “updates to the policy and timetables”;
16 and

17 (v) by amending subparagraph (D) to
18 read as follows:

19 “(D) support the efforts of the members of
20 the Commission to implement the policy in ac-
21 cordance with the timetables developed pursu-
22 ant to subparagraph (B);”;

23 (B) by amending paragraph (2) to read as
24 follows:

25 “(2) IMPLEMENTATION.—

1 “(A) IN GENERAL.—In accordance with
2 the timetables developed pursuant to paragraph
3 (1)(B), Amtrak and commuter authorities on
4 the Northeast Corridor shall implement the pol-
5 icy developed under paragraph (1) in their
6 agreements for usage of facilities or services.

7 “(B) EFFECT OF FAILURE TO IMPLEMENT
8 OR COMPLY WITH POLICY.—If the entities re-
9 ferred to in subparagraph (A) fail to implement
10 the policy in accordance with paragraph (1)(D)
11 or fail to comply with the policy thereafter, the
12 Surface Transportation Board shall—

13 “(i) determine the appropriate com-
14 pensation in accordance with the proce-
15 dures and procedural schedule applicable
16 to a proceeding under section 24903(c),
17 after taking into consideration the policy
18 developed under paragraph (1); and

19 “(ii) enforce its determination on the
20 party or parties involved.”; and

21 (C) in paragraph (4), by striking “public
22 authorities providing commuter rail passenger
23 transportation” and inserting “commuter au-
24 thorities”; and

25 (4) in subsection (d)—

1 (A) by striking “2016 through 2020” and
2 inserting “2022 through 2026”; and

3 (B) by striking “section 11101(g) of the
4 Passenger Rail Reform and Investment Act of
5 2015” and inserting “section 22101(e) of the
6 Passenger Rail Expansion and Rail Safety Act
7 of 2021”.

8 **SEC. 22303. CONSOLIDATED RAIL INFRASTRUCTURE AND**
9 **SAFETY IMPROVEMENTS.**

10 (a) IN GENERAL.—Section 22907 of title 49, United
11 States Code, is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by inserting “(in-
14 cluding the District of Columbia)” after
15 “State”;

16 (B) in paragraph (6), by inserting “rail
17 carrier and intercity rail passenger transpor-
18 tation are” before “defined”;

19 (C) by redesignating paragraphs (8)
20 through (11) as paragraphs (10) through (13),
21 respectively; and

22 (D) by inserting after paragraph (7) the
23 following:

24 “(8) An association representing 1 or more rail-
25 roads described in paragraph (7).”;

1 “(9) A federally recognized Indian Tribe.”;

2 (2) in subsection (c)—

3 (A) in paragraph (3), by adding “or safe-
4 ty” after “congestion”;

5 (B) in paragraph (6), by striking “and”
6 and inserting “or”;

7 (C) by redesignating paragraphs (11) and
8 (12) as paragraphs (12) and (13), respectively;

9 (D) by inserting after paragraph (10) the
10 following:

11 “(11) The development and implementation of
12 measures to prevent trespassing and reduce associ-
13 ated injuries and fatalities.”; and

14 (E) by inserting after paragraph (13), as
15 redesignated, the following:

16 “(14) Research, development, and testing to ad-
17 vance and facilitate innovative rail projects, includ-
18 ing projects using electromagnetic guideways in an
19 enclosure in a very low-pressure environment.

20 “(15) The preparation of emergency plans for
21 communities through which hazardous materials are
22 transported by rail.

23 “(16) Rehabilitating, remanufacturing, pro-
24 curing, or overhauling locomotives, provided that

1 such activities result in a significant reduction of
2 emissions.”; and

3 (3) in subsection (h), by adding at the end the
4 following:

5 “(4) GRADE CROSSING AND TRESPASSING
6 PROJECTS.—Applicants may use costs incurred pre-
7 viously for preliminary engineering associated with
8 highway-rail grade crossing improvement projects
9 under subsection (c)(5) and trespassing prevention
10 projects under subsection (c)(11) to satisfy the non-
11 Federal share requirements.”.

12 (b) RULE OF CONSTRUCTION.—The amendments
13 made by subsection (a) may not be construed to affect
14 any grant, including any application for a grant, made
15 under section 22907 of title 49, United States Code, be-
16 fore the date of enactment of this Act.

17 (c) TECHNICAL CORRECTION.—

18 (1) IN GENERAL.—Section 22907(l)(1)(A) of
19 title 49, United States Code, is amended by insert-
20 ing “, including highway construction over rail facili-
21 ties as an alternative to construction or improvement
22 of a highway-rail grade crossing,” after “under
23 chapter 227”.

24 (2) APPLICABILITY.—The amendment made by
25 paragraph (1) shall apply to amounts remaining

1 under section 22907(l) of title 49, United States
2 Code, from appropriations for prior fiscal years.

3 **SEC. 22304. RESTORATION AND ENHANCEMENT GRANTS.**

4 Section 22908 of title 49, United States Code, is
5 amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—Notwithstanding section
10 22901(1), the term ‘applicant’ means—

11 “(A) a State, including the District of Co-
12 lumbia;

13 “(B) a group of States;

14 “(C) an entity implementing an interstate
15 compact;

16 “(D) a public agency or publicly chartered
17 authority established by 1 or more States;

18 “(E) a political subdivision of a State;

19 “(F) a federally recognized Indian Tribe;

20 “(G) Amtrak or another rail carrier that
21 provides intercity rail passenger transportation;

22 “(H) any rail carrier in partnership with
23 at least 1 of the entities described in subpara-
24 graphs (A) through (F); and

1 “(I) any combination of the entities de-
2 scribed in subparagraphs (A) through (F).

3 “(2) OPERATING ASSISTANCE.—The term ‘oper-
4 ating assistance’, with respect to any route subject
5 to section 209 of the Passenger Rail Investment and
6 Improvement Act of 2008 (Public Law 110–432),
7 means any cost allocated, or that may be allocated,
8 to a route pursuant to the cost methodology estab-
9 lished under such section or under section 24712.”;

10 (2) in subsection (c)(3), by striking “3 years”
11 each place such term appears and inserting “6
12 years”;

13 (3) in subsection (d)—

14 (A) in paragraph (8), by striking “and”;

15 (B) in paragraph (9), by striking the pe-
16 riod at the end and inserting “; and”; and

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

18 “(10) for routes selected under the Corridor
19 Identification and Development Program and oper-
20 ated by Amtrak.”; and

21 (4) in subsection (e)—

22 (A) in paragraph (1)—

23 (i) by striking “assistance”; and

24 (ii) by striking “3 years” and insert-
25 ing “6 years (including for any such routes

1 selected for funding before the date of en-
2 actment of the Passenger Rail Expansion
3 and Rail Safety Act of 2021)”; and

4 (B) in paragraph (3), by striking subpara-
5 graphs (A), (B), and (C) and inserting the fol-
6 lowing:

7 “(A) 90 percent of the projected net oper-
8 ating costs for the first year of service;

9 “(B) 80 percent of the projected net oper-
10 ating costs for the second year of service;

11 “(C) 70 percent of the projected net oper-
12 ating costs for the third year of service;

13 “(D) 60 percent of the projected net oper-
14 ating costs for the fourth year of service;

15 “(E) 50 percent of the projected net oper-
16 ating costs for the fifth year of service; and

17 “(F) 30 percent of the projected net oper-
18 ating costs for the sixth year of service.”.

19 **SEC. 22305. RAILROAD CROSSING ELIMINATION PROGRAM.**

20 (a) IN GENERAL.—Chapter 229 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 22909. Railroad Crossing Elimination Program**

24 “(a) IN GENERAL.—The Secretary of Transpor-
25 tation, in cooperation with the Administrator of the Fed-

1 eral Railroad Administration, shall establish a competitive
2 grant program (referred to in this section as the ‘Pro-
3 gram’) under which the Secretary shall award grants to
4 eligible recipients described in subsection (c) for highway-
5 rail or pathway-rail grade crossing improvement projects
6 that focus on improving the safety and mobility of people
7 and goods.

8 “(b) GOALS.—The goals of the Program are—

9 “(1) to eliminate highway-rail grade crossings
10 that are frequently blocked by trains;

11 “(2) to improve the health and safety of com-
12 munities;

13 “(3) to reduce the impacts that freight move-
14 ment and railroad operations may have on under-
15 served communities; and

16 “(4) to improve the mobility of people and
17 goods.

18 “(c) ELIGIBLE RECIPIENTS.—The following entities
19 are eligible to receive a grant under this section:

20 “(1) A State, including the District of Colum-
21 bia, Puerto Rico, and other United States territories
22 and possessions.

23 “(2) A political subdivision of a State.

24 “(3) A federally recognized Indian Tribe.

1 “(4) A unit of local government or a group of
2 local governments.

3 “(5) A public port authority.

4 “(6) A metropolitan planning organization.

5 “(7) A group of entities described in any of
6 paragraphs (1) through (6).

7 “(d) ELIGIBLE PROJECTS.—The Secretary may
8 award a grant under the Program for a highway-rail or
9 pathway-rail grade crossing improvement project (includ-
10 ing acquiring real property interests) involving—

11 “(1) grade separation or closure, including
12 through the use of a bridge, embankment, tunnel, or
13 combination thereof;

14 “(2) track relocation;

15 “(3) the improvement or installation of protec-
16 tive devices, signals, signs, or other measures to im-
17 prove safety, provided that such activities are related
18 to a separation or relocation project described in
19 paragraph (1) or (2);

20 “(4) other means to improve the safety and mo-
21 bility of people and goods at highway-rail grade
22 crossings (including technological solutions);

23 “(5) a group of related projects described in
24 paragraphs (1) through (4) that would collectively
25 improve the mobility of people and goods; or

1 “(6) the planning, environmental review, and
2 design of an eligible project described in paragraphs
3 (1) through (5).

4 “(e) APPLICATION PROCESS.—

5 “(1) IN GENERAL.—An eligible entity seeking a
6 grant under the Program shall submit an application
7 to the Secretary at such time, in such manner, and
8 containing such information as the Secretary may
9 require.

10 “(2) RAILROAD APPROVALS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Secretary shall require
13 applicants to obtain the necessary approvals
14 from any impacted rail carriers or real property
15 owners before proceeding with the construction
16 of a project funded by a grant under the Pro-
17 gram.

18 “(B) EXCEPTION.—The requirement under
19 subparagraph (A) shall not apply to planning
20 projects described in subsection (d)(6) if the ap-
21 plicant agrees to work collaboratively with rail
22 carriers and right-of-way owners.

23 “(f) PROJECT SELECTION CRITERIA.—

1 “(1) IN GENERAL.—In awarding grants under
2 the Program, the Secretary shall evaluate the extent
3 to which proposed projects would—

4 “(A) improve safety at highway-rail or
5 pathway-rail grade crossings;

6 “(B) grade separate, eliminate, or close
7 highway-rail or pathway-rail grade crossings;

8 “(C) improve the mobility of people and
9 goods;

10 “(D) reduce emissions, protect the environ-
11 ment, and provide community benefits, includ-
12 ing noise reduction;

13 “(E) improve access to emergency services;

14 “(F) provide economic benefits; and

15 “(G) improve access to communities sepa-
16 rated by rail crossings.

17 “(2) ADDITIONAL CONSIDERATIONS.—In
18 awarding grants under the Program, the Secretary
19 shall consider—

20 “(A) the degree to which the proposed
21 project will use—

22 “(i) innovative technologies;

23 “(ii) innovative design and construc-
24 tion techniques; or

1 “(iii) construction materials that re-
2 duce greenhouse gas emissions;

3 “(B) the applicant’s planned use of con-
4 tracting incentives to employ local labor, to the
5 extent permissible under Federal law;

6 “(C) whether the proposed project will im-
7 prove the mobility of—

8 “(i) multiple modes of transportation,
9 including ingress and egress from freight
10 facilities; or

11 “(ii) users of nonvehicular modes of
12 transportation, such as pedestrians,
13 bicyclists, and public transportation;

14 “(D) whether the proposed project is iden-
15 tified in—

16 “(i) the freight investment plan com-
17 ponent of a State freight plan, as required
18 under section 70202(b)(9);

19 “(ii) a State rail plan prepared in ac-
20 cordance with chapter 227; or

21 “(iii) a State highway-rail grade
22 crossing action plan, as required under sec-
23 tion 11401(b) of the Passenger Rail Re-
24 form and Investment Act of 2015 (title XI
25 of Public Law 114–94); and

1 “(E) the level of financial support provided
2 by impacted rail carriers.

3 “(3) AWARD DISTRIBUTION.—In selecting
4 grants for Program funds in any fiscal year, the
5 Secretary shall comply with the following limitations:

6 “(A) GRANT FUNDS.—Not less than 20
7 percent of the grant funds available for the
8 Program in any fiscal year shall be reserved for
9 projects located in rural areas or on Tribal
10 lands. The requirement under section 22907(l),
11 which applies to this section, shall not apply to
12 grant funds reserved specifically under this sub-
13 paragraph. Not less than 5 percent of the grant
14 funds reserved under this subparagraph shall be
15 reserved for projects in counties with 20 or
16 fewer residents per square mile, according to
17 the most recent decennial census, provided that
18 sufficient eligible applications have been sub-
19 mitted.

20 “(B) PLANNING GRANTS.—Not less than
21 25 percent of the grant funds set aside for
22 planning projects in any fiscal year pursuant to
23 section 22104(b) of the Passenger Rail Expans-
24 sion and Rail Safety Act of 2021 shall be

1 awarded for projects located in rural areas or
2 on tribal lands.

3 “(C) STATE LIMITATION.—Not more than
4 20 percent of the grant funds available for the
5 Program in any fiscal year may be selected for
6 projects in any single State.

7 “(D) MINIMUM SIZE.—No grant awarded
8 under this section shall be for less than
9 \$1,000,000, except for a planning grant de-
10 scribed in subsection (d)(6).

11 “(g) COST SHARE.—Except as provided in paragraph
12 (2), the Federal share of the cost of a project carried out
13 using a grant under the Program may not exceed 80 per-
14 cent of the total cost of the project. Applicants may count
15 costs incurred for preliminary engineering associated with
16 highway-rail and pathway-rail grade crossing improvement
17 projects as part of the total project costs.

18 “(h) CONGRESSIONAL NOTIFICATION.—Not later
19 than 3 days before awarding a grant for a project under
20 the Program, the Secretary shall submit written notifica-
21 tion of the proposed grant to the Committee on Com-
22 merce, Science, and Transportation of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives, which shall include—

25 “(1) a summary of the project; and

1 “(2) the amount of the proposed grant award.

2 “(i) ANNUAL REPORT.—Not later than 60 days after
3 each round of award notifications, the Secretary shall
4 post, on the public website of the Department of Trans-
5 portation—

6 “(1) a list of all eligible applicants that sub-
7 mitted an application for funding under the Pro-
8 gram during the current fiscal year;

9 “(2) a list of the grant recipients and projects
10 that received grant funding under the Program dur-
11 ing such fiscal year; and

12 “(3) a list of the proposed projects and appli-
13 cants that were determined to be ineligible.

14 “(j) COMMUTER RAIL ELIGIBILITY AND GRANT CON-
15 DITIONS.—

16 “(1) IN GENERAL.—Section 22905(f) shall not
17 apply to grants awarded under this section for com-
18 muter rail passenger transportation projects.

19 “(2) ADMINISTRATION OF FUNDS.—The Sec-
20 retary of Transportation shall transfer amounts
21 awarded under this section for commuter rail pas-
22 senger transportation projects to the Federal Tran-
23 sit Administration, which shall administer such
24 funds in accordance with chapter 53.

25 “(3) PROTECTIVE ARRANGEMENTS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (2) and section 22905(e)(1), as a condi-
3 tion of receiving a grant under this section, any
4 employee covered by the Railway Labor Act (45
5 U.S.C. 151 et seq.) and the Railroad Retire-
6 ment Act of 1974 (45 U.S.C. 231 et seq.) who
7 is adversely affected by actions taken in connec-
8 tion with the project financed in whole or in
9 part by such grant shall be covered by employee
10 protective arrangements required to be estab-
11 lished under section 22905(c)(2)(B).

12 “(B) IMPLEMENTATION.—A grant recipi-
13 ent under this section, and the successors, as-
14 signs, and contractors of such grant recipient—

15 “(i) shall be bound by the employee
16 protective arrangements required under
17 subparagraph (A); and

18 “(ii) shall be responsible for the im-
19 plementation of such arrangements and for
20 the obligations under such arrangements,
21 but may arrange for another entity to take
22 initial responsibility for compliance with
23 the conditions of such arrangement.

24 “(k) DEFINED TERM.—In this section, the term
25 ‘rural area’ means any area that is not within an area

1 designated as an urbanized area by the Bureau of the Cen-
2 sus.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 229 of title 49, United States Code, is amended by
5 adding at the end the following:

“22909. Railroad Crossing Elimination Program.”.

6 **SEC. 22306. INTERSTATE RAIL COMPACTS.**

7 (a) IN GENERAL.—Chapter 229 of title 49, United
8 States Code (as amended by section 22305(a)), is further
9 amended by adding at the end the following:

10 **“§ 22910. Interstate Rail Compacts Grant Program**

11 “(a) GRANTS AUTHORIZED.—The Secretary of
12 Transportation shall establish a competitive grant pro-
13 gram to provide financial assistance to entities imple-
14 menting interstate rail compacts pursuant to section 410
15 of the Amtrak Reform and Accountability Act of 1997 (49
16 U.S.C. 24101 note) for—

17 “(1) costs of administration;

18 “(2) systems planning, including studying the
19 impacts on freight rail operations and ridership;

20 “(3) promotion of intercity passenger rail oper-
21 ation;

22 “(4) preparation of applications for competitive
23 Federal grant programs; and

24 “(5) operations coordination.

1 “(b) MAXIMUM AMOUNT.—The Secretary may not
2 award a grant under this section in an amount exceeding
3 \$1,000,000 per year.

4 “(c) SELECTION CRITERIA.—In selecting a recipient
5 of a grant for an eligible project under this section, the
6 Secretary shall consider—

7 “(1) the amount of funding received (including
8 funding from a rail carrier (as defined in section
9 24102)) or other participation by State, local, and
10 regional governments and the private sector;

11 “(2) the applicant’s work to foster economic de-
12 velopment through rail service, particularly in rural
13 communities;

14 “(3) whether the applicant seeks to restore
15 service over routes formerly operated by Amtrak, in-
16 cluding routes described in section 11304(a) of the
17 Passenger Rail Reform and Investment Act of 2015
18 (title XI of division A of Public Law 114–94);

19 “(4) the applicant’s dedication to providing
20 intercity passenger rail service to regions and com-
21 munities that are underserved or not served by other
22 intercity public transportation;

23 “(5) whether the applicant is enhancing
24 connectivity and geographic coverage of the existing
25 national network of intercity passenger rail service;

1 “(6) whether the applicant has prepared re-
2 gional rail or corridor service development plans and
3 corresponding environmental analysis; and

4 “(7) whether the applicant has engaged with
5 appropriate government entities and transportation
6 providers to identify projects necessary to enhance
7 multimodal connections or facilitate service integra-
8 tion between rail service and other modes, including
9 between intercity passenger rail service and intercity
10 bus service or commercial air service.

11 “(d) NUMERICAL LIMITATION.—The Secretary may
12 not award grants under this section for more than 10
13 interstate rail compacts in any fiscal year.

14 “(e) OPERATOR LIMITATION.—The Secretary may
15 only award grants under this section to applicants with
16 eligible expenses related to intercity passenger rail service
17 to be operated by Amtrak.

18 “(f) NON-FEDERAL MATCH.—The Secretary shall re-
19 quire each recipient of a grant under this section to pro-
20 vide a non-Federal match of not less than 50 percent of
21 the eligible expenses of carrying out the interstate rail
22 compact under this section.

23 “(g) REPORT.—Not later than 3 years after the date
24 of enactment of the Passenger Rail Expansion and Rail
25 Safety Act of 2021, the Secretary, after consultation with

1 grant recipients under this section, shall submit a report
2 to the Committee on Commerce, Science, and Transpor-
3 tation of the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representatives that
5 describes—

6 “(1) the implementation of this section;

7 “(2) the status of the planning efforts and co-
8 ordination funded by grants awarded under this sec-
9 tion;

10 “(3) the plans of grant recipients for continued
11 implementation of the interstate rail compacts;

12 “(4) the status of, and data regarding, any
13 new, restored, or enhanced rail services initiated
14 under the interstate rail compacts; and

15 “(5) any legislative recommendations.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 229 of title 49, United States Code (as amended by
18 section 22305(b)), is amended by adding at the end the
19 following:

“22910. Interstate Rail Compacts Grant Program.”.

20 (c) IDENTIFICATION.—Section 410 of the Amtrak
21 Reform and Accountability Act of 1997 (Public Law 105–
22 134; 49 U.S.C. 24101 note) is amended—

23 (1) in subsection (b)(2), by striking “(except
24 funds made available for Amtrak)”; and

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

1 “(c) NOTIFICATION REQUIREMENT.—Any State that
2 enters into an interstate compact pursuant to subsection
3 (a) shall notify the Secretary of Transportation of such
4 compact not later than 60 days after it is formed. The
5 failure of any State to notify the Secretary under this sub-
6 section shall not affect the status of the interstate com-
7 pact.

8 “(d) INTERSTATE RAIL COMPACTS PROGRAM.—The
9 Secretary of Transportation shall—

10 “(1) make available on a publicly accessible
11 website a list of interstate rail compacts established
12 under subsection (a) before the date of enactment of
13 the Passenger Rail Expansion and Rail Safety Act
14 of 2021 and interstate rail compacts established
15 after such date; and

16 “(2) make information regarding interstate rail
17 compacts available to the public, including how
18 States may establish interstate rail compacts under
19 subsection (a), and update such information, as nec-
20 essary.”.

21 **SEC. 22307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**

22 **PASSENGER RAIL GRANTS.**

23 (a) IN GENERAL.—Section 24911 of title 49, United
24 States Code, is amended—

1 (1) in the section heading, by striking “**for**
2 **state of good repair**” and inserting “**for**
3 **intercity passenger rail**”;

4 (2) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (F), by striking
7 “or” at the end;

8 (ii) by redesignating subsection (G) as
9 subsection (H);

10 (iii) by inserting after subparagraph
11 (F), the following:

12 “(G) a federally recognized Indian Tribe;
13 or”;

14 (iv) in subsection (H), as redesignated,
15 by striking “(F)” and inserting
16 “(G)”;

17 (B) by striking paragraphs (2) and (5);

18 and

19 (C) by redesignating paragraphs (3) and
20 (4) as paragraphs (2) and (3), respectively;

21 (3) in subsection (b), by striking “with respect
22 to qualified railroad assets” and inserting “, improve
23 performance, or expand or establish new intercity
24 passenger rail service, including privately operated

1 intercity passenger rail service if an eligible appli-
2 cant is involved;”;

3 (4) by striking subsections (c) through (e) and
4 inserting the following:

5 “(c) ELIGIBLE PROJECTS.—The following capital
6 projects, including acquisition of real property interests,
7 are eligible to receive grants under this section:

8 “(1) A project to replace, rehabilitate, or repair
9 infrastructure, equipment, or a facility used for pro-
10 viding intercity passenger rail service to bring such
11 assets into a state of good repair.

12 “(2) A project to improve intercity passenger
13 rail service performance, including reduced trip
14 times, increased train frequencies, higher operating
15 speeds, improved reliability, expanded capacity, re-
16 duced congestion, electrification, and other improve-
17 ments, as determined by the Secretary.

18 “(3) A project to expand or establish new inter-
19 city passenger rail service.

20 “(4) A group of related projects described in
21 paragraphs (1) through (3).

22 “(5) The planning, environmental studies, and
23 final design for a project or group of projects de-
24 scribed in paragraphs (1) through (4).

1 “(d) PROJECT SELECTION CRITERIA.—In selecting a
2 project for funding under this section—

3 “(1) for projects located on the Northeast Cor-
4 rridor, the Secretary shall—

5 “(A) make selections consistent with the
6 Northeast Corridor Project Inventory published
7 pursuant to subsection (e)(1), unless when nec-
8 essary to address materially changed infrastruc-
9 ture or service conditions, changes in project
10 sponsor capabilities or commitments, or other
11 significant changes since the completion of the
12 most recently issued Northeast Corridor Project
13 Inventory; and

14 “(B) for projects that benefit intercity and
15 commuter rail services, only make such selec-
16 tions when Amtrak and the public authorities
17 providing commuter rail passenger transpor-
18 tation at the eligible project location—

19 “(i) are in compliance with section
20 24905(c)(2); and

21 “(ii) identify funding for the intercity
22 passenger rail share, the commuter rail
23 share, and the local share of the eligible
24 project before the commencement of the
25 project;

1 “(2) for projects not located on the Northeast
2 Corridor, the Secretary shall—

3 “(A) give preference to eligible projects—

4 “(i) for which Amtrak is not the sole
5 applicant;

6 “(ii) that improve the financial per-
7 formance, reliability, service frequency, or
8 address the state of good repair of an Am-
9 trak route; and

10 “(iii) that are identified in, and con-
11 sistent with, a corridor inventory prepared
12 under the Corridor Identification and De-
13 velopment Program pursuant to section
14 25101; and

15 “(B) take into account—

16 “(i) the cost-benefit analysis of the
17 proposed project, including anticipated pri-
18 vate and public benefits relative to the
19 costs of the proposed project, including—

20 “(I) effects on system and service
21 performance, including as measured
22 by applicable metrics set forth in part
23 273 of title 49, Code of Federal Regu-
24 lations (or successor regulations);

786

1 “(II) effects on safety, competi-
2 tiveness, reliability, trip or transit
3 time, greenhouse gas emissions, and
4 resilience;

5 “(III) anticipated positive eco-
6 nomic and employment impacts, in-
7 cluding development in areas near
8 passenger stations, historic districts,
9 or other opportunity zones;

10 “(IV) efficiencies from improved
11 connections with other modes; and

12 “(V) ability to meet existing or
13 anticipated demand;

14 “(ii) the degree to which the proposed
15 project’s business plan considers potential
16 private sector participation in the financ-
17 ing, construction, or operation of the pro-
18 posed project;

19 “(iii) the applicant’s past performance
20 in developing and delivering similar
21 projects, and previous financial contribu-
22 tions;

23 “(iv) whether the applicant has, or
24 will have—

1 “(I) the legal, financial, and tech-
2 nical capacity to carry out the project;

3 “(II) satisfactory continuing ac-
4 cess to the equipment or facilities; and

5 “(III) the capability and willing-
6 ness to maintain the equipment or fa-
7 cilities;

8 “(v) if applicable, the consistency of
9 the project with planning guidance and
10 documents set forth by the Secretary or
11 otherwise required by law;

12 “(vi) whether the proposed project
13 serves historically unconnected or under-
14 connected communities; and

15 “(vii) any other relevant factors, as
16 determined by the Secretary; and

17 “(3) the Secretary shall reserve—

18 “(A) not less than 45 percent of the
19 amounts appropriated for grants under this sec-
20 tion for projects not located along the North-
21 east Corridor, of which not less than 20 percent
22 shall be for projects that benefit (in whole or in
23 part) a long-distance route; and

24 “(B) not less than 45 percent of the
25 amounts appropriated for grants under this sec-

1 tion for projects listed on the Northeast Cor-
2 ridor project inventory published pursuant to
3 subsection (e)(1).

4 “(e) LONG-TERM PLANNING.—Not later than 1 year
5 after the date of enactment of the Passenger Rail Expan-
6 sion and Rail Safety Act of 2021, and every 2 years there-
7 after, the Secretary shall create a predictable project pipe-
8 line that will assist Amtrak, States, and the public with
9 long-term capital planning by publishing a Northeast Cor-
10 ridor project inventory that—

11 “(1) identifies capital projects for Federal in-
12 vestment, project applicants, and proposed Federal
13 funding levels under this section;

14 “(2) specifies the order in which the Secretary
15 will provide grant funding to projects that have iden-
16 tified sponsors and are located along the Northeast
17 Corridor, including a method and plan for appor-
18 tioning funds to project sponsors for the 2-year pe-
19 riod, which may be altered by the Secretary, as nec-
20 essary, if recipients are not carrying out projects in
21 accordance with the anticipated schedule;

22 “(3) takes into consideration the appropriate
23 sequence and phasing of projects described in the
24 Northeast Corridor capital investment plan devel-
25 oped pursuant to section 24904(a);

1 “(4) is consistent with the most recent North-
2 east Corridor service development plan update de-
3 scribed in section 24904(d);

4 “(5) takes into consideration the existing com-
5 mitments and anticipated Federal, project applicant,
6 sponsor, and other relevant funding levels for the
7 next 5 fiscal years based on information currently
8 available to the Secretary; and

9 “(6) is developed in consultation with the
10 Northeast Corridor Commission and the owners of
11 Northeast Corridor infrastructure and facilities.”;

12 (5) in subsection (f)(2), by inserting “, except
13 as specified under paragraph (4)” after “80 per-
14 cent”;

15 (6) in subsection (g)—

16 (A) in the subsection heading, by inserting
17 “; PHASED FUNDING AGREEMENTS” after “IN-
18 TENT”;

19 (B) in paragraph (1)—

20 (i) in the paragraph heading, by strik-
21 ing “IN GENERAL” and inserting “LET-
22 TERS OF INTENT”; and

23 (ii) by striking “shall, to the max-
24 imum extent practicable,” and inserting
25 “may”;

1 (C) by redesignating paragraphs (2) and
2 (3) as paragraphs (3) and (4), respectively;

3 (D) by inserting after paragraph (1) the
4 following:

5 “(2) PHASED FUNDING AGREEMENTS.—

6 “(A) IN GENERAL.—The Secretary may
7 enter into a phased funding agreement with an
8 applicant if—

9 “(i) the project is highly rated, based
10 on the evaluations and ratings conducted
11 pursuant to this section and the applicable
12 notice of funding opportunity; and

13 “(ii) the Federal assistance to be pro-
14 vided for the project under this section is
15 more than \$80,000,000.

16 “(B) TERMS.—A phased funding agree-
17 ment shall—

18 “(i) establish the terms of participa-
19 tion by the Federal Government in the
20 project;

21 “(ii) establish the maximum amount
22 of Federal financial assistance for the
23 project;

24 “(iii) include the period of time for
25 completing the project, even if such period

1 extends beyond the period for which Fed-
2 eral financial assistance is authorized;

3 “(iv) make timely and efficient man-
4 agement of the project easier in accordance
5 with Federal law; and

6 “(v) if applicable, specify when the
7 process for complying with the National
8 Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) and related environ-
10 mental laws will be completed for the
11 project.

12 “(C) SPECIAL FINANCIAL RULES.—

13 “(i) IN GENERAL.—A phased funding
14 agreement under this paragraph obligates
15 an amount of available budget authority
16 specified in law and may include a commit-
17 ment, contingent on amounts to be speci-
18 fied in law in advance for commitments
19 under this paragraph, to obligate an addi-
20 tional amount from future available budget
21 authority specified in law.

22 “(ii) STATEMENT OF CONTINGENT
23 COMMITMENT.—The agreement shall state
24 that the contingent commitment is not an
25 obligation of the Government.

1 “(iii) INTEREST AND OTHER FINANC-
2 ING COSTS.—Interest and other financing
3 costs of efficiently carrying out a part of
4 the project within a reasonable time are a
5 cost of carrying out the project under a
6 phased funding agreement, except that eli-
7 gible costs may not be more than the cost
8 of the most favorable financing terms rea-
9 sonably available for the project at the
10 time of borrowing. The applicant shall cer-
11 tify, to the satisfaction of the Secretary,
12 that the applicant has shown reasonable
13 diligence in seeking the most favorable fi-
14 nancing terms.

15 “(iv) FAILURE TO CARRY OUT
16 PROJECT.—If an applicant does not carry
17 out the project for reasons within the con-
18 trol of the applicant, the applicant shall
19 repay all Federal grant funds awarded for
20 the project from all Federal funding
21 sources, for all project activities, facilities,
22 and equipment, plus reasonable interest
23 and penalty charges allowable by law or es-
24 tablished by the Secretary in the phased
25 funding agreement. For purposes of this

1 clause, a process for complying with the
2 National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.) that results
4 in the selection of the no build alternative
5 is not within the applicant's control.

6 “(v) CREDITING OF FUNDS RE-
7 CEIVED.—Any funds received by the Gov-
8 ernment under this paragraph, except for
9 interest and penalty charges, shall be cred-
10 ited to the appropriation account from
11 which the funds were originally derived.”;
12 (E) in paragraph (3), as redesignated—

13 (i) in subparagraph (A), in the matter
14 preceding clause (i), by inserting “a
15 phased funding agreement under para-
16 graph (2) or” after “issuing”; and

17 (ii) in subparagraph (B)(i), by insert-
18 ing “the phased funding agreement or”
19 after “a copy of”; and

20 (F) in paragraph (4), as redesignated—

21 (i) by striking “An obligation” and in-
22 serting the following:

23 “(B) APPROPRIATIONS REQUIRED.—An
24 obligation”; and

1 (ii) by inserting before subparagraph
2 (B), as added by clause (i), the following:

3 “(A) IN GENERAL.—The Secretary may
4 enter into phased funding agreements under
5 this subsection that contain contingent commit-
6 ments to incur obligations in such amounts as
7 the Secretary determines are appropriate.”;

8 (7) in subsection (i), by striking “section
9 22905” and inserting “sections 22903 and 22905”;
10 and

11 (8) by adding at the end the following:

12 “(j) ANNUAL REPORT ON PHASED FUNDING AGREE-
13 MENTS AND LETTERS OF INTENT.—Not later than the
14 first Monday in February of each year, the Secretary shall
15 submit a report to the Committee on Commerce, Science,
16 and Transportation of the Senate, the Committee on Ap-
17 propriations of the Senate, the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives,
19 and the Committee on Appropriations of the House of
20 Representatives that includes—

21 “(1) a proposal for the allocation of amounts to
22 be available to finance grants for projects under this
23 section among applicants for such amounts;

1 “(2) evaluations and ratings, as applicable, for
2 each project that has received a phased funding
3 agreement or a letter of intent; and

4 “(3) recommendations for each project that has
5 received a phased funding agreement or a letter of
6 intent for funding based on the evaluations and rat-
7 ings, as applicable, and on existing commitments
8 and anticipated funding levels for the next 3 fiscal
9 years based on information currently available to the
10 Secretary.

11 “(k) REGIONAL PLANNING GUIDANCE CORRIDOR
12 PLANNING.—The Secretary may withhold up to 5 percent
13 of the total amount made available for this section to carry
14 out planning and development activities related to section
15 25101, including—

16 “(1) providing funding to public entities for the
17 development of service development plans selected
18 under the Corridor Identification and Development
19 Program;

20 “(2) facilitating and providing guidance for
21 intercity passenger rail systems planning; and

22 “(3) providing funding for the development and
23 refinement of intercity passenger rail systems plan-
24 ning analytical tools and models.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 249 of title 49, United States Code, is amended by
3 striking the item relating to section 24911 and inserting
4 the following:

“24911. Federal-State partnership for intercity passenger rail.”.

5 **SEC. 22308. CORRIDOR IDENTIFICATION AND DEVELOP-**
6 **MENT PROGRAM.**

7 (a) IN GENERAL.—Part C of subtitle V of title 49,
8 United States Code, is amended by adding at the end the
9 following:

10 **“CHAPTER 251—PASSENGER RAIL**
11 **PLANNING**

“Sec.

“25101. Corridor Identification and Development Program.

12 **“§ 25101. Corridor Identification and Development**
13 **Program**

14 “(a) IN GENERAL.—Not later than 180 days after
15 the date of enactment of the Passenger Rail Expansion
16 and Rail Safety Act of 2021, the Secretary of Transpor-
17 tation shall establish a program to facilitate the develop-
18 ment of intercity passenger rail corridors. The program
19 shall include—

20 “(1) a process for eligible entities described in
21 subsection (b) to submit proposals for the develop-
22 ment of intercity passenger rail corridors;

1 “(2) a process for the Secretary to review and
2 select proposals in accordance with subsection (c);

3 “(3) criteria for determining the level of readi-
4 ness for Federal financial assistance of an intercity
5 passenger rail corridor, which shall include—

6 “(A) identification of a service operator
7 which may include Amtrak or private rail car-
8 riers;

9 “(B) identification of a service sponsor or
10 sponsors;

11 “(C) identification capital project sponsors;

12 “(D) engagement with the host railroads;

13 and

14 “(E) other criteria as determined appro-
15 priate by the Secretary;

16 “(4) a process for preparing service develop-
17 ment plans in accordance with subsection (d), in-
18 cluding the identification of planning funds, such as
19 funds made available under section 24911(k) and
20 interstate rail compact grants established under sec-
21 tion 22210;

22 “(5) the creation of a pipeline of intercity pas-
23 senger rail corridor projects under subsection (g);

24 “(6) planning guidance to achieve the purposes
25 of this section, including guidance for intercity pas-

1 senger rail corridors not selected under this section;
2 and

3 “(7) such other features as the Secretary con-
4 siders relevant to the successful development of
5 intercity passenger rail corridors.

6 “(b) ELIGIBLE ENTITIES.—The Secretary may re-
7 ceive proposals under this section from Amtrak, States,
8 groups of States, entities implementing interstate com-
9 pacts, regional passenger rail authorities, regional plan-
10 ning organizations, political subdivisions of a State, feder-
11 ally recognized Indian Tribes, and other public entities,
12 as determined by the Secretary.

13 “(c) CORRIDOR SELECTION.—In selecting intercity
14 passenger rail corridors pursuant to subsection (a), the
15 Secretary shall consider—

16 “(1) whether the route was identified as part of
17 a regional or interregional intercity passenger rail
18 systems planning study;

19 “(2) projected ridership, revenues, capital in-
20 vestment, and operating funding requirements;

21 “(3) anticipated environmental, congestion miti-
22 gation, and other public benefits;

23 “(4) projected trip times and their competitive-
24 ness with other transportation modes;

1 “(5) anticipated positive economic and employ-
2 ment impacts, including development in the areas
3 near passenger stations, historic districts, or other
4 opportunity zones;

5 “(6) committed or anticipated State, regional
6 transportation authority, or other non-Federal fund-
7 ing for operating and capital costs;

8 “(7) benefits to rural communities;

9 “(8) whether the corridor is included in a
10 State’s approved State rail plan developed pursuant
11 to chapter 227;

12 “(9) whether the corridor serves historically
13 unserved or underserved and low-income commu-
14 nities or areas of persistent poverty;

15 “(10) whether the corridor would benefit or im-
16 prove connectivity with existing or planned transpor-
17 tation services of other modes;

18 “(11) whether the corridor connects at least 2
19 of the 100 most populated metropolitan areas;

20 “(12) whether the corridor would enhance the
21 regional equity and geographic diversity of intercity
22 passenger rail service;

23 “(13) whether the corridor is or would be inte-
24 grated into the national rail passenger transpor-
25 tation system and whether the corridor would create

1 benefits for other passenger rail routes and services;
2 and

3 “(14) whether a passenger rail operator, includ-
4 ing a private rail carrier, has expressed support for
5 the corridor.

6 “(d) SERVICE DEVELOPMENT PLANS.—For each cor-
7 ridor proposal selected for development under this section,
8 the Secretary shall partner with the entity that submitted
9 the proposal, relevant States, and Amtrak, as appropriate,
10 to prepare a service development plan (or to update an
11 existing service development plan), which shall include—

12 “(1) a detailed description of the proposed
13 intercity passenger rail service, including train fre-
14 quencies, peak and average operating speeds, and
15 trip times;

16 “(2) a corridor project inventory that—

17 “(A) identifies the capital projects nec-
18 essary to achieve the proposed intercity pas-
19 senger rail service, including—

20 “(i) the capital projects for which
21 Federal investment will be sought;

22 “(ii) the likely project applicants; and

23 “(iii) the proposed Federal funding
24 levels;

1 “(B) specifies the order in which Federal
2 funding will be sought for the capital projects
3 identified under subparagraph (A), after consid-
4 ering the appropriate sequence and phasing of
5 projects based on the anticipated availability of
6 funds; and

7 “(C) is developed in consultation with the
8 entities listed in subsection (e);

9 “(3) a schedule and any associated phasing of
10 projects and related service initiation or changes;

11 “(4) project sponsors and other entities ex-
12 pected to participate in carrying out the plan;

13 “(5) a description of how the corridor would
14 comply with Federal rail safety and security laws,
15 orders, and regulations;

16 “(6) the locations of existing and proposed sta-
17 tions;

18 “(7) the needs for rolling stock and other
19 equipment;

20 “(8) a financial plan identifying projected—

21 “(A) annual revenues;

22 “(B) annual ridership;

23 “(C) capital investments before service
24 could be initiated;

1 “(3) representatives of employee labor organiza-
2 tions representing railroad and other appropriate
3 employees;

4 “(4) host railroads for the proposed corridor;
5 and

6 “(5) other stakeholders, as determined by the
7 Secretary.

8 “(f) UPDATES.—Every 5 years, after the initial devel-
9 opment of the service development plan under subsection
10 (d), if at least 40 percent of the work to implement a serv-
11 ice development plan prepared under subsection (d) has
12 not yet been completed, the plan’s sponsor, in consultation
13 with the Secretary, shall determine whether such plan
14 should be updated.

15 “(g) PROJECT PIPELINE.—Not later than 1 year
16 after the establishment of the program under this section,
17 and by February 1st of each year thereafter, the Secretary
18 shall submit to the Committee on Commerce, Science, and
19 Transportation of the Senate, the Committee on Appro-
20 priations of the Senate, and the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives,
22 and the Committee on Appropriations of the House of
23 Representatives a project pipeline, in accordance with this
24 section, that—

1 “(1) identifies intercity passenger rail corridors
2 selected for development under this section;

3 “(2) identifies capital projects for Federal in-
4 vestment, project applicants, and proposed Federal
5 funding levels, as applicable, consistent with the cor-
6 ridor project inventory;

7 “(3) specifies the order in which the Secretary
8 would provide Federal financial assistance, subject
9 to the availability of funds, to projects that have
10 identified sponsors, including a method and plan for
11 apportioning funds to project sponsors for a 5-year
12 period, which may be altered by the Secretary, as
13 necessary, if recipients are not carrying out projects
14 on the anticipated schedule;

15 “(4) takes into consideration the appropriate
16 sequence and phasing of projects described in the
17 corridor project inventory;

18 “(5) takes into consideration the existing com-
19 mitments and anticipated Federal, project applicant,
20 sponsor, and other relevant funding levels for the
21 next 5 fiscal years based on information currently
22 available to the Secretary;

23 “(6) is prioritized based on the level of readi-
24 ness of the corridor; and

25 “(7) reflects consultation with Amtrak.

1 “(h) DEFINITION.—In this section, the term ‘inter-
2 city passenger rail corridor’ means—

3 “(1) a new intercity passenger rail route of less
4 than 750 miles;

5 “(2) the enhancement of an existing intercity
6 passenger rail route of less than 750 miles;

7 “(3) the restoration of service over all or por-
8 tions of an intercity passenger rail route formerly
9 operated by Amtrak; or

10 “(4) the increase of service frequency of a long-
11 distance intercity passenger rail route.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
13 for subtitle V of title 49, United States Code, is amended
14 by inserting after the item relating to chapter 249 the fol-
15 lowing:

“Chapter 251. Passenger rail planning25101”.

16 **SEC. 22309. SURFACE TRANSPORTATION BOARD PAS-**
17 **SENGER RAIL PROGRAM.**

18 The Surface Transportation Board shall—

19 (1) establish a passenger rail program with pri-
20 mary responsibility for carrying out the Board’s pas-
21 senger rail responsibilities; and

22 (2) hire up to 10 additional full-time employees
23 to assist in carrying out the responsibilities referred
24 to in paragraph (1).

1 **Subtitle D—Rail Safety**

2 **SEC. 22401. RAILWAY-HIGHWAY CROSSINGS PROGRAM**
3 **EVALUATION.**

4 (a) **IN GENERAL.**—Not later than 3 years after the
5 date of enactment of this Act, the Secretary shall evaluate
6 the requirements of the railway-highway crossings pro-
7 gram authorized under section 130 of title 23, United
8 States Code, to determine whether—

9 (1) the requirements of the program provide
10 States sufficient flexibility to adequately address
11 current and emerging highway-rail grade crossing
12 safety issues;

13 (2) the structure of the program provides suffi-
14 cient incentives and resources to States and local
15 agencies to make changes at highway-rail grade
16 crossings that are most effective at reducing deaths
17 and injuries;

18 (3) there are appropriate tools and resources to
19 support States in using data driven programs to de-
20 termine the most cost-effective use of program
21 funds; and

22 (4) any statutory changes are recommended to
23 improve the effectiveness of the program.

24 (b) **REPORT.**—Not later than 4 years after the date
25 of enactment of this Act, the Secretary shall submit a re-

1 port to the Committee on Commerce, Science, and Trans-
2 portation of the Senate, the Committee on Environment
3 and Public Works of the Senate, and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives that summarizes and describes the results of
6 the evaluation conducted pursuant to subsection (a), in-
7 cluding any recommended statutory changes.

8 **SEC. 22402. GRADE CROSSING ACCIDENT PREDICTION**
9 **MODEL.**

10 Not later than 2 years after the date of enactment
11 of this Act, the Administrator of the Federal Railroad Ad-
12 ministration shall—

13 (1) update the grade crossing accident pre-
14 diction and severity model used by the Federal Rail-
15 road Administration to analyze accident risk at high-
16 way-rail grade crossings; and

17 (2) provide training on the use of the updated
18 grade crossing accident prediction and severity
19 model.

20 **SEC. 22403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSS-**
21 **ING REPORTS AND PLANS.**

22 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—Sec-
23 tion 11401 of the Fixing America’s Surface Transpor-
24 tation Act (Public Law 114–94; 49 U.S.C. 22907 note)
25 is amended—

1 (1) by striking subsection (c); and

2 (2) by redesignating subsections (d) and (e) as
3 subsections (c) and (d), respectively.

4 (b) REPORTS ON HIGHWAY-RAIL GRADE CROSSING
5 SAFETY.—

6 (1) IN GENERAL.—Chapter 201 of title 49,
7 United States Code, is amended by inserting after
8 section 20166 the following:

9 **“§ 20167. Reports on highway-rail grade crossing**
10 **safety**

11 “(a) REPORT.—Not later than 4 years after the date
12 by which States are required to submit State highway-rail
13 grade crossing action plans under section 11401(b) of the
14 Fixing America’s Surface Transportation Act (49 U.S.C.
15 22907 note), the Administrator of the Federal Railroad
16 Administration, in consultation with the Administrator of
17 the Federal Highway Administration, shall submit a re-
18 port to the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 that summarizes the State highway-rail grade crossing ac-
22 tion plans, including—

23 “(1) an analysis and evaluation of each State
24 railway-highway crossings program under section
25 130 of title 23, including—

1 “(A) compliance with section 11401 of the
2 Fixing America’s Surface Transportation Act
3 and section 130(g) of title 23; and

4 “(B) the specific strategies identified by
5 each State to improve safety at highway-rail
6 grade crossings, including crossings with mul-
7 tiple accidents or incidents;

8 “(2) the progress of each State in implementing
9 its State highway-rail grade crossings action plan;

10 “(3) the number of highway-rail grade crossing
11 projects undertaken pursuant to section 130 of title
12 23, including the distribution of such projects by
13 cost range, road system, nature of treatment, and
14 subsequent accident experience at improved loca-
15 tions;

16 “(4) which States are not in compliance with
17 their schedule of projects under section 130(d) of
18 title 23; and

19 “(5) any recommendations for future implemen-
20 tation of the railway-highway crossings program
21 under section 130 of title 23.

22 “(b) UPDATES.—Not later than 5 years after the
23 submission of the report required under subsection (a), the
24 Administrator of the Federal Railroad Administration, in

1 consultation with the Administrator of the Federal High-
2 way Administration, shall—

3 “(1) update the report based on the State an-
4 nual reports submitted pursuant to section 130(g) of
5 title 23 and any other information obtained by or
6 available to the Administrator of the Federal Rail-
7 road Administration; and

8 “(2) submit the updated report to the Com-
9 mittee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Transportation
11 and Infrastructure of the House of Representatives.

12 “(c) DEFINITIONS.—In this section:

13 “(1) HIGHWAY-RAIL GRADE CROSSING.—The
14 term ‘highway-rail grade crossing’ means a location
15 within a State, other than a location at which 1 or
16 more railroad tracks cross 1 or more railroad tracks
17 at grade, at which—

18 “(A) a public highway, road, or street, or
19 a private roadway, including associated side-
20 walks and pathways, crosses 1 or more railroad
21 tracks, either at grade or grade-separated; or

22 “(B) a pathway explicitly authorized by a
23 public authority or a railroad carrier that—

1 “(B) the effectiveness of the improvements
2 made as a result of such implementation.

3 “(2) CONTENTS.—Each report submitted pur-
4 suant to paragraph (1) shall contain an assessment
5 of—

6 “(A) the costs of the various treatments
7 employed by the State to implement the rail-
8 way-highway crossings program; and

9 “(B) the effectiveness of such treatments,
10 as measured by the accident experience at the
11 locations that received such treatments.

12 “(3) COORDINATION.—Not later than 30 days
13 after the Federal Highway Administration’s accept-
14 ance of each report submitted pursuant to para-
15 graph (1), the Administrator of the Federal High-
16 way Administration shall make such report available
17 to the Administrator of the Federal Railroad Admin-
18 istration.”.

19 **SEC. 22404. BLOCKED CROSSING PORTAL.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Railroad Administration shall establish a 3-year blocked
22 crossing portal, which shall include the maintenance of the
23 portal and corresponding database to receive, store, and
24 retrieve information regarding blocked highway-rail grade
25 crossings.

1 (b) BLOCKED CROSSING PORTAL.—The Adminis-
2 trator of the Federal Railroad Administration shall estab-
3 lish a blocked crossing portal that—

4 (1) collects information from the public, includ-
5 ing first responders, regarding blocked highway-rail
6 grade crossing events;

7 (2) solicits the apparent cause of the blocked
8 crossing and provides examples of common causes of
9 blocked crossings, such as idling trains or instances
10 when lights or gates are activated when no train is
11 present;

12 (3) provides each complainant with the contact
13 information for reporting a blocked crossing to the
14 relevant railroad; and

15 (4) encourages each complainant to report the
16 blocked crossing to the relevant railroad.

17 (c) COMPLAINTS.—The blocked crossing portal shall
18 be programmed to receive complaints from the general
19 public about blocked highway-rail grade crossings. Any
20 complaint reported through the portal shall indicate
21 whether the complainant also reported the blocked cross-
22 ing to the relevant railroad.

23 (d) INFORMATION RECEIVED.—In reviewing com-
24 plaints received pursuant to subsection (c), the Federal
25 Railroad Administration shall review, to the extent prac-

1 ticable, the information received from the complainant to
2 account for duplicative or erroneous reporting.

3 (e) USE OF INFORMATION.—The information re-
4 ceived and maintained in the blocked crossing portal data-
5 base shall be used by the Federal Railroad Administra-
6 tion—

7 (1) to identify frequent and long-duration
8 blocked highway-rail grade crossings;

9 (2) as a basis for conducting outreach to com-
10 munities, emergency responders, and railroads;

11 (3) to support collaboration in the prevention of
12 incidents at highway-rail grade crossings; and

13 (4) to assess the impacts of blocked crossings.

14 (f) SHARING INFORMATION RECEIVED.—

15 (1) IN GENERAL.—The Administrator of the
16 Federal Railroad Administration shall implement
17 and make publicly available procedures for sharing
18 any nonaggregated information received through the
19 blocked crossing portal with the public.

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 section may be construed to authorize the Federal
22 Railroad Administration to make publically available
23 sensitive security information.

24 (g) ADDITIONAL INFORMATION.—If the information
25 submitted to the blocked crossing portal is insufficient to

1 determine the locations and potential impacts of blocked
2 highway-rail grade crossings, the Federal Railroad Admin-
3 istration may collect, from the general public, State and
4 local law enforcement personnel, and others as appro-
5 priate, and on a voluntary basis, such additional informa-
6 tion as may be necessary to make such determinations.

7 (h) LIMITATIONS.—Complaints, data, and other in-
8 formation received through the blocked crossing portal
9 may not be used—

10 (1) to infer or extrapolate the rate or instances
11 of crossings beyond the data received through the
12 portal; or

13 (2) for any regulatory or enforcement purposes
14 except those specifically described in this section.

15 (i) REPORTS.—

16 (1) ANNUAL PUBLIC REPORT.—The Adminis-
17 trator of the Federal Railroad Administration shall
18 publish an annual report on a public website regard-
19 ing the blocked crossing program, including the un-
20 derlying causes of blocked crossings, program chal-
21 lenges, and other findings.

22 (2) REPORT TO CONGRESS.—Not later than 1
23 year after the date of enactment of this Act, the Ad-
24 ministrator of the Federal Railroad Administration
25 shall submit a report to the Committee on Com-

1 merce, Science, and Transportation of the Senate
2 and the Committee on Transportation and Infra-
3 structure of the House of Representatives that de-
4 scribes—

5 (A) based on the information received
6 through the blocked crossing portal, frequent
7 and long-duration blocked highway-rail grade
8 crossings, including the locations, dates, dura-
9 tions, and impacts resulting from such occur-
10 rences;

11 (B) the Federal Railroad Administration’s
12 process for verifying the accuracy of the com-
13 plaints submitted to the blocked crossing portal,
14 including whether the portal continues to be ef-
15 fective in collecting such information and identi-
16 fying blocked crossings;

17 (C) the Federal Railroad Administration’s
18 use of the data compiled by the blocked cross-
19 ing portal to assess the underlying cause and
20 overall impacts of blocked crossings;

21 (D) the engagement of the Federal Rail-
22 road Administration with affected parties to
23 identify and facilitate solutions to frequent and
24 long-duration blocked highway-rail grade cross-

1 ings identified by the blocked crossing portal;
2 and

3 (E) whether the blocked crossing portal
4 continues to be an effective method to collect
5 blocked crossing information and what changes
6 could improve its effectiveness.

7 (j) SUNSET.—This section (other than subsection
8 (k)) shall have no force or effect beginning on the date
9 that is 3 years after the date of enactment of this Act.

10 (k) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to invalidate any authority of the
12 Secretary with respect to blocked highway-rail grade
13 crossings. The Secretary may continue to use any such
14 authority after the sunset date set forth in subsection (j).

15 **SEC. 22405. DATA ACCESSIBILITY.**

16 (a) REVIEW.—Not later than 180 days after the date
17 of enactment of this Act, the Chief Information Officer
18 of the Department shall—

19 (1) conduct a review of the website of the Office
20 of Safety Analysis of the Federal Railroad Adminis-
21 tration; and

22 (2) provide recommendations to the Secretary
23 for improving the public’s usability and accessibility
24 of the website referred to in paragraph (1).

1 (b) UPDATES.—Not later than 1 year after receiving
2 recommendations from the Chief Information Officer pur-
3 suant to subsection (a)(2), the Secretary, after considering
4 such recommendations, shall update the website of the Of-
5 fice of Safety Analysis of the Federal Railroad Adminis-
6 tration to improve the usability and accessibility of the
7 website.

8 **SEC. 22406. EMERGENCY LIGHTING.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall initiate a rulemaking to
11 require that all rail carriers providing intercity passenger
12 rail transportation or commuter rail passenger transpor-
13 tation (as such terms are defined in section 24102 of title
14 49, United States Code), develop and implement periodic
15 inspection plans to ensure that passenger equipment of-
16 fered for revenue service complies with the requirements
17 under part 238 of title 49, Code of Federal Regulations,
18 including ensuring that, in the event of a loss of power,
19 there is adequate emergency lighting available to allow
20 passengers, crew members, and first responders—

- 21 (1) to see and orient themselves;
22 (2) to identify obstacles;
23 (3) to safely move throughout the rail car; and
24 (4) to evacuate safely.

1 **SEC. 22407. COMPREHENSIVE RAIL SAFETY REVIEW OF AM-**
2 **TRAK.**

3 (a) COMPREHENSIVE SAFETY ASSESSMENT.—Not
4 later than 1 year after the date of enactment of this Act,
5 the Secretary shall—

6 (1) conduct a focused review of Amtrak’s safe-
7 ty-related processes and procedures, compliance with
8 safety regulations and requirements, and overall
9 safety culture; and

10 (2) submit a report to the Committee on Com-
11 merce, Science, and Transportation of the Senate
12 and the Committee on Transportation and Infra-
13 structure of the House of Representatives that in-
14 cludes the findings and recommendations resulting
15 from such assessment.

16 (b) PLAN.—

17 (1) INITIAL PLAN.—Not later than 6 months
18 after the completion of the comprehensive safety as-
19 sessment under subsection (a)(1), Amtrak shall sub-
20 mit a plan to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Com-
22 mittee on Transportation and Infrastructure of the
23 House of Representatives for addressing the findings
24 and recommendations raised in the comprehensive
25 safety assessment.

1 frastructure of the House of Representatives that de-
2 scribes—

3 (1) the status of such pilot programs;

4 (2) actions that the Federal Railroad Adminis-
5 tration has taken to commence the pilot programs,
6 including efforts to recruit participant railroads;

7 (3) any challenges impacting the commence-
8 ment of the pilot programs; and

9 (4) any other details associated with the devel-
10 opment of the pilot programs that affect progress to-
11 ward meeting the mandate under such section
12 21109(e)(1).

13 **SEC. 22409. POSITIVE TRAIN CONTROL STUDY.**

14 (a) STUDY.—The Comptroller General of the United
15 States shall conduct a study to determine the annual posi-
16 tive train control system operation and maintenance costs
17 for public commuter railroads.

18 (b) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Comptroller General of the
20 United States shall submit a report to the Committee on
21 Commerce, Science, and Transportation of the Senate and
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives that summarizes the study
24 conducted pursuant to subsection (a), including the esti-

1 mated annual positive train control system operation and
2 maintenance costs for public commuter railroads.

3 **SEC. 22410. OPERATING CREW MEMBER TRAINING, QUALI-**
4 **FICATION, AND CERTIFICATION.**

5 (a) AUDITS.—Not later than 60 days after the date
6 of enactment of this Act, the Secretary shall initiate audits
7 of the training, qualification, and certification programs
8 of locomotive engineers and conductors of railroad car-
9 riers, subject to the requirements of parts 240 and 242
10 of title 49, Code of Federal Regulations, which audits
11 shall—

12 (1) be conducted in accordance with subsection

13 (b);

14 (2) consider whether such programs are in com-
15 pliance with such parts 240 and 242;

16 (3) assess the type and content of training that
17 such programs provide locomotive engineers and
18 conductors, relevant to their respective roles, includ-
19 ing training related to installed technology;

20 (4) determine whether such programs provide
21 locomotive engineers and conductors the knowledge,
22 skill, and ability to safely operate a locomotive or
23 train, consistent with such parts 240 and 242;

1 (5) determine whether such programs reflect
2 the current operating practices of the railroad car-
3 rier;

4 (6) assess the current practice by which rail-
5 roads utilize simulator training, or any other tech-
6 nologies used to train and qualify locomotive engi-
7 neers and conductors by examining how such tech-
8 nologies are used;

9 (7) consider international experience and prac-
10 tice using similar technology, as appropriate, par-
11 ticularly before qualifying locomotive engineers on
12 new or unfamiliar equipment, new train control,
13 diagnostics, or other on-board technology;

14 (8) assess the current practice for familiarizing
15 locomotive engineers and conductors with new terri-
16 tory and using recurrency training to expose such
17 personnel to normal and abnormal conditions; and

18 (9) ensure that locomotive engineers and con-
19 ductor training programs are considered separately,
20 as appropriate, based on the unique requirements
21 and regulations.

22 (b) AUDIT SCHEDULING.—The Secretary shall—

23 (1) schedule the audits required under sub-
24 section (a) to ensure that—

1 (A) each Class I railroad, including the
2 National Railroad Passenger Corporation and
3 other intercity passenger rail providers, is au-
4 dited not less frequently than once every 5
5 years; and

6 (B) a select number, as determined appro-
7 priate by the Secretary, of Class II and Class
8 III railroads, along with other railroads pro-
9 viding passenger rail service that are not in-
10 cluded in subparagraph (A), are audited annu-
11 ally; and

12 (2) conduct the audits described in paragraph
13 (1)(B) in accordance with the Small Business Regu-
14 latory Enforcement Fairness Act of 1996 (5 U.S.C.
15 601 note) and appendix C of part 209 of title 49,
16 Code of Federal Regulations.

17 (c) UPDATES TO QUALIFICATION AND CERTIFI-
18 CATION PROGRAM.—If the Secretary, while conducting the
19 audits required under this section, identifies a deficiency
20 in a railroad’s training, qualification, and certification pro-
21 gram for locomotive engineers or conductors, the railroad
22 shall update the program to eliminate such deficiency.

23 (d) CONSULTATION AND COOPERATION.—

24 (1) CONSULTATION.—In conducting any audit
25 required under this section, the Secretary shall con-

1 sult with the railroad and its employees, including
2 any nonprofit employee labor organization rep-
3 resenting the engineers or conductors of the rail-
4 road.

5 (2) COOPERATION.—The railroad and its em-
6 ployees, including any nonprofit employee labor or-
7 ganization representing engineers or conductors of
8 the railroad, shall fully cooperate with any such
9 audit, including by—

10 (A) providing any relevant documents re-
11 quested; and

12 (B) making available any employees for
13 interview without undue delay or obstruction.

14 (3) FAILURE TO COOPERATE.—If the Secretary
15 determines that a railroad or any of its employees,
16 including any nonprofit employee labor organization
17 representing engineers or conductors of the railroad
18 is not fully cooperating with an audit, the Secretary
19 shall electronically notify the Committee on Com-
20 merce, Science, and Transportation of the Senate
21 and the Committee on Transportation and Infra-
22 structure of the House of Representatives.

23 (e) REVIEW OF REGULATIONS.—The Secretary shall
24 triennially determine whether any update to part 240 or
25 242 of title 49, Code of Federal Regulations, is necessary

1 to better prepare locomotive engineers and conductors to
2 safely operate trains by evaluating whether such regula-
3 tions establish appropriate Federal standards requiring
4 railroads—

5 (1) to provide locomotive engineers or conduc-
6 tors the knowledge and skills to safely operate trains
7 under conditions that reflect industry practices;

8 (2) to adequately address locomotive engineer
9 or conductor route situational awareness, including
10 ensuring locomotive engineers and conductors to
11 demonstrate knowledge on the physical characteris-
12 tics of a territory under various conditions and using
13 various resources;

14 (3) to provide relevant and adequate hands-on
15 training before a locomotive engineer or conductor is
16 certified;

17 (4) to adequately prepare locomotive engineers
18 or conductors to understand relevant locomotive op-
19 erating characteristics, to include instructions on
20 functions they are required to operate on any in-
21 stalled technology; and

22 (5) to address any other safety issue that the
23 Secretary determines to be appropriate for better
24 preparing locomotive engineers or conductors.

1 (f) ANNUAL REPORT.—The Secretary shall publish
2 an annual report on the public website of the Federal Rail-
3 road Administration that—

4 (1) summarizes the findings of the prior year’s
5 audits;

6 (2) summarizes any updates made pursuant to
7 subsection (c); and

8 (3) excludes and confidential business informa-
9 tion or sensitive security information.

10 **SEC. 22411. TRANSPARENCY AND SAFETY.**

11 Section 20103(d) of title 49, United States Code, is
12 amended to read as follows:

13 “(d) NONEMERGENCY WAIVERS.—

14 “(1) IN GENERAL.—The Secretary of Transpor-
15 tation may waive, or suspend the requirement to
16 comply with, any part of a regulation prescribed or
17 an order issued under this chapter if such waiver or
18 suspension is in the public interest and consistent
19 with railroad safety.

20 “(2) NOTICE REQUIRED.—The Secretary
21 shall—

22 “(A) provide timely public notice of any re-
23 quest for a waiver under this subsection or for
24 a suspension under subpart E of part 211 of

1 title 49, Code of Federal Regulations, or suc-
2 cessor regulations;

3 “(B) make available the application for
4 such waiver or suspension and any nonconfiden-
5 tial underlying data to interested parties;

6 “(C) provide the public with notice and a
7 reasonable opportunity to comment on a pro-
8 posed waiver or suspension under this sub-
9 section before making a final decision; and

10 “(D) publish on a publicly accessible
11 website the reasons for granting each such
12 waiver or suspension.

13 “(3) INFORMATION PROTECTION.—Nothing in
14 this subsection may be construed to require the re-
15 lease of information protected by law from public
16 disclosure.

17 “(4) RULEMAKING.—

18 “(A) IN GENERAL.—Not later than 1 year
19 after the first day on which a waiver under this
20 subsection or a suspension under subpart E of
21 part 211 of title 49, Code of Federal Regula-
22 tions, or successor regulations, has been in con-
23 tinuous effect for a 6-year period, the Secretary
24 shall complete a review and analysis of such
25 waiver or suspension to determine whether

1 issuing a rule that is consistent with the waiver
2 is—

3 “(i) in the public interest; and

4 “(ii) consistent with railroad safety.

5 “(B) FACTORS.—In conducting the review
6 and analysis under subparagraph (A), the Sec-
7 retary shall consider—

8 “(i) the relevant safety record under
9 the waiver or suspension;

10 “(ii) the likelihood that other entities
11 would have similar safety outcomes;

12 “(iii) the materials submitted in the
13 applications, including any comments re-
14 garding such materials; and

15 “(iv) related rulemaking activity.

16 “(C) NOTICE AND COMMENT.—

17 “(i) IN GENERAL.—The Secretary
18 shall publish the review and analysis re-
19 quired under this paragraph in the Federal
20 Register, which shall include a summary of
21 the data collected and all relevant under-
22 lying data, if the Secretary decides not to
23 initiate a regulatory update under subpara-
24 graph (D).

1 “(ii) NOTICE OF PROPOSED RULE-
2 MAKING.—The review and analysis under
3 this paragraph shall be included as part of
4 the notice of proposed rulemaking if the
5 Secretary initiates a regulatory update
6 under subparagraph (D).

7 “(D) REGULATORY UPDATE.—The Sec-
8 retary may initiate a rulemaking to incorporate
9 relevant aspects of a waiver under this sub-
10 section or a suspension under subpart E of part
11 211 of title 49, Code of Federal Regulations, or
12 successor regulations, into the relevant regula-
13 tion, to the extent the Secretary considers ap-
14 propriate.

15 “(5) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed to delay any waiver
17 granted pursuant to this subsection that is in the
18 public interest and consistent with railroad safety.”.

19 **SEC. 22412. RESEARCH AND DEVELOPMENT.**

20 Section 20108 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(d) FACILITIES.—The Secretary may erect, alter,
23 and repair buildings and make other public improvements
24 to carry out necessary railroad research, safety, and train-

1 ing activities at the Transportation Technology Center in
2 Pueblo, Colorado.

3 “(e) OFFSETTING COLLECTIONS.—The Secretary
4 may collect fees or rents from facility users to offset ap-
5 propriated amounts for the cost of providing facilities or
6 research, development, testing, training, or other services,
7 including long-term sustainment of the on-site physical
8 plant.

9 “(f) REVOLVING FUND.—Amounts appropriated to
10 carry out subsection (d) and all fees and rents collected
11 pursuant to subsection (e) shall be credited to a revolving
12 fund and remain available until expended. The Secretary
13 may use such fees and rents for operation, maintenance,
14 repair, or improvement of the Transportation Technology
15 Center.

16 “(g) LEASES AND CONTRACTS.—Notwithstanding
17 section 1302 of title 40, the Secretary may lease to others
18 or enter into contracts for terms of up to 20 years, for
19 such consideration and subject to such terms and condi-
20 tions as the Secretary determines to be in the best inter-
21 ests of the Government of the United States, for the oper-
22 ation, maintenance, repair, and improvement of the
23 Transportation Technology Center.

24 “(h) PROPERTY AND CASUALTY LOSS INSURANCE.—
25 The Secretary may allow its lessees and contractors to

1 purchase property and casualty loss insurance for its as-
2 sets and activities at the Transportation Technology Cen-
3 ter to mitigate the lessee's or contractor's risk associated
4 with operating a facility.

5 “(i) ENERGY PROJECTS.—Notwithstanding section
6 1341 of title 31, the Secretary may enter into contracts
7 or agreements, or commit to obligations in connection with
8 third-party contracts or agreements, including contingent
9 liability for the purchase of electric power in connection
10 with such contracts or agreements, for terms not to exceed
11 20 years, to enable the use of the land at the Transpor-
12 tation Technology Center for projects to produce energy
13 from renewable sources.”.

14 **SEC. 22413. RAIL RESEARCH AND DEVELOPMENT CENTER**
15 **OF EXCELLENCE.**

16 Section 20108 of title 49, United States Code, as
17 amended by section 22412, is further amended by adding
18 at the end the following:

19 “(j) RAIL RESEARCH AND DEVELOPMENT CENTER
20 OF EXCELLENCE.—

21 “(1) CENTER OF EXCELLENCE.—The Secretary
22 shall award grants to establish and maintain a cen-
23 ter of excellence to advance research and develop-
24 ment that improves the safety, efficiency, and reli-
25 ability of passenger and freight rail transportation.

1 “(2) ELIGIBILITY.—An institution of higher
2 education (as defined in section 101 of the Higher
3 Education Act of 1965 (20 U.S.C. 1001)) or a con-
4 sortium of nonprofit institutions of higher education
5 shall be eligible to receive a grant from the center
6 established pursuant to paragraph (1).

7 “(3) SELECTION CRITERIA.—In awarding a
8 grant under this subsection, the Secretary shall—

9 “(A) give preference to applicants with
10 strong past performance related to rail re-
11 search, education, and workforce development
12 activities;

13 “(B) consider the extent to which the ap-
14 plicant would involve public and private sector
15 passenger and freight railroad operators; and

16 “(C) consider the regional and national im-
17 pacts of the applicant’s proposal.

18 “(4) USE OF FUNDS.—Grant funds awarded
19 pursuant to this subsection shall be used for basic
20 and applied research, evaluation, education, work-
21 force development, and training efforts related to
22 safety, project delivery, efficiency, reliability, resil-
23 iency, and sustainability of urban commuter, inter-
24 city high-speed, and freight rail transportation, to
25 include advances in rolling stock, advanced positive

1 train control, human factors, rail infrastructure,
2 shared corridors, grade crossing safety, inspection
3 technology, remote sensing, rail systems mainte-
4 nance, network resiliency, operational reliability, en-
5 ergy efficiency, and other advanced technologies.

6 “(5) FEDERAL SHARE.—The Federal share of a
7 grant awarded under this subsection shall be 50 per-
8 cent of the cost of establishing and operating the
9 center of excellence and related research activities
10 carried out by the grant recipient.”.

11 **SEC. 22414. QUARTERLY REPORT ON POSITIVE TRAIN CON-**
12 **TROL SYSTEM PERFORMANCE.**

13 Section 20157 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(m) REPORTS ON POSITIVE TRAIN CONTROL SYS-
16 TEM PERFORMANCE.—

17 “(1) IN GENERAL.—Each host railroad subject
18 to this section or subpart I of part 236 of title 49,
19 Code of Federal Regulations, shall electronically sub-
20 mit to the Secretary of Transportation a Report of
21 PTC System Performance on Form FRA F
22 6180.152, which shall be submitted on or before the
23 applicable due date set forth in paragraph (3) and
24 contain the information described in paragraph (2),
25 which shall be separated by the host railroad, each

1 applicable tenant railroad, and each positive train
2 control-governed track segment, consistent with the
3 railroad's positive train control Implementation Plan
4 described in subsection (a)(1).

5 “(2) REQUIRED INFORMATION.—Each report
6 submitted pursuant to paragraph (1) shall include,
7 for the applicable reporting period—

8 “(A) the number of positive train control
9 system initialization failures, disaggregated by
10 the number of initialization failures for which
11 the source or cause was the onboard subsystem,
12 the wayside subsystem, the communications
13 subsystem, the back office subsystem, or a non-
14 positive train control component;

15 “(B) the number of positive train control
16 system cut outs, disaggregated by each compo-
17 nent listed in subparagraph (A) that was the
18 source or cause of such cut outs;

19 “(C) the number of positive train control
20 system malfunctions, disaggregated by each
21 component listed in subparagraph (A) that was
22 the source or cause of such malfunctions;

23 “(D) the number of enforcements by the
24 positive train control system;

1 “(E) the number of enforcements by the
2 positive train control system in which it is rea-
3 sonable to assume an accident or incident was
4 prevented;

5 “(F) the number of scheduled attempts at
6 initialization of the positive train control sys-
7 tem;

8 “(G) the number of train miles governed
9 by the positive train control system; and

10 “(H) a summary of any actions the host
11 railroad and its tenant railroads are taking to
12 reduce the frequency and rate of initialization
13 failures, cut outs, and malfunctions, such as
14 any actions to correct or eliminate systemic
15 issues and specific problems.

16 “(3) DUE DATES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), each host railroad shall elec-
19 tronically submit the report required under
20 paragraph (1) not later than—

21 “(i) April 30, for the period from Jan-
22 uary 1 through March 31;

23 “(ii) July 31, for the period from
24 April 1 through June 30;

1 “(iii) October 31, for the period from
2 July 1 through September 30; and

3 “(iv) January 31, for the period from
4 October 1 through December 31 of the
5 prior calendar year.

6 “(B) FREQUENCY REDUCTION.—Beginning
7 on the date that is 3 years after the date of en-
8 actment of the Passenger Rail Expansion and
9 Rail Safety Act of 2021, the Secretary shall re-
10 duce the frequency with which host railroads
11 are required to submit the report described in
12 paragraph (1) to not less frequently than twice
13 per year, unless the Secretary—

14 “(i) determines that quarterly report-
15 ing is in the public interest; and

16 “(ii) publishes a justification for such
17 determination in the Federal Register.

18 “(4) TENANT RAILROADS.—Each tenant rail-
19 road that operates on a host railroad’s positive train
20 control-governed main line and is not currently sub-
21 ject to an exception under section 236.1006(b) of
22 title 49, Code of Federal Regulations, shall submit
23 the information described in paragraph (2) to each
24 applicable host railroad on a continuous basis.

1 “(5) ENFORCEMENTS.—Any railroad operating
2 a positive train control system classified under Fed-
3 eral Railroad Administration Type Approval number
4 FRA-TA-2010-001 or FRA-TA-2013-003 shall
5 begin submitting the metric required under para-
6 graph (2)(D) not later than January 31, 2023.”.

7 **SEC. 22415. SPEED LIMIT ACTION PLANS.**

8 (a) CODIFICATION OF, AND AMENDMENT TO, SEC-
9 TION 11406 OF THE FAST ACT.—Subchapter II of chap-
10 ter 201 of subtitle V of title 49, United States Code, is
11 amended by inserting after section 20168 the following:

12 **“§ 20169. Speed limit action plans**

13 “(a) IN GENERAL.—Not later than March 3, 2016,
14 each railroad carrier providing intercity rail passenger
15 transportation or commuter rail passenger transportation,
16 in consultation with any applicable host railroad carrier,
17 shall survey its entire system and identify each main track
18 location where there is a reduction of more than 20 miles
19 per hour from the approach speed to a curve, bridge, or
20 tunnel and the maximum authorized operating speed for
21 passenger trains at that curve, bridge, or tunnel.

22 “(b) ACTION PLANS.—Not later than 120 days after
23 the date that the survey under subsection (a) is complete,
24 a railroad carrier described in subsection (a) shall submit
25 to the Secretary of Transportation an action plan that—

1 “(1) identifies each main track location where
2 there is a reduction of more than 20 miles per hour
3 from the approach speed to a curve, bridge, or tun-
4 nel and the maximum authorized operating speed for
5 passenger trains at that curve, bridge, or tunnel;

6 “(2) describes appropriate actions to enable
7 warning and enforcement of the maximum author-
8 ized speed for passenger trains at each location iden-
9 tified under paragraph (1), including—

10 “(A) modification to automatic train con-
11 trol systems, if applicable, or other signal sys-
12 tems;

13 “(B) increased crew size;

14 “(C) installation of signage alerting train
15 crews of the maximum authorized speed for
16 passenger trains in each location identified
17 under paragraph (1);

18 “(D) installation of alerters;

19 “(E) increased crew communication; and

20 “(F) other practices;

21 “(3) contains milestones and target dates for
22 implementing each appropriate action described
23 under paragraph (2); and

1 “(4) ensures compliance with the maximum au-
2 thorized speed at each location identified under
3 paragraph (1).

4 “(c) APPROVAL.—Not later than 90 days after the
5 date on which an action plan is submitted under sub-
6 section (b) or (d)(2), the Secretary shall approve, approve
7 with conditions, or disapprove the action plan.

8 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
9 road carrier that submits an action plan to the Secretary
10 pursuant to subsection (b) shall—

11 “(1) not later than 1 year after the date of en-
12 actment of the Passenger Rail Expansion and Rail
13 Safety Act of 2021, and annually thereafter, review
14 such plan to ensure the effectiveness of actions
15 taken to enable warning and enforcement of the
16 maximum authorized speed for passenger trains at
17 each location identified pursuant to subsection
18 (b)(1); and

19 “(2) not later than 90 days before imple-
20 menting any significant operational or territorial op-
21 erating change, including initiating a new service or
22 route, submit to the Secretary a revised action plan,
23 after consultation with any applicable host railroad,
24 that addresses such operational or territorial oper-
25 ating change.

1 “(e) NEW SERVICE.—If a railroad carrier providing
2 intercity rail passenger transportation or commuter rail
3 passenger transportation did not exist on the date of en-
4 actment of the FAST Act (Public Law 114–94; 129 Stat.
5 1312), such railroad carrier, in consultation with any ap-
6 plicable host railroad carrier, shall—

7 “(1) survey its routes pursuant to subsection
8 (a) not later than 90 days after the date of enact-
9 ment of the Passenger Rail Expansion and Rail
10 Safety Act of 2021; and

11 “(2) develop an action plan pursuant to sub-
12 section (b) not later than 120 days after the date on
13 which such survey is complete.

14 “(f) ALTERNATIVE SAFETY MEASURES.—The Sec-
15 retary may exempt from the requirements under this sec-
16 tion each segment of track for which operations are gov-
17 erned by a positive train control system certified under
18 section 20157, or any other safety technology or practice
19 that would achieve an equivalent or greater level of safety
20 in reducing derailment risk.

21 “(g) PROHIBITION.—No new intercity or commuter
22 rail passenger service may begin operation unless the rail-
23 road carrier providing such service is in compliance with
24 the requirements under this section.

1 “(h) SAVINGS CLAUSE.—Nothing in this section may
2 be construed to prohibit the Secretary from applying the
3 requirements under this section to other segments of track
4 at high risk of overspeed derailment.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 201 of subtitle V of title 49, United States Code, is
7 amended by adding at the end the following:

“20169. Speed limit action plans.”.

8 **SEC. 22416. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
9 **TY VALIDATION PLAN.**

10 (a) IN GENERAL.—Subchapter II of chapter 201 of
11 subtitle V of title 49, United States Code, as amended by
12 section 22415, is further amended by adding at the end
13 the following:

14 **“§ 20170. Pre-revenue service safety validation plan**

15 “(a) PLAN SUBMISSION.—Any railroad providing
16 new, regularly scheduled, intercity or commuter rail pas-
17 senger transportation, an extension of existing service, or
18 a renewal of service that has been discontinued for more
19 than 180 days shall develop and submit for review a com-
20 prehensive pre-revenue service safety validation plan to the
21 Secretary of Transportation not later than 60 days before
22 initiating such revenue service. Such plan shall include
23 pertinent safety milestones and a minimum period of sim-
24 ulated revenue service to ensure operational readiness and

1 that all safety sensitive personnel are properly trained and
2 qualified.

3 “(b) COMPLIANCE.—After submitting a plan pursu-
4 ant to subsection (a), the railroad shall adopt and comply
5 with such plan and may not amend the plan without first
6 notifying the Secretary of the proposed amendment. Rev-
7 enue service may not begin until the railroad has com-
8 pleted the requirements of its plan, including the min-
9 imum simulated service period required by the plan.

10 “(c) RULEMAKING.—The Secretary shall promulgate
11 regulations to carry out this section, including—

12 “(1) requiring that any identified safety defi-
13 ciencies be addressed and corrected before the initi-
14 ation of revenue service; and

15 “(2) establishing appropriate deadlines to en-
16 able the Secretary to review and approve the pre-rev-
17 enue service safety validation plan to ensure that
18 service is not unduly delayed.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 201 of title 49, United States Code, as amended by
21 section 22415(b), is further amended by adding at the end
22 the following:

“20170. Pre-revenue service safety validation plan.”.

1 **SEC. 22417. FEDERAL RAILROAD ADMINISTRATION ACCI-**
2 **DENT AND INCIDENT INVESTIGATIONS.**

3 Section 20902 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b) by striking “subpena” and
6 inserting “subpoena”; and

7 (2) by adding at the end the following:

8 “(d) GATHERING INFORMATION AND TECHNICAL
9 EXPERTISE.—

10 “(1) IN GENERAL.—The Secretary shall create
11 a standard process for investigators to use during
12 accident and incident investigations conducted under
13 this section for determining when it is appropriate
14 and the appropriate method for—

15 “(A) gathering information about an acci-
16 dent or incident under investigation from rail-
17 road carriers, contractors or employees of rail-
18 road carriers or representatives of employees of
19 railroad carriers, and others, as determined rel-
20 evant by the Secretary; and

21 “(B) consulting with railroad carriers, con-
22 tractors or employees of railroad carriers or
23 representatives of employees of railroad car-
24 riers, and others, as determined relevant by the
25 Secretary, for technical expertise on the facts of
26 the accident or incident under investigation.

1 “(2) CONFIDENTIALITY.—In developing the
2 process required under paragraph (1), the Secretary
3 shall factor in ways to maintain the confidentiality
4 of any entity identified under paragraph (1) if—

5 “(A) such entity requests confidentiality;

6 “(B) such entity was not involved in the
7 accident or incident; and

8 “(C) maintaining such entity’s confiden-
9 tiality does not adversely affect an investigation
10 of the Federal Railroad Administration.

11 “(3) APPLICABILITY.—This subsection shall not
12 apply to any investigation carried out by the Na-
13 tional Transportation Safety Board.”.

14 **SEC. 22418. CIVIL PENALTY ENFORCEMENT AUTHORITY.**

15 Section 21301(a) of title 49, United States Code, is
16 amended by striking paragraph (3) and inserting the fol-
17 lowing:

18 “(3) The Secretary may find that a person has vio-
19 lated this chapter or a regulation prescribed or order, spe-
20 cial permit, or approval issued under this chapter only
21 after notice and an opportunity for a hearing. The Sec-
22 retary shall impose a penalty under this section by giving
23 the person written notice of the amount of the penalty.
24 The Secretary may compromise the amount of a civil pen-
25 alty by settlement agreement without issuance of an order.

1 In determining the amount of a compromise, the Secretary
2 shall consider—

3 “(A) the nature, circumstances, extent, and
4 gravity of the violation;

5 “(B) with respect to the violator, the degree of
6 culpability, any history of violations, the ability to
7 pay, and any effect on the ability to continue to do
8 business; and

9 “(C) other matters that justice requires.

10 “(4) The Attorney General may bring a civil action
11 in an appropriate district court of the United States to
12 collect a civil penalty imposed or compromise under this
13 section and any accrued interest on the civil penalty. In
14 the civil action, the amount and appropriateness of the
15 civil penalty shall not be subject to review.”.

16 **SEC. 22419. ADVANCING SAFETY AND INNOVATIVE TECH-**
17 **NOLOGY.**

18 (a) IN GENERAL.—Section 26103 of title 49, United
19 States Code, is amended to read as follows:

20 **“§ 26103. Safety regulations and evaluation**

21 “The Secretary—

22 “(1) shall promulgate such safety regulations as
23 may be necessary for high-speed rail services;

24 “(2) shall, before promulgating such regula-
25 tions, consult with developers of new high-speed rail

1 technologies to develop a method for evaluating safe-
2 ty performance; and

3 “(3) may solicit feedback from relevant safety
4 experts or representatives of rail employees who per-
5 form work on similar technology or who may be ex-
6 pected to perform work on new technology, as appro-
7 priate.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 261 of title 49, United States Code, is amended by
10 striking the item relating to section 26103 and inserting
11 the following:

“26103. Safety regulations and evaluation.”.

12 **SEC. 22420. PASSENGER RAIL VEHICLE OCCUPANT PROTEC-**
13 **TION SYSTEMS.**

14 (a) STUDY.—The Administrator of the Federal Rail-
15 road Administration shall conduct a study of the potential
16 installation and use in new passenger rail rolling stock of
17 passenger rail vehicle occupant protection systems that
18 could materially improve passenger safety.

19 (b) CONSIDERATIONS.—In conducting the study
20 under subsection (a), the Administrator shall consider
21 minimizing the risk of secondary collisions, including esti-
22 mating the costs and benefits of the new requirements,
23 through the use of—

- 24 (1) occupant restraint systems;
25 (2) air bags;

1 (3) emergency window retention systems; and

2 (4) interior designs, including seats, baggage
3 restraints, and table configurations and attach-
4 ments.

5 (c) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, the Administrator shall—

7 (1) submit a report summarizing the findings of
8 the study conducted pursuant to subsection (a) to
9 the Committee on Commerce, Science, and Trans-
10 portation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives; and

13 (2) publish such report on the website of the
14 Federal Railroad Administration.

15 (d) RULEMAKING.—Following the completion of the
16 study required under subsection (a), and after considering
17 the costs and benefits of the proposed protection systems,
18 the Administrator may promulgate a rule that establishes
19 standards for the use of occupant protection systems in
20 new passenger rail rolling stock.

21 **SEC. 22421. FEDERAL RAILROAD ADMINISTRATION RE-**
22 **PORTING REQUIREMENTS.**

23 (a) ELIMINATION OF DUPLICATIVE OR UNNECES-
24 SARY REPORTING OR PAPERWORK REQUIREMENTS IN
25 THE FEDERAL RAILROAD ADMINISTRATION.—

1 (1) REVIEW.—The Administrator of the Fed-
2 eral Railroad Administration (referred to in this
3 subsection as the “FRA Administrator”), in con-
4 sultation with the Administrator of the Federal
5 Transit Administration, shall conduct a review of ex-
6 isting reporting and paperwork requirements in the
7 Federal Railroad Administration to determine if any
8 such requirements are duplicative or unnecessary.

9 (2) ELIMINATION OF CERTAIN REQUIRE-
10 MENTS.—If the FRA Administrator determines, as a
11 result of the review conducted pursuant to para-
12 graph (1), that any reporting or paperwork require-
13 ment that is not statutorily required is duplicative or
14 unnecessary, the FRA Administrator, after consulta-
15 tion with the Administrator of the Federal Transit
16 Administration, shall terminate such requirement.

17 (3) REPORT.—Not later than 1 year after the
18 date of enactment of this Act, the FRA Adminis-
19 trator shall submit a report to the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate and the Committee on Transportation and Infra-
22 structure of the House of Representatives that—

23 (A) identifies all of the reporting or paper-
24 work requirements that were terminated pursu-
25 ant to paragraph (2); and

1 (B) identifies any statutory reporting or
2 paperwork requirements that are duplicative or
3 unnecessary and should be repealed.

4 (b) SAFETY REPORTING.—Not later than 1 year
5 after the date of enactment of this Act, and annually
6 thereafter for the following 4 years, the Secretary shall
7 update Special Study Block 49 on Form FRA F 6180.54
8 (Rail Equipment Accident/Incident Report) to collect, with
9 respect to trains involved in accidents required to be re-
10 ported to the Federal Railroad Administration—

11 (1) the number of cars and length of the in-
12 volved trains; and

13 (2) the number of crew members who were
14 aboard a controlling locomotive involved in an acci-
15 dent at the time of such accident.

16 **SEC. 22422. NATIONAL ACADEMIES STUDY ON TRAINS**
17 **LONGER THAN 7,500 FEET.**

18 (a) STUDY.—The Secretary shall seek to enter into
19 an agreement with the National Academies to conduct a
20 study on the operation of freight trains that are longer
21 than 7,500 feet.

22 (b) ELEMENTS.—The study conducted pursuant to
23 subsection (a) shall—

24 (1) examine any potential impacts to safety
25 from the operation of freight trains that are longer

1 than 7,500 feet and the mitigation of any identified
2 risks, including—

3 (A) any potential changes in the risk of
4 loss of communications between the end of train
5 device and the locomotive cab, including com-
6 munications over differing terrains and condi-
7 tions;

8 (B) any potential changes in the risk of
9 loss of radio communications between crew
10 members when a crew member alights from the
11 train, including communications over differing
12 terrains and conditions;

13 (C) any potential changes in the risk of
14 derailments, including any risks associated with
15 in-train compressive forces and slack action or
16 other safety risks in the operations of such
17 trains in differing terrains and conditions;

18 (D) any potential impacts associated with
19 the deployment of multiple distributed power
20 units in the consists of such trains; and

21 (E) any potential impacts on braking and
22 locomotive performance and track wear and
23 tear;

1 (2) evaluate any impacts on scheduling and effi-
2 ciency of passenger operations and in the shipping
3 of goods by freight as a result of longer trains;

4 (3) determine whether additional engineer and
5 conductor training is required for safely operating
6 such trains;

7 (4) assess the potential impact on the amount
8 of time and frequency of occurrence highway-rail
9 grade crossings are occupied; and

10 (5) identify any potential environmental im-
11 pacts, including greenhouse gas emissions, that have
12 resulted from the operation of longer trains.

13 (c) COMPARISON.—When evaluating the potential im-
14 pacts of the operation of trains longer than 7,500 feet
15 under subsection (b), the impacts of such trains shall be
16 compared to the impacts of trains that are shorter than
17 7,500 feet, after taking into account train frequency.

18 (d) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Secretary shall submit a re-
20 port to the Committee on Commerce, Science, and Trans-
21 portation of the Senate and the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 that contains the results of the study conducted by the
24 National Academies under this section.

1 (e) FUNDING.—From the amounts appropriated for
2 fiscal year 2021 pursuant to the authorization under sec-
3 tion 20117(a) of title 49, United States Code, the Sec-
4 retary shall expend not less than \$1,000,000 and not more
5 than \$2,000,000 to carry out the study required under
6 this section.

7 **SEC. 22423. HIGH-SPEED TRAIN NOISE EMISSIONS.**

8 (a) IN GENERAL.—Section 17 of the Noise Control
9 Act of 1972 (42 U.S.C. 4916) is amended—

10 (1) by redesignating subsections (c) and (d) as
11 subsections (d) and (e), respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) HIGH-SPEED TRAIN NOISE EMISSIONS.—

15 “(1) IN GENERAL.—The Secretary of Transpor-
16 tation, in consultation with the Administrator, may
17 prescribe regulations governing railroad-related noise
18 emission standards for trains operating on the gen-
19 eral railroad system of transportation at speeds ex-
20 ceeding 160 miles per hour, including noise related
21 to magnetic levitation systems and other new tech-
22 nologies not traditionally associated with railroads.

23 “(2) FACTORS IN RULEMAKING.—The regula-
24 tions prescribed pursuant to paragraph (1) may—

1 “(A) consider variances in maximum pass-
2 by noise with respect to the speed of the equip-
3 ment;

4 “(B) account for current engineering best
5 practices; and

6 “(C) encourage the use of noise mitigation
7 techniques to the extent reasonable if the bene-
8 fits exceed the costs.

9 “(3) CONVENTIONAL-SPEED TRAINS.—Railroad-
10 related noise regulations prescribed under subsection
11 (a) shall continue to govern noise emissions from the
12 operation of trains, including locomotives and rail
13 cars, when operating at speeds not exceeding 160
14 miles per hour.”.

15 (b) TECHNICAL AMENDMENT.—The second sentence
16 of section 17(b) of the Noise Control Act of 1972 (42
17 U.S.C. 4916(b)) is amended by striking “the Safety Appli-
18 ance Acts, the Interstate Commerce Act, and the Depart-
19 ment of Transportation Act” and inserting “subtitle V of
20 title 49, United States Code”.

21 **SEC. 22424. CRITICAL INCIDENT STRESS PLANS.**

22 The Secretary shall amend part 272 of title 49, Code
23 of Federal Regulations, to the extent necessary to ensure
24 that—

1 (1) the coverage of a critical incident stress
2 plan under section 272.7 of such part includes em-
3 ployees of commuter railroads and intercity pas-
4 senger railroads (as such terms are defined in sec-
5 tion 272.9 of such part), including employees who
6 directly interact with passengers; and

7 (2) an assault against an employee requiring
8 medical attention is included in the definition of crit-
9 ical incident under section 272.9 of such part.

10 **SEC. 22425. REQUIREMENTS FOR RAILROAD FREIGHT CARS**

11 **PLACED INTO SERVICE IN THE UNITED**
12 **STATES.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of
14 subtitle V of title 49, United States Code (as amended
15 by section 22416(a)), is amended by adding at the end
16 the following:

17 **“§ 20171. Requirements for railroad freight cars**
18 **placed into service in the United States**

19 “(a) DEFINITIONS.—In this section:

20 “(1) COMPONENT.—The term ‘component’
21 means a part or subassembly of a railroad freight
22 car.

23 “(2) CONTROL.—The term ‘control’ means the
24 power, whether direct or indirect and whether or not
25 exercised, through the ownership of a majority or a

1 dominant minority of the total outstanding voting
2 interest in an entity, representation on the board of
3 directors of an entity, proxy voting on the board of
4 directors of an entity, a special share in the entity,
5 a contractual arrangement with the entity, a formal
6 or informal arrangement to act in concert with an
7 entity, or any other means, to determine, direct,
8 make decisions, or cause decisions to be made for
9 the entity.

10 “(3) COST OF SENSITIVE TECHNOLOGY.—The
11 term ‘cost of sensitive technology’ means the aggregate
12 cost of the sensitive technology located on a
13 railroad freight car.

14 “(4) COUNTRY OF CONCERN.—The term ‘country
15 of concern’ means a country that—

16 “(A) is identified by the Department of
17 Commerce as a nonmarket economy country (as
18 defined in section 771(18) of the Tariff Act of
19 1930 (19 U.S.C. 1677(18))) as of the date of
20 enactment of the Passenger Rail Expansion and
21 Rail Safety Act of 2021;

22 “(B) was identified by the United States
23 Trade Representative in the most recent report
24 required by section 182 of the Trade Act of
25 1974 (19 U.S.C. 2242) as a foreign country in-

1 cluded on the priority watch list (as defined in
2 subsection (g)(3) of such section); and

3 “(C) is subject to monitoring by the Trade
4 Representative under section 306 of the Trade
5 Act of 1974 (19 U.S.C. 2416).

6 “(5) NET COST.—The term ‘net cost’ has the
7 meaning given such term in chapter 4 of the
8 USMCA or any subsequent free trade agreement be-
9 tween the United States, Mexico, and Canada.

10 “(6) QUALIFIED FACILITY.—The term ‘quali-
11 fied facility’ means a facility that is not owned or
12 under the control of a state-owned enterprise.

13 “(7) QUALIFIED MANUFACTURER.—The term
14 ‘qualified manufacturer’ means a railroad freight car
15 manufacturer that is not owned or under the control
16 of a state-owned enterprise.

17 “(8) RAILROAD FREIGHT CAR.—The term ‘rail-
18 road freight car’ means a car designed to carry
19 freight or railroad personnel by rail, including—

20 “(A) a box car;

21 “(B) a refrigerator car;

22 “(C) a ventilator car;

23 “(D) an intermodal well car;

24 “(E) a gondola car;

25 “(F) a hopper car;

1 “(G) an auto rack car;

2 “(H) a flat car;

3 “(I) a special car;

4 “(J) a caboose car;

5 “(K) a tank car; and

6 “(L) a yard car.

7 “(9) SENSITIVE TECHNOLOGY.—The term ‘sen-
8 sitive technology’ means any device embedded with
9 electronics, software, sensors, or other connectivity,
10 that enables the device to connect to, collect data
11 from, or exchange data with another device, includ-
12 ing—

13 “(A) onboard telematics;

14 “(B) remote monitoring software;

15 “(C) firmware;

16 “(D) analytics;

17 “(E) global positioning system satellite and
18 cellular location tracking systems;

19 “(F) event status sensors;

20 “(G) predictive component condition and
21 performance monitoring sensors; and

22 “(H) similar sensitive technologies embed-
23 ded into freight railcar components and sub-as-
24 ssemblies.

1 “(10) STATE-OWNED ENTERPRISE.—The term
2 ‘state-owned enterprise’ means—

3 “(A) an entity that is owned by, or under
4 the control of, a national, provincial, or local
5 government of a country of concern, or an
6 agency of such government; or

7 “(B) an individual acting under the direc-
8 tion or influence of a government or agency de-
9 scribed in subparagraph (A).

10 “(11) SUBSTANTIALLY TRANSFORMED.—The
11 term ‘substantially transformed’ means a component
12 of a railroad freight car that undergoes an applica-
13 ble change in tariff classification as a result of the
14 manufacturing process, as described in chapter 4
15 and related annexes of the USMCA or any subse-
16 quent free trade agreement between the United
17 States, Mexico, and Canada.

18 “(12) USMCA.—The term ‘USMCA’ has the
19 meaning given the term in section 3 of the United
20 States-Mexico-Canada Agreement Implementation
21 Act (19 U.S.C. 4502).

22 “(b) REQUIREMENTS FOR RAILROAD FREIGHT
23 CARS.—

24 “(1) LIMITATION ON RAILROAD FREIGHT
25 CARS.—A railroad freight car wholly manufactured

1 on or after the date that is 1 year after the date of
2 issuance of the regulations required under sub-
3 section (c)(1) may only operate on the United States
4 general railroad system of transportation if—

5 “(A) the railroad freight car is manufac-
6 tured, assembled, and substantially trans-
7 formed, as applicable, by a qualified manufac-
8 turer in a qualified facility;

9 “(B) none of the sensitive technology lo-
10 cated on the railroad freight car, including com-
11 ponents necessary to the functionality of the
12 sensitive technology, originates from a country
13 of concern or is sourced from a state-owned en-
14 terprise; and

15 “(C) none of the content of the railroad
16 freight car, excluding sensitive technology,
17 originates from a country of concern or is
18 sourced from a state-owned enterprise that has
19 been determined by a recognized court or ad-
20 ministrative agency of competent jurisdiction
21 and legal authority to have violated or infringed
22 valid United States intellectual property rights
23 of another including such a finding by a Fed-
24 eral district court under title 35 or the U.S.
25 International Trade Commission under section

1 337 of the Tariff Act of 1930 (19 U.S.C.
2 1337).

3 “(2) LIMITATION ON RAILROAD FREIGHT CAR
4 CONTENT.—

5 “(A) PERCENTAGE LIMITATION.—

6 “(i) INITIAL LIMITATION.—Not later
7 than 1 year after the date of issuance of
8 the regulations required under subsection
9 (c)(1), a railroad freight car described in
10 paragraph (1) may operate on the United
11 States general railroad system of transpor-
12 tation only if not more than 20 percent of
13 the content of the railroad freight car, cal-
14 culated by the net cost of all components
15 of the car and excluding the cost of sen-
16 sitive technology, originates from a country
17 of concern or is sourced from a state-
18 owned enterprise.

19 “(ii) SUBSEQUENT LIMITATION.—Ef-
20 fective beginning on the date that is 3
21 years after the date of issuance of the reg-
22 ulations required under subsection (c)(1), a
23 railroad freight car described in paragraph
24 (1) may operate on the United States gen-
25 eral railroad system of transportation only

1 if not more than 15 percent of the content
2 of the railroad freight car, calculated by
3 the net cost of all components of the car
4 and excluding the cost of sensitive tech-
5 nology, originates from a country of con-
6 cern or is sourced from a state-owned en-
7 terprise.

8 “(B) CONFLICT.—The percentages speci-
9 fied in clauses (i) and (ii) of subparagraph (A),
10 as applicable, shall apply notwithstanding any
11 apparent conflict with provisions of chapter 4 of
12 the USMCA.

13 “(c) REGULATIONS AND PENALTIES.—

14 “(1) REGULATIONS REQUIRED.—Not later than
15 2 years after the date of enactment of the Passenger
16 Rail Expansion and Rail Safety Act of 2021, the
17 Secretary of Transportation shall issue such regula-
18 tions as are necessary to carry out this section, in-
19 cluding for the monitoring and sensitive technology
20 requirements of this section.

21 “(2) CERTIFICATION REQUIRED.—To be eligible
22 to provide a railroad freight car for operation on the
23 United States general railroad system of transpor-
24 tation, the manufacturer of such car shall annually
25 certify to the Secretary of Transportation that any

1 railroad freight cars to be so provided meet the re-
2 quirements under this section.

3 “(3) COMPLIANCE.—

4 “(A) VALID CERTIFICATION REQUIRED.—

5 At the time a railroad freight car begins oper-
6 ation on the United States general railroad sys-
7 tem of transportation, the manufacturer of such
8 railroad freight car shall have valid certification
9 described in paragraph (2) for the year in
10 which such car begins operation.

11 “(B) REGISTRATION OF NONCOMPLIANT

12 CARS PROHIBITED.—A railroad freight car
13 manufacturer may not register, or cause to be
14 registered, a railroad freight car that does not
15 comply with the requirements under this section
16 in the Association of American Railroad’s
17 Umler system.

18 “(4) CIVIL PENALTIES.—

19 “(A) IN GENERAL.—Pursuant to section

20 21301, the Secretary of Transportation may as-
21 sess a civil penalty of not less than \$100,000,
22 but not more than \$250,000, for each violation
23 of this section for each railroad freight car.

24 “(B) PROHIBITION ON OPERATION FOR

25 VIOLATIONS.—The Secretary of Transportation

1 may prohibit a railroad freight car manufac-
2 turer with respect to which the Secretary has
3 assessed more than 3 violations under subpara-
4 graph (A) from providing additional railroad
5 freight cars for operation on the United States
6 general railroad system of transportation until
7 the Secretary determines—

8 “(i) such manufacturer is in compli-
9 ance with this section; and

10 “(ii) all civil penalties assessed to
11 such manufacturer pursuant to subpara-
12 graph (A) have been paid in full.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 201 of subtitle V of title 49, United States Code (as
15 amended by section 22416(b)), is amended by adding at
16 the end the following:

 “20171. Requirements for railroad freight cars placed into service in the United
 States.”.

17 **SEC. 22426. RAILROAD POINT OF CONTACT FOR PUBLIC**
18 **SAFETY ISSUES.**

19 All railroads shall—

20 (1) provide railroad contact information for
21 public safety issues, including a telephone number,
22 to the relevant Federal, State, and local oversight
23 agencies; and

1 (2) post the information described in paragraph
2 (1) on a publicly accessible website.

3 **SEC. 22427. CONTROLLED SUBSTANCES TESTING FOR ME-**
4 **CHANICAL EMPLOYEES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall amend the regulations
7 under part 219 of title 49, Code of Federal Regulations,
8 to require all mechanical employees of railroads to be sub-
9 ject to all of the breath or body fluid testing set forth in
10 subpart C, D, and E of such part, including random test-
11 ing, reasonable suspicion testing, reasonable cause testing,
12 pre-employment testing, return-to-duty testing, and fol-
13 low-up testing.

14 **TITLE III—MOTOR CARRIER**
15 **SAFETY**

16 **SEC. 23001. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) ADMINISTRATIVE EXPENSES.—Section 31110 of
18 title 49, United States Code, is amended by striking sub-
19 section (a) and inserting the following:

20 “(a) ADMINISTRATIVE EXPENSES.—There are au-
21 thorized to be appropriated from the Highway Trust Fund
22 (other than the Mass Transit Account) for the Secretary
23 of Transportation to pay administrative expenses of the
24 Federal Motor Carrier Safety Administration—

25 “(1) \$360,000,000 for fiscal year 2022;

1 “(2) \$367,500,000 for fiscal year 2023;

2 “(3) \$375,000,000 for fiscal year 2024;

3 “(4) \$382,500,000 for fiscal year 2025; and

4 “(5) \$390,000,000 for fiscal year 2026.”.

5 (b) FINANCIAL ASSISTANCE PROGRAMS.—Section
6 31104 of title 49, United States Code, is amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) FINANCIAL ASSISTANCE PROGRAMS.—There are
10 authorized to be appropriated from the Highway Trust
11 Fund (other than the Mass Transit Account)—

12 “(1) subject to subsection (c), to carry out the
13 motor carrier safety assistance program under sec-
14 tion 31102 (other than the high priority program
15 under subsection (l) of that section)—

16 “(A) \$390,500,000 for fiscal year 2022;

17 “(B) \$398,500,000 for fiscal year 2023;

18 “(C) \$406,500,000 for fiscal year 2024;

19 “(D) \$414,500,000 for fiscal year 2025;

20 and

21 “(E) \$422,500,000 for fiscal year 2026;

22 “(2) subject to subsection (c), to carry out the
23 high priority program under section 31102(l) (other
24 than the commercial motor vehicle enforcement

1 training and support grant program under para-
2 graph (5) of that section)—

3 “(A) \$57,600,000 for fiscal year 2022;

4 “(B) \$58,800,000 for fiscal year 2023;

5 “(C) \$60,000,000 for fiscal year 2024;

6 “(D) \$61,200,000 for fiscal year 2025;

7 and

8 “(E) \$62,400,000 for fiscal year 2026;

9 “(3) to carry out the commercial motor vehicle
10 enforcement training and support grant program
11 under section 31102(1)(5), \$5,000,000 for each of
12 fiscal years 2022 through 2026;

13 “(4) to carry out the commercial motor vehicle
14 operators grant program under section 31103—

15 “(A) \$1,100,000 for fiscal year 2022;

16 “(B) \$1,200,000 for fiscal year 2023;

17 “(C) \$1,300,000 for fiscal year 2024;

18 “(D) \$1,400,000 for fiscal year 2025; and

19 “(E) \$1,500,000 for fiscal year 2026; and

20 “(5) subject to subsection (c), to carry out the
21 financial assistance program for commercial driver’s
22 license implementation under section 31313—

23 “(A) \$41,800,000 for fiscal year 2022;

24 “(B) \$42,650,000 for fiscal year 2023;

25 “(C) \$43,500,000 for fiscal year 2024;

1 “(D) \$44,350,000 for fiscal year 2025;

2 and

3 “(E) \$45,200,000 for fiscal year 2026.”;

4 (2) in subsection (b)(2)—

5 (A) in the third sentence, by striking “The
6 Secretary” and inserting the following:

7 “(C) IN-KIND CONTRIBUTIONS.—The Sec-
8 retary”;

9 (B) in the second sentence, by striking
10 “The Secretary” and inserting the following:

11 “(B) LIMITATION.—The Secretary”;

12 (C) in the first sentence—

13 (i) by inserting “(except subsection
14 (l)(5) of that section)” after “section
15 31102”; and

16 (ii) by striking “The Secretary” and
17 inserting the following:

18 “(A) REIMBURSEMENT PERCENTAGE.—

19 “(i) IN GENERAL.—The Secretary”;

20 and

21 (D) in subparagraph (A) (as so des-
22 ignated), by adding at the end the following:

23 “(ii) COMMERCIAL MOTOR VEHICLE
24 ENFORCEMENT TRAINING AND SUPPORT
25 GRANT PROGRAM.—The Secretary shall re-

1 imburse a recipient, in accordance with a
2 financial assistance agreement made under
3 section 31102(l)(5), an amount that is
4 equal to 100 percent of the costs incurred
5 by the recipient in a fiscal year in devel-
6 oping and implementing a training pro-
7 gram under that section.”;

8 (3) in subsection (c)—

9 (A) in the subsection heading, by striking
10 “PARTNER TRAINING AND”;

11 (B) in the first sentence—

12 (i) by striking “(4)” and inserting
13 “(5)”; and

14 (ii) by striking “partner training
15 and”; and

16 (C) by striking the second sentence; and

17 (4) in subsection (f)—

18 (A) in paragraph (1), by striking “for the
19 next fiscal year” and inserting “for the next 2
20 fiscal years”;

21 (B) in paragraph (4), by striking “for the
22 next fiscal year” and inserting “for the next 2
23 fiscal years”;

24 (C) by redesignating paragraphs (4) and
25 (5) as paragraphs (5) and (6), respectively; and

1 (D) by inserting after paragraph (3) the
2 following:

3 “(4) For grants made for carrying out section
4 31102(l)(5), for the fiscal year in which the Sec-
5 retary approves the financial assistance agreement
6 and for the next 4 fiscal years.”; and

7 (5) in subsection (i)—

8 (A) by striking “Amounts not expended”
9 and inserting the following:

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), amounts not expended”; and

12 (B) by adding at the end the following:

13 “(2) MOTOR CARRIER SAFETY ASSISTANCE PRO-
14 GRAM.—Amounts made available for the motor car-
15 rier safety assistance program established under sec-
16 tion 31102 (other than amounts made available to
17 carry out section 31102(l)) that are not expended by
18 a recipient during the period of availability shall be
19 released back to the Secretary for reallocation under
20 that program.”.

21 (c) ENFORCEMENT DATA UPDATES.—Section
22 31102(h)(2)(A) of title 49, United States Code, is amend-
23 ed by striking “2004 and 2005” and inserting “2014 and
24 2015”.

1 **SEC. 23002. MOTOR CARRIER SAFETY ADVISORY COM-**
2 **MITTEE.**

3 Section 4144 of the SAFETEA-LU (49 U.S.C.
4 31100 note; Public Law 109–59) is amended—

5 (1) in subsection (b)(1), in the second sentence,
6 by inserting “, including small business motor car-
7 riers” after “industry”; and

8 (2) in subsection (d), by striking “September
9 30, 2013” and inserting “September 30, 2025”.

10 **SEC. 23003. COMBATING HUMAN TRAFFICKING.**

11 Section 31102(l) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (G)(ii), by striking
15 “and” at the end;

16 (B) by redesignating subparagraph (H) as
17 subparagraph (J); and

18 (C) by inserting after subparagraph (G)
19 the following:

20 “(H) support, through the use of funds
21 otherwise available for such purposes—

22 “(i) the recognition, prevention, and
23 reporting of human trafficking, including
24 the trafficking of human beings—

25 “(I) in a commercial motor vehi-
26 cle; or

1 “(II) by any occupant, including
2 the operator, of a commercial motor
3 vehicle;

4 “(ii) the detection of criminal activity
5 or any other violation of law relating to
6 human trafficking; and

7 “(iii) enforcement of laws relating to
8 human trafficking;

9 “(I) otherwise support the recognition, pre-
10 vention, and reporting of human trafficking;
11 and”;

12 (2) in paragraph (3)(D)—

13 (A) in clause (ii), by striking “and” at the
14 end;

15 (B) in clause (iii), by striking the period at
16 the end and inserting a semicolon; and

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

18 “(iv) for the detection of, and enforce-
19 ment actions taken as a result of, criminal
20 activity (including the trafficking of human
21 beings)—

22 “(I) in a commercial motor vehi-
23 cle; or

1 “(II) by any occupant, including
2 the operator, of a commercial motor
3 vehicle; and

4 “(v) in addition to any funds other-
5 wise made available for the recognition,
6 prevention, and reporting of human traf-
7 ficking, to support the recognition, preven-
8 tion, and reporting of human trafficking.”.

9 **SEC. 23004. IMMOBILIZATION GRANT PROGRAM.**

10 Section 31102(l) of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(4) IMMOBILIZATION GRANT PROGRAM.—

13 “(A) DEFINITION OF PASSENGER-CAR-
14 RYING COMMERCIAL MOTOR VEHICLE.—In this
15 paragraph, the term ‘passenger-carrying com-
16 mercial motor vehicle’ has the meaning given
17 the term ‘commercial motor vehicle’ in section
18 31301.

19 “(B) ESTABLISHMENT.—The Secretary
20 shall establish an immobilization grant program
21 under which the Secretary shall provide to
22 States discretionary grants for the immobiliza-
23 tion or impoundment of passenger-carrying
24 commercial motor vehicles that—

25 “(i) are determined to be unsafe; or

1 “(ii) fail inspection.

2 “(C) LIST OF CRITERIA FOR IMMOBILIZA-
3 TION.—The Secretary, in consultation with
4 State commercial motor vehicle entities, shall
5 develop a list of commercial motor vehicle safety
6 violations and defects that the Secretary deter-
7 mines warrant the immediate immobilization of
8 a passenger-carrying commercial motor vehicle.

9 “(D) ELIGIBILITY.—A State shall be eligi-
10 ble to receive a grant under this paragraph only
11 if the State has the authority to require the im-
12 mobilization or impoundment of a passenger-
13 carrying commercial motor vehicle—

14 “(i) with respect to which a motor ve-
15 hicle safety violation included in the list
16 developed under subparagraph (C) is deter-
17 mined to exist; or

18 “(ii) that is determined to have a de-
19 fect included in that list.

20 “(E) USE OF FUNDS.—A grant provided
21 under this paragraph may be used for—

22 “(i) the immobilization or impound-
23 ment of passenger-carrying commercial
24 motor vehicles described in subparagraph
25 (D);

1 “(ii) safety inspections of those pas-
2 senger-carrying commercial motor vehicles;
3 and

4 “(iii) any other activity relating to an
5 activity described in clause (i) or (ii), as
6 determined by the Secretary.

7 “(F) SECRETARY AUTHORIZATION.—The
8 Secretary may provide to a State amounts for
9 the costs associated with carrying out an immo-
10 bilization program using funds made available
11 under section 31104(a)(2).”.

12 **SEC. 23005. COMMERCIAL MOTOR VEHICLE ENFORCEMENT**
13 **TRAINING AND SUPPORT.**

14 Section 31102(l) of title 49, United States Code (as
15 amended by section 23004), is amended—

16 (1) in paragraph (1), by striking “(2) and (3)”
17 and inserting “(2) through (5)”; and

18 (2) by adding at the end the following:

19 “(5) COMMERCIAL MOTOR VEHICLE ENFORCE-
20 MENT TRAINING AND SUPPORT GRANT PROGRAM.—

21 “(A) IN GENERAL.—The Secretary shall
22 administer a commercial motor vehicle enforce-
23 ment training and support grant program fund-
24 ed under section 31104(a)(3), under which the
25 Secretary shall make discretionary grants to eli-

1 gible entities described in subparagraph (C) for
2 the purposes described in subparagraph (B).

3 “(B) PURPOSES.—The purposes of the
4 grant program under subparagraph (A) are—

5 “(i) to train non-Federal employees
6 who conduct commercial motor vehicle en-
7 forcement activities; and

8 “(ii) to develop related training mate-
9 rials.

10 “(C) ELIGIBLE ENTITIES.—An entity eligi-
11 ble for a discretionary grant under the program
12 described in subparagraph (A) is a nonprofit
13 organization that has—

14 “(i) expertise in conducting a training
15 program for non-Federal employees; and

16 “(ii) the ability to reach and involve in
17 a training program a target population of
18 commercial motor vehicle safety enforce-
19 ment employees.”.

20 **SEC. 23006. STUDY OF COMMERCIAL MOTOR VEHICLE**
21 **CRASH CAUSATION.**

22 (a) DEFINITIONS.—In this section:

23 (1) COMMERCIAL MOTOR VEHICLE.—The term
24 “commercial motor vehicle” has the meaning given

1 the term in section 31132 of title 49, United States
2 Code.

3 (2) STUDY.—The term “study” means the
4 study carried out under subsection (b).

5 (b) STUDY.—The Secretary shall carry out a com-
6 prehensive study—

7 (1) to determine the causes of, and contributing
8 factors to, crashes that involve a commercial motor
9 vehicle; and

10 (2) to identify data requirements, data collec-
11 tion procedures, reports, and any other measures
12 that can be used to improve the ability of States and
13 the Secretary—

14 (A) to evaluate future crashes involving
15 commercial motor vehicles;

16 (B) to monitor crash trends and identify
17 causes and contributing factors; and

18 (C) to develop effective safety improvement
19 policies and programs.

20 (c) DESIGN.—The study shall be designed to yield in-
21 formation that can be used to help policy makers, regu-
22 lators, and law enforcement identify activities and other
23 measures that are likely to lead to reductions in—

24 (1) the frequency of crashes involving a com-
25 mercial motor vehicle;

1 (2) the severity of crashes involving a commer-
2 cial motor vehicle; and

3 (3) fatalities and injuries.

4 (d) CONSULTATION.—In designing and carrying out
5 the study, the Secretary may consult with individuals or
6 entities with expertise on—

7 (1) crash causation and prevention;

8 (2) commercial motor vehicles, commercial driv-
9 ers, and motor carriers, including passenger carriers;

10 (3) highways and noncommercial motor vehicles
11 and drivers;

12 (4) Federal and State highway and motor car-
13 rier safety programs;

14 (5) research methods and statistical analysis;
15 and

16 (6) other relevant topics, as determined by the
17 Secretary.

18 (e) PUBLIC COMMENT.—The Secretary shall make
19 available for public comment information about the objec-
20 tives, methodology, implementation, findings, and other
21 aspects of the study.

22 (f) REPORTS.—As soon as practicable after the date
23 on which the study is completed, the Secretary shall sub-
24 mit to Congress a report describing the results of the
25 study and any legislative recommendations to facilitate re-

1 ductions in the matters described in paragraphs (1)
2 through (3) of subsection (c).

3 **SEC. 23007. PROMOTING WOMEN IN THE TRUCKING WORK-**
4 **FORCE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) women make up 47 percent of the work-
7 force of the United States;

8 (2) women are significantly underrepresented in
9 the trucking industry, holding only 24 percent of all
10 transportation and warehousing jobs and rep-
11 resenting only—

12 (A) 6.6 percent of truck drivers;

13 (B) 12.5 percent of all workers in truck
14 transportation; and

15 (C) 8 percent of freight firm owners;

16 (3) given the total number of women truck driv-
17 ers, women are underrepresented in the truck-driv-
18 ing workforce; and

19 (4) women truck drivers have been shown to be
20 20 percent less likely than male counterparts to be
21 involved in a crash.

22 (b) SENSE OF CONGRESS REGARDING WOMEN IN
23 TRUCKING.—It is the sense of Congress that the trucking
24 industry should explore every opportunity to encourage
25 and support the pursuit and retention of careers in truck-

1 ing by women, including through programs that support
2 recruitment, driver training, and mentorship.

3 (c) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Federal
6 Motor Carrier Safety Administration.

7 (2) BOARD.—The term “Board” means the
8 Women of Trucking Advisory Board established
9 under subsection (d)(1).

10 (3) LARGE TRUCKING COMPANY.—The term
11 “large trucking company” means a motor carrier (as
12 defined in section 13102 of title 49, United States
13 Code) with more than 100 power units.

14 (4) MID-SIZED TRUCKING COMPANY.—The term
15 “mid-sized trucking company” means a motor car-
16 rier (as defined in section 13102 of title 49, United
17 States Code) with not fewer than 11 power units
18 and not more than 100 power units.

19 (5) POWER UNIT.—The term “power unit”
20 means a self-propelled vehicle under the jurisdiction
21 of the Federal Motor Carrier Safety Administration.

22 (6) SMALL TRUCKING COMPANY.—The term
23 “small trucking company” means a motor carrier
24 (as defined in section 13102 of title 49, United

1 States Code) with not fewer than 1 power unit and
2 not more than 10 power units.

3 (d) WOMEN OF TRUCKING ADVISORY BOARD.—

4 (1) ESTABLISHMENT.—To encourage women to
5 enter the field of trucking, the Administrator shall
6 establish and facilitate an advisory board, to be
7 known as the “Women of Trucking Advisory
8 Board”, to review and report on policies that—

9 (A) provide education, training,
10 mentorship, or outreach to women in the truck-
11 ing industry; and

12 (B) recruit, retain, or advance women in
13 the trucking industry.

14 (2) MEMBERSHIP.—

15 (A) IN GENERAL.—The Board shall be
16 composed of not fewer than 8 members whose
17 backgrounds, experience, and certifications
18 allow those members to contribute balanced
19 points of view and diverse ideas regarding the
20 matters described in paragraph (3)(B).

21 (B) APPOINTMENT.—

22 (i) IN GENERAL.—Not later than 270
23 days after the date of enactment of this
24 Act, the Administrator shall appoint the
25 members of the Board, of whom—

882

1 (I) not fewer than 1 shall be a
2 representative of large trucking com-
3 panies;

4 (II) not fewer than 1 shall be a
5 representative of mid-sized trucking
6 companies;

7 (III) not fewer than 1 shall be a
8 representative of small trucking com-
9 panies;

10 (IV) not fewer than 1 shall be a
11 representative of nonprofit organiza-
12 tions in the trucking industry;

13 (V) not fewer than 1 shall be a
14 representative of trucking business as-
15 sociations;

16 (VI) not fewer than 1 shall be a
17 representative of independent owner-
18 operators;

19 (VII) not fewer than 1 shall be a
20 woman who is a professional truck
21 driver; and

22 (VIII) not fewer than 1 shall be
23 a representative of an institution of
24 higher education or trucking trade
25 school.

1 (ii) DIVERSITY.—A member of the
2 Board appointed under any of subclauses
3 (I) through (VIII) of clause (i) may not be
4 appointed under any other subclause of
5 that clause.

6 (C) TERMS.—Each member shall be ap-
7 pointed for the life of the Board.

8 (D) COMPENSATION.—A member of the
9 Board shall serve without compensation.

10 (3) DUTIES.—

11 (A) IN GENERAL.—The Board shall iden-
12 tify—

13 (i) barriers and industry trends that
14 directly or indirectly discourage women
15 from pursuing and retaining careers in
16 trucking, including—

17 (I) any particular barriers and
18 trends that impact women minority
19 groups;

20 (II) any particular barriers and
21 trends that impact women who live in
22 rural, suburban, or urban areas; and

23 (III) any safety risks unique to
24 women in the trucking industry;

1 tions, and trucking associations in a man-
2 ner that facilitates support for women pur-
3 suing careers in trucking;

4 (iii)(I) to take advantage of any op-
5 portunities identified under subparagraph
6 (A)(iii); and

7 (II) to create new opportunities to ex-
8 pand existing scholarship opportunities for
9 women in the trucking industry; and

10 (iv) to enhance trucking training,
11 mentorship, education, and outreach pro-
12 grams that are exclusive to women.

13 (4) REPORT TO CONGRESS.—

14 (A) IN GENERAL.—Not later than 3 years
15 after the date of enactment of this Act, the Ad-
16 ministrator shall submit to the Committee on
17 Commerce, Science, and Transportation of the
18 Senate and the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives a report describing—

21 (i) the findings and recommendations
22 of the Board under paragraph (3)(B); and

23 (ii) any actions taken by the Adminis-
24 trator to adopt the recommendations of the

1 Board (or an explanation of the reasons
2 for not adopting the recommendations).

3 (B) PUBLIC AVAILABILITY.—The Adminis-
4 trator shall make the report under subpara-
5 graph (A) publicly available—

6 (i) on the website of the Federal
7 Motor Carrier Safety Administration; and

8 (ii) in appropriate offices of the Fed-
9 eral Motor Carrier Safety Administration.

10 (5) TERMINATION.—The Board shall terminate
11 on submission of the report to Congress under para-
12 graph (4).

13 **SEC. 23008. STATE INSPECTION OF PASSENGER-CARRYING**
14 **COMMERCIAL MOTOR VEHICLES.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary shall solicit
17 additional comment on the advance notice of proposed
18 rulemaking entitled “State Inspection Programs for Pas-
19 senger-Carrier Vehicles” (81 Fed. Reg. 24769 (April 27,
20 2016)).

21 (b) FINAL RULE.—

22 (1) IN GENERAL.—After reviewing all com-
23 ments received in response to the solicitation under
24 subsection (a), if the Secretary determines that data
25 and information exist to support moving forward

1 with a final rulemaking action, the Secretary shall
2 issue a final rule relating to the advance notice of
3 proposed rulemaking described in that subsection.

4 (2) CONSIDERATIONS.—In determining whether
5 to issue a final rule under paragraph (1), the Sec-
6 retary shall consider the impact of continuing to
7 allow self-inspection as a means to satisfy periodic
8 inspection requirements on the safety of passenger
9 carrier operations.

10 **SEC. 23009. TRUCK LEASING TASK FORCE.**

11 (a) ESTABLISHMENT.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary, in con-
13 sultation with the Secretary of Labor, shall establish a
14 task force, to be known as the “Truck Leasing Task
15 Force” (referred to in this section as the “Task Force”).

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The Secretary shall select
18 not more than 10 individuals to serve as members
19 of the Task Force, including at least 1 representa-
20 tive from each of the following:

21 (A) Labor organizations.

22 (B) Motor carriers that provide lease-pur-
23 chase agreements to owner-operators.

24 (C) Consumer protection groups.

1 (D) Members of the legal profession who
2 specialize in consumer finance issues, including
3 experience with lease-purchase agreements.

4 (E) Owner-operators in the trucking indus-
5 try with experience regarding lease-purchase
6 agreements.

7 (F) Businesses that provide or are subject
8 to lease-purchase agreements in the trucking in-
9 dustry.

10 (2) COMPENSATION.—A member of the Task
11 Force shall serve without compensation.

12 (c) DUTIES.—The Task Force shall examine, at a
13 minimum—

14 (1) common truck leasing arrangements avail-
15 able to commercial motor vehicle drivers, including
16 lease-purchase agreements;

17 (2) the terms of the leasing agreements de-
18 scribed in paragraph (1);

19 (3)(A) the existence of inequitable leasing
20 agreements and terms in the motor carrier industry;

21 (B) whether any such inequitable terms and
22 agreements affect the frequency of maintenance per-
23 formed on vehicles subject to those agreements; and

1 (C) whether any such inequitable terms and
2 agreements affect whether a vehicle is kept in a gen-
3 eral state of good repair;

4 (4) specific agreements available to drayage
5 drivers at ports relating to the Clean Truck Pro-
6 gram or any similar program to decrease emissions
7 from port operations;

8 (5) the impact of truck leasing agreements on
9 the net compensation of commercial motor vehicle
10 drivers, including port drayage drivers;

11 (6) whether truck leasing agreements properly
12 incentivize the safe operation of vehicles, including
13 driver compliance with the hours of service regula-
14 tions and laws governing speed and safety generally;

15 (7) resources to assist commercial motor vehicle
16 drivers in assessing the financial impacts of leasing
17 agreements; and

18 (8)(A) the opportunity that equitable leasing
19 agreements provide for drivers to start or expand
20 trucking companies; and

21 (B) the history of motor carriers starting from
22 single owner-operators.

23 (d) REPORT.—On completion of the examination
24 under subsection (c), the Task Force shall submit to the

1 Secretary, the Secretary of Labor, and the appropriate
2 committees of Congress a report containing—

3 (1) the findings of the Task Force with respect
4 to the matters described in subsection (c);

5 (2) best practices relating to—

6 (A) assisting a commercial motor vehicle
7 driver in assessing the impacts of leasing agree-
8 ments prior to entering into such an agreement;

9 (B) assisting a commercial motor vehicle
10 driver who has entered into a predatory lease
11 agreement; and

12 (C) preventing coercion and impacts on
13 safety as described in section 31136 of title 49,
14 United States Code; and

15 (3) recommendations relating to changes to
16 laws (including regulations), as applicable, at the
17 Federal, State, or local level to promote fair leasing
18 agreements under which a commercial motor vehicle
19 driver, including a short haul driver, who is a party
20 to such an agreement is able to earn a rate commen-
21 surate with other commercial motor vehicle drivers
22 performing similar duties.

23 (e) TERMINATION.—Not later than 30 days after the
24 date on which the report under subsection (d) is sub-
25 mitted, the Task Force shall terminate.

1 **SEC. 23010. AUTOMATIC EMERGENCY BRAKING.**

2 (a) DEFINITIONS.—In this section:

3 (1) AUTOMATIC EMERGENCY BRAKING SYS-
4 TEM.—The term “automatic emergency braking sys-
5 tem” means a system on a commercial motor vehicle
6 that, based on a predefined distance and closing rate
7 with respect to an obstacle in the path of the com-
8 mercial motor vehicle—

9 (A) alerts the driver of the obstacle; and

10 (B) if necessary to avoid or mitigate a col-
11 lision with the obstacle, automatically applies
12 the brakes of the commercial motor vehicle.

13 (2) COMMERCIAL MOTOR VEHICLE.—The term
14 “commercial motor vehicle” has the meaning given
15 the term in section 31101 of title 49, United States
16 Code.

17 (b) FEDERAL MOTOR VEHICLE SAFETY STAND-
18 ARD.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, the Secretary
21 shall—

22 (A) prescribe a motor vehicle safety stand-
23 ard under section 30111 of title 49, United
24 States Code, that requires any commercial
25 motor vehicle subject to section 571.136 of title
26 49, Code of Federal Regulations (relating to

1 Federal Motor Vehicle Safety Standard Number
2 136) (or a successor regulation) that is manu-
3 factured after the effective date of the standard
4 prescribed under this subparagraph to be
5 equipped with an automatic emergency braking
6 system; and

7 (B) as part of the standard under subpara-
8 graph (A), establish performance requirements
9 for automatic emergency braking systems.

10 (2) CONSIDERATIONS.—Prior to prescribing the
11 motor vehicle safety standard under paragraph
12 (1)(A), the Secretary shall—

13 (A) conduct a review of automatic emer-
14 gency braking systems in use in applicable com-
15 mercial motor vehicles and address any identi-
16 fied deficiencies with respect to those automatic
17 emergency braking systems in the rulemaking
18 proceeding to prescribe the standard, if prac-
19 ticable; and

20 (B) consult with representatives of com-
21 mercial motor vehicle drivers regarding the ex-
22 periences of drivers with automatic emergency
23 braking systems in use in applicable commercial
24 motor vehicles, including any malfunctions or

1 unwarranted activations of those automatic
2 emergency braking systems.

3 (c) FEDERAL MOTOR CARRIER SAFETY REGULA-
4 TION.—Not later than 1 year after the date of enactment
5 of this Act, the Secretary shall prescribe a regulation
6 under section 31136 of title 49, United States Code, that
7 requires that an automatic emergency braking system in-
8 stalled in a commercial motor vehicle manufactured after
9 the effective date of the standard prescribed under sub-
10 section (b)(1)(A) that is in operation on or after that date
11 and is subject to section 571.136 of title 49, Code of Fed-
12 eral Regulations (relating to Federal Motor Vehicle Safety
13 Standard Number 136) (or a successor regulation) be
14 used at any time during which the commercial motor vehi-
15 cle is in operation.

16 (d) REPORT ON AUTOMATIC EMERGENCY BRAKING
17 IN OTHER COMMERCIAL MOTOR VEHICLES.—

18 (1) STUDY.—Not later than 2 years after the
19 date of enactment of this Act, the Secretary shall
20 complete a study on equipping a variety of commer-
21 cial motor vehicles not subject to section 571.136 of
22 title 49, Code of Federal Regulations (relating to
23 Federal Motor Vehicle Safety Standard Number
24 136) (or a successor regulation) as of that date of
25 enactment with automatic emergency braking sys-

1 tems to avoid or mitigate a collision with an obstacle
2 in the path of the commercial motor vehicle, includ-
3 ing an assessment of the feasibility, benefits, and
4 costs associated with installing automatic emergency
5 braking systems on a variety of newly manufactured
6 commercial motor vehicles with a gross vehicle
7 weight rating greater than 10,001 pounds.

8 (2) INDEPENDENT RESEARCH.—If the Sec-
9 retary enters into a contract with a third party to
10 perform research relating to the study required
11 under paragraph (1), the Secretary shall ensure that
12 the third party does not have any financial or con-
13 tractual ties to, or relationships with—

14 (A) a motor carrier that transports pas-
15 sengers or property for compensation;

16 (B) the motor carrier industry; or

17 (C) an entity producing or supplying auto-
18 matic emergency braking systems.

19 (3) PUBLIC COMMENT.—Not later than 90 days
20 after the date on which the study under paragraph
21 (1) is completed, the Secretary shall—

22 (A) issue a notice in the Federal Register
23 containing the findings of the study; and

24 (B) provide an opportunity for public com-
25 ment.

1 (4) REPORT TO CONGRESS.—Not later than 90
2 days after the conclusion of the public comment pe-
3 riod under paragraph (3)(B), the Secretary shall
4 submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committees on
6 Transportation and Infrastructure and Energy and
7 Commerce of the House of Representatives a report
8 that includes—

9 (A) the results of the study under para-
10 graph (1);

11 (B) a summary of any comments received
12 under paragraph (3)(B); and

13 (C) a determination as to whether the Sec-
14 retary intends to develop performance require-
15 ments for automatic emergency braking systems
16 for applicable commercial motor vehicles, in-
17 cluding any analysis that led to that determina-
18 tion.

19 (5) RULEMAKING.—Not later than 2 years after
20 the date on which the study under paragraph (1) is
21 completed, the Secretary shall—

22 (A) determine whether a motor vehicle
23 safety standard relating to equipping the com-
24 mercial motor vehicles described in that para-
25 graph with automatic emergency braking sys-

1 tems would meet the requirements and consid-
2 erations described in subsections (a) and (b) of
3 section 30111 of title 49, United States Code;
4 and

5 (B) if the Secretary determines that a
6 motor vehicle safety standard described in sub-
7 paragraph (A) would meet the requirements
8 and considerations described in that subpara-
9 graph, initiate a rulemaking to prescribe such a
10 motor vehicle safety standard.

11 **SEC. 23011. UNDERRIDE PROTECTION.**

12 (a) DEFINITIONS.—In this section:

13 (1) COMMITTEE.—The term “Committee”
14 means the Advisory Committee on Underride Protec-
15 tion established under subsection (d)(1).

16 (2) MOTOR CARRIER.—The term “motor car-
17 rier” has the meaning given the term in section
18 13102 of title 49, United States Code.

19 (3) PASSENGER MOTOR VEHICLE.—The term
20 “passenger motor vehicle” has the meaning given
21 the term in section 32101 of title 49, United States
22 Code.

23 (4) UNDERRIDE CRASH.—The term “underride
24 crash” means a crash in which a trailer or

1 semitrailer intrudes into the passenger compartment
2 of a passenger motor vehicle.

3 (b) REAR UNDERRIDE GUARDS.—

4 (1) TRAILERS AND SEMITRAILERS.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, the Sec-
7 retary shall promulgate such regulations as are
8 necessary to revise sections 571.223 and
9 571.224 of title 49, Code of Federal Regula-
10 tions (relating to Federal Motor Vehicle Safety
11 Standard Numbers 223 and 224, respectively),
12 to require trailers and semitrailers manufac-
13 tured after the date on which those regulations
14 are promulgated to be equipped with rear im-
15 pact guards that are designed to prevent pas-
16 senger compartment intrusion from a trailer or
17 semitrailer when a passenger motor vehicle
18 traveling at 35 miles per hour makes—

19 (i) an impact in which the passenger
20 motor vehicle impacts the center of the
21 rear of the trailer or semitrailer;

22 (ii) an impact in which 50 percent of
23 the width of the passenger motor vehicle
24 overlaps the rear of the trailer or
25 semitrailer; and

1 (iii) an impact in which 30 percent of
2 the width of the passenger motor vehicle
3 overlaps the rear of the trailer or
4 semitrailer, if the Secretary determines
5 that a revision of sections 571.223 and
6 571.224 of title 49, Code of Federal Regu-
7 lations (relating to Federal Motor Vehicle
8 Safety Standard Numbers 223 and 224,
9 respectively) to address such an impact
10 would meet the requirements and consider-
11 ations described in subsections (a) and (b)
12 of section 30111 of title 49, United States
13 Code.

14 (B) EFFECTIVE DATE.—The regulations
15 promulgated under subparagraph (A) shall re-
16 quire full compliance with each Federal Motor
17 Vehicle Safety Standard revised pursuant to
18 those regulations not later than 2 years after
19 the date on which those regulations are promul-
20 gated.

21 (2) ADDITIONAL RESEARCH.—The Secretary
22 shall conduct additional research on the design and
23 development of rear impact guards that can—

1 (A) prevent underride crashes in cases in
2 which the passenger motor vehicle is traveling
3 at speeds of up to 65 miles per hour; and

4 (B) protect passengers in passenger motor
5 vehicles against severe injury in crashes in
6 which the passenger motor vehicle is traveling
7 at speeds of up to 65 miles per hour.

8 (3) REVIEW OF STANDARDS.—Not later than 5
9 years after the date on which the regulations under
10 paragraph (1)(A) are promulgated, the Secretary
11 shall—

12 (A) review the Federal Motor Vehicle Safe-
13 ty Standards revised pursuant to those regula-
14 tions and any other requirements of those regu-
15 lations relating to rear underride guards on
16 trailers or semitrailers to evaluate the need for
17 changes in response to advancements in tech-
18 nology; and

19 (B) update those Federal Motor Vehicle
20 Safety Standards and those regulations accord-
21 ingly.

22 (4) INSPECTIONS.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, the Sec-
25 retary shall promulgate such regulations as are

1 necessary to revise the regulations relating to
2 minimum periodic inspection standards under
3 appendix G to subchapter B of chapter III of
4 title 49, Code of Federal Regulations, and the
5 regulations relating to driver vehicle inspection
6 reports under section 396.11 of that title to in-
7 clude requirements relating to rear impact
8 guards and rear end protection that are con-
9 sistent with the requirements described in sec-
10 tion 393.86 of that title.

11 (B) CONSIDERATIONS.—In revising the
12 regulations described in subparagraph (A), the
13 Secretary shall consider it to be a defect or a
14 deficiency if a rear impact guard is missing an,
15 or has a corroded or compromised, element that
16 affects the structural integrity and protective
17 feature of the rear impact guard.

18 (c) SIDE UNDERRIDE GUARDS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary
21 shall—

22 (A) complete additional research on side
23 underride guards to better understand the over-
24 all effectiveness of side underride guards;

1 (B) assess the feasibility, benefits, and
2 costs of, and any impacts on intermodal equip-
3 ment, freight mobility (including port oper-
4 ations), and freight capacity associated with, in-
5 stalling side underride guards on newly manu-
6 factured trailers and semitrailers with a gross
7 vehicle weight rating of 10,000 pounds or more;

8 (C) consider the unique structural and
9 operational aspects of—

10 (i) intermodal chassis (as defined in
11 section 340.2 of title 46, Code of Federal
12 Regulations; and

13 (ii) pole trailers (as defined in section
14 390.5 of title 49, Code of Federal Regula-
15 tions; and

16 (D) if warranted, develop performance
17 standards for side underride guards.

18 (2) INDEPENDENT RESEARCH.—If the Sec-
19 retary enters into a contract with a third party to
20 perform the research required under paragraph
21 (1)(A), the Secretary shall ensure that the third
22 party does not have any financial or contractual ties
23 to, or relationships with—

24 (A) a motor carrier that transports pas-
25 sengers or property for compensation;

1 (B) the motor carrier industry; or

2 (C) an entity producing or supplying
3 underride guards.

4 (3) PUBLICATION OF ASSESSMENT.—Not later
5 than 90 days after completion of the assessment re-
6 quired under paragraph (1)(B), the Secretary
7 shall—

8 (A) issue a notice in the Federal Register
9 containing the findings of the assessment; and

10 (B) provide an opportunity for public com-
11 ment.

12 (4) REPORT TO CONGRESS.—Not later than 90
13 days after the conclusion of the public comment pe-
14 riod under paragraph (3)(B), the Secretary shall
15 submit to the Committee on Commerce, Science, and
16 Transportation of the Senate and the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives a report that includes—

19 (A) the results of the assessment under
20 paragraph (1)(B);

21 (B) a summary of any comments received
22 by the Secretary under paragraph (3)(B); and

23 (C) a determination as to whether the Sec-
24 retary intends to develop performance require-

1 ments for side underride guards, including any
2 analysis that led to that determination.

3 (d) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
4 TION.—

5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish an Advisory Committee on Underride Protec-
7 tion to provide advice and recommendations to the
8 Secretary on safety regulations to reduce underride
9 crashes and fatalities relating to underride crashes.

10 (2) MEMBERSHIP.—

11 (A) IN GENERAL.—The Committee shall be
12 composed of not more than 20 members, ap-
13 pointed by the Secretary, who—

14 (i) are not employees of the Depart-
15 ment; and

16 (ii) are qualified to serve on the Com-
17 mittee because of their expertise, training,
18 or experience.

19 (B) REPRESENTATION.—The Committee
20 shall include 2 representatives of each of the
21 following:

22 (i) Truck and trailer manufacturers.

23 (ii) Motor carriers, including inde-
24 pendent owner-operators.

25 (iii) Law enforcement.

- 1 (iv) Motor vehicle engineers.
- 2 (v) Motor vehicle crash investigators.
- 3 (vi) Truck safety organizations.
- 4 (vii) The insurance industry.
- 5 (viii) Emergency medical service pro-
- 6 viders.
- 7 (ix) Families of underride crash vic-
- 8 tims.
- 9 (x) Labor organizations.

10 (3) COMPENSATION.—Members of the Com-
11 mittee shall serve without compensation.

12 (4) MEETINGS.—The Committee shall meet not
13 less frequently than annually.

14 (5) SUPPORT.—On request of the Committee,
15 the Secretary shall provide information, administra-
16 tive services, and supplies necessary for the Com-
17 mittee to carry out the duties of the Committee.

18 (6) REPORT.—The Committee shall submit to
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a biennial report that—

23 (A) describes the advice and recommenda-
24 tions made to the Secretary; and

1 (B) includes an assessment of progress
2 made by the Secretary in advancing safety reg-
3 ulations relating to underride crashes.

4 (e) DATA COLLECTION.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary shall im-
6 plement the recommendations described in the report of
7 the Government Accountability Office entitled “Truck
8 Underride Guards: Improved Data Collection, Inspections,
9 and Research Needed”, published on March 14, 2019, and
10 numbered GAO–19–264.

11 **SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.**

12 Section 13506(b) of title 49, United States Code, is
13 amended—

14 (1) in paragraph (2), by striking “or” at the
15 end;

16 (2) in paragraph (3), by striking the period at
17 the end and inserting “; or”; and

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

19 “(4) transportation by a motor vehicle designed
20 or used to transport not fewer than 9, and not more
21 than 15, passengers (including the driver), whether
22 operated alone or with a trailer attached for the
23 transport of recreational equipment, if—

24 “(A) the motor vehicle is operated by a
25 person that provides recreational activities;

1 “(B) the transportation is provided within
2 a 150 air-mile radius of the location at which
3 passengers initially boarded the motor vehicle at
4 the outset of the trip; and

5 “(C) in the case of a motor vehicle trans-
6 porting passengers over a route between a place
7 in a State and a place in another State, the
8 person operating the motor vehicle is lawfully
9 providing transportation of passengers over the
10 entire route in accordance with applicable State
11 law.”.

12 **SEC. 23013. AMENDMENTS TO REGULATIONS RELATING TO**
13 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
14 **INTERSTATE COMMERCE.**

15 (a) **DEFINITIONS.**—In this section:

16 (1) **ADMINISTRATION.**—The term “Administra-
17 tion” means the Federal Motor Carrier Safety Ad-
18 ministration.

19 (2) **COVERED CARRIER.**—The term “covered
20 carrier” means a motor carrier that is—

21 (A) engaged in the interstate transpor-
22 tation of household goods; and

23 (B) subject to the requirements of part
24 375 of title 49, Code of Federal Regulations (as
25 in effect on the effective date of any amend-

1 ments made pursuant to the notice of proposed
2 rulemaking issued under subsection (b)).

3 (b) AMENDMENTS TO REGULATIONS.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretary shall issue a notice of proposed rulemaking to
6 amend, as the Secretary determines to be appropriate, reg-
7 ulations relating to the interstate transportation of house-
8 hold goods.

9 (c) CONSIDERATIONS.—In issuing the notice of pro-
10 posed rulemaking under subsection (b), the Secretary shall
11 consider amending the following provisions of title 49,
12 Code of Federal Regulations, in accordance with the fol-
13 lowing recommendations:

14 (1) Section 375.207(b) to require each covered
15 carrier to include on the website of the covered car-
16 rier a link—

17 (A) to the publication of the Administra-
18 tion entitled “Ready to Move—Tips for a Suc-
19 cessful Interstate Move” and numbered ESA-
20 03–005 on the website of the Administration; or

21 (B) to a copy of the publication referred to
22 in subparagraph (A) on the website of the cov-
23 ered carrier.

24 (2) Subsections (a) and (b)(1) of section
25 375.213 to require each covered carrier to provide to

1 each individual shipper, together with any written
2 estimate provided to the shipper, a copy of the publi-
3 cation described in appendix A of part 375 of that
4 title, entitled “Your Rights and Responsibilities
5 When You Move” and numbered ESA–03–006 (or a
6 successor publication), in the form of a written copy
7 or a hyperlink on the website of the covered carrier
8 to the location on the website of the Administration
9 containing that publication.

10 (3) Section 375.213 to repeal subsection (e) of
11 that section.

12 (4) Section 375.401(a) to require each covered
13 carrier—

14 (A) to conduct a visual survey of the
15 household goods to be transported by the cov-
16 ered carrier—

17 (i) in person; or

18 (ii) virtually, using—

19 (I) a remote camera; or

20 (II) another appropriate tech-
21 nology;

22 (B) to offer a visual survey described in
23 subparagraph (A) for all household goods ship-
24 ments, regardless of the distance between—

1 (i) the location of the household
2 goods; and

3 (ii) the location of the agent of the
4 covered carrier preparing the estimate; and

5 (C) to provide to each shipper a copy of
6 the publication of the Administration entitled
7 “Ready to Move—Tips for a Successful Inter-
8 state Move” and numbered ESA-03-005 on re-
9 ceipt from the shipper of a request to schedule,
10 or a waiver of, a visual survey offered under
11 subparagraph (B).

12 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
13 and 375.405(b)(7)(ii), and subpart D of appendix A
14 of part 375, to require that, in any case in which a
15 shipper tenders any additional item or requests any
16 additional service prior to loading a shipment, the
17 affected covered carrier shall—

18 (A) prepare a new estimate; and

19 (B) maintain a record of the date, time,
20 and manner in which the new estimate was ac-
21 cepted by the shipper.

22 (6) Section 375.501(a), to establish that a cov-
23 ered carrier is not required to provide to a shipper
24 an order for service if the covered carrier elects to
25 provide the information described in paragraphs (1)

1 through (15) of that section in a bill of lading that
2 is presented to the shipper before the covered carrier
3 receives the shipment.

4 (7) Subpart H of part 375, to replace the re-
5 place the terms “freight bill” and “expense bill”
6 with the term “invoice”.

7 **SEC. 23014. IMPROVING FEDERAL-STATE MOTOR CARRIER**
8 **SAFETY ENFORCEMENT COORDINATION.**

9 (a) DEFINITIONS.—In this section:

10 (1) COVERED STATE.—The term “covered
11 State” means a State that receives Federal funds
12 under the motor carrier safety assistance program
13 established under section 31102 of title 49, United
14 States Code.

15 (2) IMMINENT HAZARD.—The term “imminent
16 hazard” has the same meaning as in section 521 of
17 title 49, United States Code.

18 (b) REVIEW AND ENFORCEMENT OF STATE OUT-OF-
19 SERVICE ORDERS.—As soon as practicable after the date
20 of enactment of this Act, the Secretary shall publish in
21 the Federal Register a process under which the Secretary
22 shall review each out-of-service order issued by a covered
23 State in accordance with section 31144(d) of title 49,
24 United States Code, by not later than 30 days after the

1 date on which the out-of-service order is submitted to the
2 Secretary by the covered State.

3 (c) REVIEW AND ENFORCEMENT OF STATE IMMI-
4 NENT HAZARD DETERMINATIONS.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this Act, the Secretary
7 shall publish in the Federal Register a process under
8 which the Secretary shall review imminent hazard
9 determinations made by covered States.

10 (2) ENFORCEMENT.—On reviewing an immi-
11 nent hazard determination under paragraph (1), the
12 Secretary shall pursue enforcement under section
13 521 of title 49, United States Code, as the Secretary
14 determines to be appropriate.

15 **SEC. 23015. LIMOUSINE RESEARCH.**

16 (a) DEFINITIONS.—In this section:

17 (1) LIMOUSINE.—The term “limousine” means
18 a motor vehicle—

19 (A) that has a seating capacity of 9 or
20 more persons (including the driver);

21 (B) with a gross vehicle weight rating
22 greater than 10,000 pounds but not greater
23 than 26,000 pounds;

1 (C) that the Secretary has determined by
2 regulation has physical characteristics resem-
3 bling—

4 (i) a passenger car;

5 (ii) a multipurpose passenger vehicle;

6 or

7 (iii) a truck with a gross vehicle
8 weight rating of 10,000 pounds or less;

9 and

10 (D) that is not a taxi, nonemergency med-
11 ical, or paratransit motor vehicle.

12 (2) LIMOUSINE OPERATOR.—The term “lim-
13 ousine operator” means a person who owns or
14 leases, and uses, a limousine to transport passengers
15 for compensation.

16 (3) MOTOR VEHICLE SAFETY STANDARD.—The
17 term “motor vehicle safety standard” has the mean-
18 ing given the term in section 30102(a) of title 49,
19 United States Code.

20 (4) STATE.—The term “State” has the mean-
21 ing given such term in section 30102(a) of title 49,
22 United States Code.

23 (b) CRASHWORTHINESS.—

24 (1) RESEARCH.—Not later than 4 years after
25 the date of enactment of this Act, the Secretary

1 shall complete research into the development of
2 motor vehicle safety standards for side impact pro-
3 tection, roof crush resistance, and air bag systems
4 for the protection of occupants in limousines with al-
5 ternative seating positions, including perimeter seat-
6 ing arrangements.

7 (2) RULEMAKING OR REPORT.—

8 (A) CRASHWORTHINESS STANDARDS.—

9 (i) IN GENERAL.—Subject to clause
10 (ii), not later than 2 years after the date
11 on which the research under paragraph (1)
12 is completed, the Secretary shall prescribe,
13 for the protection of occupants in lim-
14 ousines with alternative seating positions,
15 a final motor vehicle safety standard for
16 each of the following:

17 (I) Side impact protection.

18 (II) Roof crush resistance.

19 (III) Air bag systems.

20 (ii) REQUIREMENTS AND CONSIDER-
21 ATIONS.—The Secretary may only pre-
22 scribe a motor vehicle safety standard de-
23 scribed in clause (i) if the Secretary deter-
24 mines that the standard meets the require-
25 ments and considerations described in sub-

1 sections (a) and (b) of section 30111 of
2 title 49, United States Code.

3 (B) REPORT.—If the Secretary determines
4 that a motor vehicle safety standard described
5 in subparagraph (A)(i) would not meet the re-
6 quirements and considerations described in sub-
7 sections (a) and (b) of section 30111 of title 49,
8 United States Code, the Secretary shall publish
9 in the Federal Register and submit to the Com-
10 mittee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on En-
12 ergy and Commerce of the House of Represent-
13 atives a report describing the reasons for not
14 prescribing the standard.

15 (c) EVACUATION.—

16 (1) RESEARCH.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary
18 shall complete research into safety features and
19 standards that aid evacuation in the event that an
20 exit in the passenger compartment of a limousine is
21 blocked.

22 (2) RULEMAKING OR REPORT.—

23 (A) LIMOUSINE EVACUATION.—

24 (i) IN GENERAL.—Subject to clause

25 (ii), not later than 2 years after the date

1 on which the research under paragraph (1)
2 is completed, the Secretary shall prescribe
3 a final motor vehicle safety standard based
4 on the results of that research.

5 (ii) REQUIREMENTS AND CONSIDER-
6 ATIONS.—The Secretary may only pre-
7 scribe a motor vehicle safety standard de-
8 scribed in clause (i) if the Secretary deter-
9 mines that the standard meets the require-
10 ments and considerations described in sub-
11 sections (a) and (b) of section 30111 of
12 title 49, United States Code.

13 (B) REPORT.—If the Secretary determines
14 that a standard described in subparagraph
15 (A)(i) would not meet the requirements and
16 considerations described in subsections (a) and
17 (b) of section 30111 of title 49, United States
18 Code, the Secretary shall publish in the Federal
19 Register and submit to the Committee on Com-
20 merce, Science, and Transportation of the Sen-
21 ate and the Committee on Energy and Com-
22 merce of the House of Representatives a report
23 describing the reasons for not prescribing the
24 standard.

25 (d) LIMOUSINE INSPECTION DISCLOSURE.—

1 (1) IN GENERAL.—A limousine operator may
2 not introduce a limousine into interstate commerce
3 unless the limousine operator has prominently dis-
4 closed in a clear and conspicuous notice, including
5 on the website of the operator if the operator has a
6 website, the following:

7 (A) The date of the most recent inspection
8 of the limousine required under State or Fed-
9 eral law, if applicable.

10 (B) The results of the inspection, if appli-
11 cable.

12 (C) Any corrective action taken by the lim-
13 ousine operator to ensure the limousine passed
14 inspection, if applicable.

15 (2) FEDERAL TRADE COMMISSION ENFORCE-
16 MENT.—

17 (A) IN GENERAL.—The Federal Trade
18 Commission shall enforce this subsection in the
19 same manner, by the same means, and with the
20 same jurisdiction, powers, and duties as though
21 all applicable terms and provisions of the Fed-
22 eral Trade Commission Act (15 U.S.C. 41 et
23 seq.) were incorporated into and made a part of
24 this subsection.

1 (B) TREATMENT.—Any person who vio-
2 lates this subsection shall be subject to the pen-
3 alties and entitled to the privileges and immuni-
4 ties provided in the Federal Trade Commission
5 Act (15 U.S.C. 41 et seq.).

6 (3) SAVINGS PROVISION.—Nothing in this sub-
7 section limits the authority of the Federal Trade
8 Commission under any other provision of law.

9 (4) EFFECTIVE DATE.—This subsection shall
10 take effect on the date that is 180 days after the
11 date of enactment of this Act.

12 **SEC. 23016. NATIONAL CONSUMER COMPLAINT DATABASE.**

13 (a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this Act, the Comptroller General
15 of the United States shall submit to the Committee on
16 Commerce, Science, and Transportation of the Senate and
17 the Committee on Transportation and Infrastructure of
18 the House of Representatives a report on the National
19 Consumer Complaint Database of the Federal Motor Car-
20 rier Safety Administration.

21 (b) CONTENTS.—The report under subsection (a)
22 shall include—

23 (1) a review of the process and effectiveness of
24 efforts to review and follow-up on complaints sub-

1 mitted to the National Consumer Complaint Data-
2 base;

3 (2) an identification of the top 5 complaint cat-
4 egories;

5 (3) an identification of—

6 (A) the process that the Federal Motor
7 Carrier Safety Administration uses to deter-
8 mine which entities to take enforcement actions
9 against; and

10 (B) the top categories of enforcement ac-
11 tions taken by the Federal Motor Carrier Safe-
12 ty Administration;

13 (4) a review of the use of the National Con-
14 sumer Complaint Database website over the 5-year
15 period ending on December 31, 2020, including in-
16 formation obtained by conducting interviews with
17 drivers, customers of movers of household goods,
18 brokers, motor carriers, including small business
19 motor carriers, and other users of the website to de-
20 termine the usability of the website;

21 (5) a review of efforts taken by the Federal
22 Motor Carrier Safety Administration to raise aware-
23 ness of the National Consumer Complaint Database;
24 and

1 (6) recommendations, as appropriate, including
2 with respect to methods—

3 (A) for improving the usability of the Na-
4 tional Consumer Complaint Database website;

5 (B) for improving the review of complaints;

6 (C) for using data collected through the
7 National Consumer Complaint Database to
8 identify bad actors;

9 (D) to improve confidence and trans-
10 parency in the complaint process; and

11 (E) for improving stakeholder awareness of
12 and participation in the National Consumer
13 Complaint Database and the complaint system,
14 including improved communication about the
15 purpose of the National Consumer Complaint
16 Database.

17 **SEC. 23017. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Secretary shall submit to Congress a re-
20 port analyzing the cost and effectiveness of electronic log-
21 ging devices and detailing the processes—

22 (1) used by the Federal Motor Carrier Safety
23 Administration—

24 (A) to review electronic logging device logs;

25 and

1 (B) to protect proprietary information and
2 personally identifiable information obtained
3 from electronic logging device logs; and

4 (2) through which an operator may challenge or
5 appeal a violation notice issued by the Federal
6 Motor Carrier Safety Administration relating to an
7 electronic logging device.

8 **SEC. 23018. TRANSPORTATION OF AGRICULTURAL COM-**
9 **MODITIES AND FARM SUPPLIES.**

10 Section 229(a)(1) of the Motor Carrier Safety Im-
11 provement Act of 1999 (49 U.S.C. 31136 note; Public
12 Law 106–159) is amended—

13 (1) in subparagraph (B), by striking “or” at
14 the end;

15 (2) in subparagraph (C), by striking the period
16 at the end and inserting “; or”; and

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

18 “(D) drivers transporting livestock (as de-
19 fined in section 602 of the Emergency Live-
20 stock Feed Assistance Act of 1988 (7 U.S.C.
21 1471) including insects) within a 150 air-mile
22 radius from the final destination of the live-
23 stock.”.

1 **SEC. 23019. MODIFICATION OF RESTRICTIONS ON CERTAIN**
2 **COMMERCIAL DRIVER'S LICENSES.**

3 The Administrator of the Federal Motor Carrier
4 Safety Administration shall revise section 383.3(f)(3)(ii)
5 of title 49, Code of Federal Regulations (or a successor
6 regulation), to provide that a restricted commercial driv-
7 er's license issued to an employee in a farm-related service
8 industry shall be limited to the applicable seasonal periods
9 defined by the State issuing the restricted commercial
10 driver's license, subject to the condition that the total
11 number of days in any calendar year during which the re-
12 stricted commercial driver's license is valid does not exceed
13 210.

14 **SEC. 23020. REPORT ON HUMAN TRAFFICKING VIOLATIONS**
15 **INVOLVING COMMERCIAL MOTOR VEHICLES.**

16 Not later than 3 years after the date of enactment
17 of this Act, and every 3 years thereafter, the Secretary,
18 acting through the Department of Transportation Advi-
19 sory Committee on Human Trafficking established under
20 section 5(a) of the Combating Human Trafficking in Com-
21 mercial Vehicles Act (Public Law 115-99; 131 Stat.
22 2243), shall coordinate with the Attorney General to pre-
23 pare and submit to Congress a report relating to human
24 trafficking violations involving commercial motor vehicles,
25 which shall include recommendations for countering

1 human trafficking, including an assessment of previous
2 best practices by transportation stakeholders.

3 **SEC. 23021. BROKER GUIDANCE RELATING TO FEDERAL**
4 **MOTOR CARRIER SAFETY REGULATIONS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary shall issue
7 guidance to clarify the definitions of the terms “broker”
8 and “bona fide agents” in section 371.2 of title 49, Code
9 of Federal Regulations.

10 (b) CONSIDERATIONS.—In issuing guidance under
11 subsection (a), the Secretary shall take into consider-
12 ation—

13 (1) the extent to which technology has changed
14 the nature of freight brokerage;

15 (2) the role of bona fide agents; and

16 (3) other aspects of the freight transportation
17 industry.

18 (c) DISPATCH SERVICES.—In issuing guidance under
19 subsection (a), the Secretary shall, at a minimum—

20 (1) examine the role of a dispatch service in the
21 transportation industry;

22 (2) examine the extent to which dispatch serv-
23 ices could be considered brokers or bona fide agents;
24 and

1 (3) clarify the level of financial penalties for un-
2 authorized brokerage activities under section 14916
3 of title 49, United States Code, applicable to a dis-
4 patch service.

5 **SEC. 23022. APPRENTICESHIP PILOT PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPRENTICE.—The term “apprentice”
8 means an individual who—

9 (A) is under the age of 21; and

10 (B) holds a commercial driver’s license.

11 (2) COMMERCIAL DRIVER’S LICENSE.—The
12 term “commercial driver’s license” has the meaning
13 given the term in section 31301 of title 49, United
14 States Code.

15 (3) COMMERCIAL MOTOR VEHICLE.—The term
16 “commercial motor vehicle” has the meaning given
17 the term in section 390.5 of title 49, Code of Fed-
18 eral Regulations (as in effect on the date of enact-
19 ment of this Act).

20 (4) DRIVING TIME.—The term “driving time”
21 has the meaning given the term in section 395.2 of
22 title 49, Code of Federal Regulations (as in effect on
23 the date of enactment of this Act).

24 (5) EXPERIENCED DRIVER.—The term “experi-
25 enced driver” means an individual who—

1 (A) is not younger than 26 years of age;

2 (B) has held a commercial driver's license
3 for the 2-year period ending on the date on
4 which the individual serves as an experienced
5 driver under subsection (b)(2)(C)(ii);

6 (C) during the 2-year period ending on the
7 date on which the individual serves as an expe-
8 rienced driver under subsection (b)(2)(C)(ii),
9 has had no—

10 (i) preventable accidents reportable to
11 the Department; or

12 (ii) pointed moving violations; and

13 (D) has a minimum of 5 years of experi-
14 ence driving a commercial motor vehicle in
15 interstate commerce.

16 (6) ON-DUTY TIME.—The term “on-duty time”
17 has the meaning given the term in section 395.2 of
18 title 49, Code of Federal Regulations (as in effect on
19 the date of enactment of this Act).

20 (7) POINTED MOVING VIOLATION.—The term
21 “pointed moving violation” means a violation that
22 results in points being added to the license of a driv-
23 er, or a similar comparable violation, as determined
24 by the Secretary.

25 (b) PILOT PROGRAM.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary
3 shall establish, in accordance with section 31315(c)
4 of title 49, United States Code, a pilot program al-
5 lowing employers to establish the apprenticeship pro-
6 grams described in paragraph (2).

7 (2) DESCRIPTION OF APPRENTICESHIP PRO-
8 GRAM.—An apprenticeship program referred to in
9 paragraph (1) is a program that consists of the fol-
10 lowing requirements:

11 (A) 120-HOUR PROBATIONARY PERIOD.—

12 (i) IN GENERAL.—The apprentice
13 shall complete 120 hours of on-duty time,
14 of which not less than 80 hours shall be
15 driving time in a commercial motor vehicle.

16 (ii) PERFORMANCE BENCHMARKS.—
17 To complete the 120-hour probationary pe-
18 riod under clause (i), the employer of an
19 apprentice shall determine that the appren-
20 tice is competent in each of the following
21 areas:

22 (I) Interstate, city traffic, rural
23 2-lane, and evening driving.

24 (II) Safety awareness.

926

1 (III) Speed and space manage-
2 ment.

3 (IV) Lane control.

4 (V) Mirror scanning.

5 (VI) Right and left turns.

6 (VII) Logging and complying
7 with rules relating to hours of service.

8 (B) 280-HOUR PROBATIONARY PERIOD.—

9 (i) IN GENERAL.—After completing
10 the 120-hour probationary period under
11 subparagraph (A), an apprentice shall
12 complete 280 hours of on-duty time, of
13 which not less than 160 hours shall be
14 driving time in a commercial motor vehicle.

15 (ii) PERFORMANCE BENCHMARKS.—
16 To complete the 280-hour probationary pe-
17 riod under clause (i), the employer of an
18 apprentice shall determine that the appren-
19 tice is competent in each of the following
20 areas:

21 (I) Backing and maneuvering in
22 close quarters.

23 (II) Pretrip inspections.

24 (III) Fueling procedures.

1 (IV) Weighing loads, weight dis-
2 tribution, and sliding tandems.

3 (V) Coupling and uncoupling pro-
4 cedures.

5 (VI) Trip planning, truck routes,
6 map reading, navigation, and permits.

7 (C) RESTRICTIONS FOR PROBATIONARY
8 PERIODS.—During the 120-hour probationary
9 period under subparagraph (A) and the 280-
10 hour probationary period under subparagraph
11 (B)—

12 (i) an apprentice may only drive a
13 commercial motor vehicle that has—

14 (I) an automatic manual or auto-
15 matic transmission;

16 (II) an active braking collision
17 mitigation system;

18 (III) a forward-facing video event
19 capture system; and

20 (IV) a governed speed of 65
21 miles per hour—

22 (aa) at the pedal; and

23 (bb) under adaptive cruise
24 control; and

1 which the apprentice completes the 280-hour
2 probationary period under subparagraph (B).

3 (G) MINIMUM REQUIREMENTS.—

4 (i) IN GENERAL.—Nothing in this sec-
5 tion prevents an employer from imposing
6 any additional requirement on an appren-
7 tice participating in an apprenticeship pro-
8 gram established under this section.

9 (ii) TECHNOLOGIES.—Nothing in this
10 section prevents an employer from requir-
11 ing or installing in a commercial motor ve-
12 hicle any technology in addition to the
13 technologies described in subparagraph
14 (C)(i).

15 (3) APPRENTICES.—An apprentice may—

16 (A) drive a commercial motor vehicle in
17 interstate commerce while participating in the
18 120-hour probationary period under paragraph
19 (2)(A) or the 280-hour probationary period
20 under paragraph (2)(B) pursuant to an appren-
21 ticeship program established by an employer in
22 accordance with this section; and

23 (B) drive a commercial motor vehicle in
24 interstate commerce after the apprentice com-
25 pletes an apprenticeship program described in

1 paragraph (2), unless the Secretary determines
2 there exists a safety concern.

3 (4) LIMITATION.—The Secretary may not allow
4 more than 3,000 apprentices at any 1 time to par-
5 ticipate in the pilot program established under para-
6 graph (1).

7 (c) TERMINATION.—Effective beginning on the date
8 that is 3 years after the date of establishment of the pilot
9 program under subsection (b)(1)—

10 (1) the pilot program shall terminate; and

11 (2) any driver under the age of 21 who has
12 completed an apprenticeship program described in
13 subsection (b)(2) may drive a commercial motor ve-
14 hicle in interstate commerce, unless the Secretary
15 determines there exists a safety concern.

16 (d) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
17 ing in this section exempts an apprentice from any re-
18 quirement to hold a commercial driver's license in order
19 to operate a commercial motor vehicle.

20 (e) DATA COLLECTION.—The Secretary shall collect
21 and analyze—

22 (1) data relating to any incident in which an
23 apprentice participating in the pilot program estab-
24 lished under subsection (b)(1) is involved;

1 (2) data relating to any incident in which a
2 driver under the age of 21 operating a commercial
3 motor vehicle in intrastate commerce is involved; and

4 (3) such other data relating to the safety of ap-
5 prentices aged 18 to 20 years operating in interstate
6 commerce as the Secretary determines to be nec-
7 essary.

8 (f) LIMITATION.—A driver under the age of 21 par-
9 ticipating in the pilot program under this section may
10 not—

11 (1) transport—

12 (A) a passenger; or

13 (B) hazardous cargo; or

14 (2) operate a commercial motor vehicle—

15 (A) in special configuration; or

16 (B) with a gross vehicle weight rating of
17 more than 80,000 pounds.

18 (g) REPORT TO CONGRESS.—Not later than 120 days
19 after the date of conclusion of the pilot program under
20 subsection (b), the Secretary shall submit to Congress a
21 report including—

22 (1) the findings and conclusions resulting from
23 the pilot program, including with respect to tech-
24 nologies or training provided by commercial motor

1 carriers for apprentices as part of the pilot program
2 to successfully improve safety;

3 (2) an analysis of the safety record of appren-
4 tices participating in the pilot program, as compared
5 to other commercial motor vehicle drivers;

6 (3) the number of drivers that discontinued
7 participation in the apprenticeship program before
8 completion;

9 (4) a comparison of the safety records of par-
10 ticipating drivers before, during, and after the pro-
11 bationary periods under subparagraphs (A) and (B)
12 of subsection (b)(2);

13 (5) a comparison, for each participating driver,
14 of average on-duty time, driving time, and time
15 spent away from home terminal before, during, and
16 after the probationary periods referred to in para-
17 graph (4); and

18 (6) a recommendation, based on the data col-
19 lected, regarding whether the level of safety achieved
20 by the pilot program is equivalent to, or greater
21 than, the level of safety for equivalent commercial
22 motor vehicle drivers aged 21 years or older.

23 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion affects the authority of the Secretary under section
25 31315 of title 49, United States Code, with respect to the

1 pilot program established under subsection (b)(1), includ-
2 ing the authority to revoke participation in, and terminate,
3 the pilot program under paragraphs (3) and (4) of sub-
4 section (c) of that section.

5 (i) DRIVER COMPENSATION STUDY.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary, act-
8 ing through the Administrator of the Federal Motor
9 Carrier Safety Administration, shall offer to enter
10 into a contract with the Transportation Research
11 Board under which the Transportation Research
12 Board shall conduct a study of the impacts of var-
13 ious methods of driver compensation on safety and
14 driver retention, including—

15 (A) hourly pay;

16 (B) payment for detention time; and

17 (C) other payment methods used in the in-
18 dustry as of the date on which the study is con-
19 ducted.

20 (2) CONSULTATION.—In conducting the study
21 under paragraph (1), the Transportation Research
22 Board shall consult with—

23 (A) labor organizations representing com-
24 mercial motor vehicle drivers;

1 (B) representatives of the motor carrier in-
2 dustry, including owner-operators; and

3 (C) such other stakeholders as the Trans-
4 portation Research Board determines to be rel-
5 evant.

6 **TITLE IV—HIGHWAY AND MOTOR**
7 **VEHICLE SAFETY**

8 **Subtitle A—Highway Traffic Safety**

9 **SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—The following amounts are au-
11 thorized to be appropriated out of the Highway Trust
12 Fund (other than the Mass Transit Account):

13 (1) HIGHWAY SAFETY PROGRAMS.—To carry
14 out section 402 of title 23, United States Code—

15 (A) \$363,400,000 for fiscal year 2022;

16 (B) \$370,900,000 for fiscal year 2023;

17 (C) \$378,400,000 for fiscal year 2024;

18 (D) \$385,900,000 for fiscal year 2025;

19 and

20 (E) \$393,400,000 for fiscal year 2026.

21 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
22 OPMENT.—To carry out section 403 of title 23,
23 United States Code—

24 (A) \$186,000,000 for fiscal year 2022;

25 (B) \$190,000,000 for fiscal year 2023;

1 (C) \$194,000,000 for fiscal year 2024;

2 (D) \$198,000,000 for fiscal year 2025;

3 and

4 (E) \$202,000,000 for fiscal year 2026.

5 (3) HIGH-VISIBILITY ENFORCEMENT PRO-
6 GRAM.—To carry out section 404 of title 23, United
7 States Code—

8 (A) \$36,400,000 for fiscal year 2022;

9 (B) \$38,300,000 for fiscal year 2023;

10 (C) \$40,300,000 for fiscal year 2024;

11 (D) \$42,300,000 for fiscal year 2025; and

12 (E) \$44,300,000 for fiscal year 2026.

13 (4) NATIONAL PRIORITY SAFETY PROGRAMS.—
14 To carry out section 405 of title 23, United States
15 Code—

16 (A) \$336,500,000 for fiscal year 2022;

17 (B) \$346,500,000 for fiscal year 2023;

18 (C) \$353,500,000 for fiscal year 2024;

19 (D) \$360,500,000 for fiscal year 2025;

20 and

21 (E) \$367,500,000 for fiscal year 2026.

22 (5) ADMINISTRATIVE EXPENSES.—For adminis-
23 trative and related operating expenses of the Na-
24 tional Highway Traffic Safety Administration in car-

1 rying out chapter 4 of title 23, United States Code,
2 and this title—

3 (A) \$38,000,000 for fiscal year 2022;

4 (B) \$39,520,000 for fiscal year 2023;

5 (C) \$41,100,800 for fiscal year 2024;

6 (D) \$42,744,832 for fiscal year 2025; and

7 (E) \$44,454,625 for fiscal year 2026.

8 (6) NATIONAL DRIVER REGISTER.—For the Na-
9 tional Highway Traffic Safety Administration to
10 carry out chapter 303 of title 49, United States
11 Code—

12 (A) \$6,800,000 for fiscal year 2022;

13 (B) \$7,000,000 for fiscal year 2023;

14 (C) \$7,200,000 for fiscal year 2024;

15 (D) \$7,400,000 for fiscal year 2025; and

16 (E) \$7,600,000 for fiscal year 2026.

17 (b) PROHIBITION ON OTHER USES.—Except as oth-
18 erwise provided in chapter 4 of title 23, and chapter 303
19 of title 49, United States Code, the amounts made avail-
20 able under subsection (a) or any other provision of law
21 from the Highway Trust Fund (other than the Mass Tran-
22 sit Account) for a program under those chapters—

23 (1) shall only be used to carry out that pro-
24 gram; and

1 (2) may not be used by a State or local govern-
2 ment for construction purposes.

3 (c) APPLICABILITY OF TITLE 23.—Except as other-
4 wise provided in chapter 4 of title 23, and chapter 303
5 of title 49, United States Code, the amounts made avail-
6 able under subsection (a) for fiscal years 2022 through
7 2026 shall be available for obligation in the same manner
8 as if those funds were apportioned under chapter 1 of title
9 23, United States Code.

10 (d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—

11 (1) IN GENERAL.—Chapter 4 of title 23, United
12 States Code, is amended—

13 (A) by redesignating sections 409 and 412
14 and sections 407 and 408, respectively; and

15 (B) by inserting after section 405 the fol-
16 lowing:

17 **“§ 406. General requirements for Federal assistance**

18 “(a) DEFINITION OF FUNDED PROJECT.—In this
19 section, the term ‘funded project’ means a project funded,
20 in whole or in part, by a grant provided under section 402
21 or 405.

22 “(b) REGULATORY AUTHORITY.—Each funded
23 project shall be carried out in accordance with applicable
24 regulations promulgated by the Secretary.

1 “(c) STATE MATCHING REQUIREMENTS.—If a grant
2 provided under this chapter requires any State to share
3 in the cost of a funded project, the aggregate of the ex-
4 penditures made by the State (including any political sub-
5 division of the State) for highway safety activities during
6 a fiscal year, exclusive of Federal funds, for carrying out
7 the funded project (other than expenditures for planning
8 or administration) shall be credited toward the non-Fed-
9 eral share of the cost of any other funded project (other
10 than planning and administration) during that fiscal year,
11 regardless of whether those expenditures were made in
12 connection with the project.

13 “(d) GRANT APPLICATION AND DEADLINE.—

14 “(1) APPLICATIONS.—To be eligible to receive a
15 grant under this chapter, a State shall submit to the
16 Secretary an application at such time, in such man-
17 ner, and containing such information as the Sec-
18 retary may require.

19 “(2) DEADLINE.—The Secretary shall establish
20 a single deadline for the submission of applications
21 under paragraph (1) to enable the provision of
22 grants under this chapter early in each applicable
23 fiscal year beginning after the date of submission.

24 “(e) DISTRIBUTION OF FUNDS TO STATES.—Not
25 later than 60 days after the later of the start of a fiscal

1 year or the date of enactment of any appropriations Act
 2 making funds available to carry out this chapter for that
 3 fiscal year, the Secretary shall distribute to each State the
 4 portion of those funds to which the State is entitled for
 5 the applicable fiscal year.”.

6 (2) CLERICAL AMENDMENT.—The analysis for
 7 chapter 4 of title 23, United States Code, is amend-
 8 ed by striking the items relating to sections 406
 9 through 412 and inserting the following:

“406. General requirements for Federal assistance.

“407. Discovery and admission as evidence of certain reports and surveys.

“408. Agency accountability.”.

10 **SEC. 24102. HIGHWAY SAFETY PROGRAMS.**

11 (a) IN GENERAL.—Section 402 of title 23, United
 12 States Code, is amended—

13 (1) by striking “accidents” each place it ap-
 14 pears and inserting “crashes”;

15 (2) by striking “accident” each place it appears
 16 and inserting “crash”;

17 (3) in subsection (a)—

18 (A) in paragraph (1), by striking “shall
 19 have” and all that follows through the period at
 20 the end and inserting the following: “shall have
 21 in effect a highway safety program that—

22 “(i) is designed to reduce—

23 “(I) traffic crashes; and

1 “(II) deaths, injuries, and prop-
2 erty damage resulting from those
3 crashes;

4 “(ii) includes—

5 “(I) an approved, current, tri-
6 ennial highway safety plan in accord-
7 ance with subsection (k); and

8 “(II) an approved grant applica-
9 tion under subsection (l) for the fiscal
10 year;

11 “(iii) demonstrates compliance with
12 the applicable administrative requirements
13 of subsection (b)(1); and

14 “(iv) is approved by the Secretary.”;

15 (B) in paragraph (2)(A)—

16 (i) in clause (ii), by striking “occu-
17 pant protection devices (including the use
18 of safety belts and child restraint sys-
19 tems)” and inserting “safety belts”;

20 (ii) in clause (vii), by striking “and”
21 at the end;

22 (iii) by redesignating clauses (iii)
23 through (viii) as clauses (iv) through (ix),
24 respectively;

1 (iv) by inserting after clause (ii) the
2 following:

3 “(iii) to encourage more widespread
4 and proper use of child restraints, with an
5 emphasis on underserved populations;”;
6 and

7 (v) by adding at the end the following:

8 “(x) to reduce crashes caused by driv-
9 er misuse or misunderstanding of new ve-
10 hicle technology;

11 “(xi) to increase vehicle recall aware-
12 ness;

13 “(xii) to provide to the public infor-
14 mation relating to the risks of child heat-
15 stroke death when left unattended in a
16 motor vehicle after the motor is deacti-
17 vated by the operator;

18 “(xiii) to reduce injuries and deaths
19 resulting from the failure by drivers of
20 motor vehicles to move to another traffic
21 lane or reduce the speed of the vehicle
22 when law enforcement, fire service, emer-
23 gency medical services, or other emergency
24 or first responder vehicles are stopped or

1 parked on or next to a roadway with emer-
2 gency lights activated; and

3 “(xiv) to prevent crashes, injuries, and
4 deaths caused by unsecured vehicle loads;”
5 and

6 (C) by adding at the end the following:

7 “(3) ADDITIONAL CONSIDERATIONS.—A State
8 that has legalized medicinal or recreational mari-
9 juana shall take into consideration implementing
10 programs in addition to the programs described in
11 paragraph (2)(A)—

12 “(A) to educate drivers regarding the risks
13 associated with marijuana-impaired driving; and

14 “(B) to reduce injuries and deaths result-
15 ing from individuals driving motor vehicles
16 while impaired by marijuana.”;

17 (4) in subsection (b)(1)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “may” and inserting “shall”;

20 (B) by striking subparagraph (B) and in-
21 serting the following:

22 “(B) provide for a comprehensive, data-
23 driven traffic safety program that results from
24 meaningful public participation and engagement
25 from affected communities, particularly those

1 most significantly impacted by traffic crashes
2 resulting in injuries and fatalities;”;

3 (C) in subparagraph (C), by striking “au-
4 thorized in accordance with subparagraph (B)”;

5 (D) in subparagraph (D), by striking
6 “with disabilities, including those in wheel-
7 chairs” and inserting “, including those with
8 disabilities and those in wheelchairs”;

9 (E) by striking subparagraph (E) and in-
10 sserting the following:

11 “(E) as part of a comprehensive program,
12 support—

13 “(i) data-driven traffic safety enforce-
14 ment programs that foster effective com-
15 munity collaboration to increase public
16 safety; and

17 “(ii) data collection and analysis to
18 ensure transparency, identify disparities in
19 traffic enforcement, and inform traffic en-
20 forcement policies, procedures, and activi-
21 ties; and”;

22 (F) in subparagraph (F)—

23 (i) in clause (i), by striking “national
24 law enforcement mobilizations and high-

1 visibility” and inserting “national, high-vis-
2 ibility”;

3 (ii) in clause (iv), by striking “and”
4 after the semicolon at the end;

5 (iii) in clause (v), by striking the pe-
6 riod at the end and inserting “; and”;

7 (iv) by adding at the end the fol-
8 lowing:

9 “(vi) unless the State highway safety
10 program is developed by American Samoa,
11 Guam, the Commonwealth of the Northern
12 Mariana Islands, or the United States Vir-
13 gin Islands, participation in the Fatality
14 Analysis Reporting System.”;

15 (5) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) by striking the paragraph designa-
18 tion and heading and all that follows
19 through “Funds authorized” and inserting
20 the following:

21 “(1) USE FOR STATE ACTIVITIES.—

22 “(A) IN GENERAL.—The funds author-
23 ized”; and

24 (ii) by adding at the end the fol-
25 lowing:

1 “(B) NEIGHBORING STATES.—A State,
2 acting in cooperation with any neighboring
3 State, may use funds provided under this sec-
4 tion for a highway safety program that may
5 confer a benefit on the neighboring State.”;

6 (B) by striking paragraphs (2) and (3) and
7 inserting the following:

8 “(2) APPORTIONMENT TO STATES.—

9 “(A) DEFINITION OF PUBLIC ROAD.—In
10 this paragraph, the term ‘public road’ means
11 any road that is—

12 “(i) subject to the jurisdiction of, and
13 maintained by, a public authority; and

14 “(ii) held open to public travel.

15 “(B) APPORTIONMENT.—

16 “(i) IN GENERAL.—Except for the
17 amounts identified in section 403(f) and
18 the amounts subject to subparagraph (C),
19 of the funds made available under this sec-
20 tion—

21 “(I) 75 percent shall be appor-
22 tioned to each State based on the
23 ratio that, as determined by the most
24 recent decennial census—

1 “(aa) the population of the
2 State; bears to

3 “(bb) the total population of
4 all States; and

5 “(II) 25 percent shall be appor-
6 tioned to each State based on the
7 ratio that, subject to clause (ii)—

8 “(aa) the public road mile-
9 age in each State; bears to

10 “(bb) the total public road
11 mileage in all States.

12 “(ii) CALCULATION.—For purposes of
13 clause (i)(II), public road mileage shall
14 be—

15 “(I) determined as of the end of
16 the calendar year preceding the year
17 during which the funds are appor-
18 tioned;

19 “(II) certified by the Governor of
20 the State; and

21 “(III) subject to approval by the
22 Secretary.

23 “(C) MINIMUM APPORTIONMENTS.—The
24 annual apportionment under this section to—

1 “(i) each State shall be not less than
2 $\frac{3}{4}$ of 1 percent of the total apportionment;

3 “(ii) the Secretary of the Interior
4 shall be not less than 2 percent of the total
5 apportionment; and

6 “(iii) the United States Virgin Is-
7 lands, Guam, American Samoa, and the
8 Commonwealth of the Northern Mariana
9 Islands shall be not less than $\frac{1}{4}$ of 1 per-
10 cent of the total apportionment.

11 “(D) PENALTY.—

12 “(i) IN GENERAL.—The funds appor-
13 tioned under this section to a State that
14 does not have approved or in effect a high-
15 way safety program described in subsection
16 (a)(1) shall be reduced by an amount equal
17 to not less than 20 percent of the amount
18 that would otherwise be apportioned to the
19 State under this section, until the date on
20 which the Secretary, as applicable—

21 “(I) approves such a highway
22 safety program; or

23 “(II) determines that the State is
24 implementing such a program.

1 “(ii) FACTOR FOR CONSIDERATION.—

2 In determining the amount of the reduc-
3 tion in funds apportioned to a State under
4 this subparagraph, the Secretary shall take
5 into consideration the gravity of the failure
6 by the State to secure approval, or to im-
7 plement, a highway safety program de-
8 scribed in subsection (a)(1).

9 “(E) LIMITATIONS.—

10 “(i) IN GENERAL.—A highway safety
11 program approved by the Secretary shall
12 not include any requirement that a State
13 shall implement such a program by adopt-
14 ing or enforcing any law, rule, or regula-
15 tion based on a guideline promulgated by
16 the Secretary under this section requiring
17 any motorcycle operator aged 18 years or
18 older, or a motorcycle passenger aged 18
19 years or older, to wear a safety helmet
20 when operating or riding a motorcycle on
21 the streets and highways of that State.

22 “(ii) EFFECT OF GUIDELINES.—Noth-
23 ing in this section requires a State high-
24 way safety program to require compliance
25 with every uniform guideline, or with every

1 element of every uniform guideline, in
2 every State.

3 “(3) REAPPORTIONMENT.—

4 “(A) IN GENERAL.—The Secretary shall
5 promptly apportion to a State any funds with-
6 held from the State under paragraph (2)(D) if
7 the Secretary makes an approval or determina-
8 tion, as applicable, described in that paragraph
9 by not later than July 31 of the fiscal year for
10 which the funds were withheld.

11 “(B) CONTINUING STATE FAILURE.—If
12 the Secretary determines that a State fails to
13 correct a failure to have approved or in effect
14 a highway safety program described in sub-
15 section (a)(1) by the date described in subpara-
16 graph (A), the Secretary shall reapportion the
17 funds withheld from that State under para-
18 graph (2)(D) for the fiscal year to the other
19 States in accordance with the formula described
20 in paragraph (2)(B) by not later than the last
21 day of the fiscal year.”; and

22 (C) in paragraph (4)—

23 (i) by striking subparagraph (C);

24 (ii) by redesignating subparagraphs

25 (A) and (B) as subparagraphs (B) and

1 (A), respectively, and moving the subpara-
2 graphs so as to appear in alphabetical
3 order; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(C) SPECIAL RULE FOR SCHOOL AND
7 WORK ZONES.—Notwithstanding subparagraph
8 (B), a State may expend funds apportioned to
9 the State under this section to carry out a pro-
10 gram to purchase, operate, or maintain an
11 automated traffic enforcement system in a work
12 zone or school zone.

13 “(D) AUTOMATED TRAFFIC ENFORCEMENT
14 SYSTEM GUIDELINES.—An automated traffic
15 enforcement system installed pursuant to sub-
16 paragraph (C) shall comply with such guidelines
17 applicable to speed enforcement camera systems
18 and red light camera systems as are established
19 by the Secretary.”;

20 (6) in subsection (k)—

21 (A) by striking the subsection designation
22 and heading and all that follows through
23 “thereafter” in paragraph (1) and inserting the
24 following:

25 “(k) TRIENNIAL HIGHWAY SAFETY PLAN.—

1 “(1) IN GENERAL.—For fiscal year 2024, and
2 not less frequently than once every 3 fiscal years
3 thereafter”;

4 (B) in paragraph (1), by striking “for that
5 fiscal year, to develop and submit to the Sec-
6 retary for approval a highway safety plan” and
7 inserting “for the 3 fiscal years covered by the
8 plan, to develop and submit to the Secretary for
9 approval a triennial highway safety plan”;

10 (C) by striking paragraph (2) and insert-
11 ing the following:

12 “(2) TIMING.—Each State shall submit to the
13 Secretary a triennial highway safety plan by not
14 later than July 1 of the fiscal year preceding the
15 first fiscal year covered by the plan.”;

16 (D) in paragraph (3), by inserting “tri-
17 ennial” before “highway”;

18 (E) in paragraph (4)—

19 (i) in the matter preceding subpara-
20 graph (A)—

21 (I) by striking “State highway
22 safety plans” and inserting “Each
23 State triennial highway safety plan”;
24 and

1 (II) by inserting “, with respect
2 to the 3 fiscal years covered by the
3 plan, based on the information avail-
4 able on the date of submission under
5 paragraph (2)” after “include”;

6 (ii) in subparagraph (A)(ii), by strik-
7 ing “annual performance targets” and in-
8 serting “performance targets that dem-
9 onstrate constant or improved perform-
10 ance”;

11 (iii) by striking subparagraph (B) and
12 inserting the following:

13 “(B) a countermeasure strategy for pro-
14 gramming funds under this section for projects
15 that will allow the State to meet the perform-
16 ance targets described in subparagraph (A), in-
17 cluding a description—

18 “(i) that demonstrates the link be-
19 tween the effectiveness of each proposed
20 countermeasure strategy and those per-
21 formance targets; and

22 “(ii) of the manner in which each
23 countermeasure strategy is informed by
24 uniform guidelines issued by the Sec-
25 retary;”;

1 (iv) in subparagraph (D)—

2 (I) by striking “, State, local, or
3 private”; and

4 (II) by inserting “and” after the
5 semicolon at the end;

6 (v) in subparagraph (E)—

7 (I) by striking “for the fiscal
8 year preceding the fiscal year to which
9 the plan applies,”; and

10 (II) by striking “performance
11 targets set forth in the previous year’s
12 highway safety plan; and” and insert-
13 ing “performance targets set forth in
14 the most recently submitted highway
15 safety plan.”; and

16 (vi) by striking subparagraph (F);

17 (F) by striking paragraph (5) and insert-
18 ing the following:

19 “(5) PERFORMANCE MEASURES.—The Sec-
20 retary shall develop minimum performance measures
21 under paragraph (4)(A) in consultation with the
22 Governors Highway Safety Association.”; and

23 (G) in paragraph (6)—

24 (i) in the paragraph heading, by in-
25 serting “TRIENNIAL” before “HIGHWAY”;

1 (ii) by redesignating subparagraphs
2 (B) through (E) as subparagraphs (C)
3 through (F), respectively;

4 (iii) in each of subparagraphs (C)
5 through (F) (as so redesignated), by in-
6 serting “triennial” before “highway” each
7 place it appears; and

8 (iv) by striking subparagraph (A) and
9 inserting the following:

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Secretary shall review
12 and approve or disapprove a triennial highway
13 safety plan of a State by not later than 60 days
14 after the date on which the plan is received by
15 the Secretary.

16 “(B) ADDITIONAL INFORMATION.—

17 “(i) IN GENERAL.—The Secretary
18 may request a State to submit to the Sec-
19 retary such additional information as the
20 Secretary determines to be necessary for
21 review of the triennial highway safety plan
22 of the State.

23 “(ii) EXTENSION OF DEADLINE.—On
24 providing to a State a request for addi-
25 tional information under clause (i), the

1 Secretary may extend the deadline to ap-
2 prove or disapprove the triennial highway
3 safety plan of the State under subpara-
4 graph (A) for not more than an additional
5 90 days, as the Secretary determines to be
6 necessary to accommodate that request,
7 subject to clause (iii).

8 “(iii) TIMING.—Any additional infor-
9 mation requested under clause (i) shall be
10 submitted to the Secretary by not later
11 than 7 business days after the date of re-
12 ceipt by the State of the request.”;

13 (7) by inserting after subsection (k) the fol-
14 lowing:

15 “(l) ANNUAL GRANT APPLICATION AND REPORTING
16 REQUIREMENTS.—

17 “(1) ANNUAL GRANT APPLICATION.—

18 “(A) IN GENERAL.—To be eligible to re-
19 ceive grant funds under this chapter for a fiscal
20 year, each State shall submit to the Secretary
21 an annual grant application that, as determined
22 by the Secretary—

23 “(i) demonstrates alignment with the
24 approved triennial highway safety plan of
25 the State; and

1 the previous report of the State under
2 paragraph (2); and

3 “(iv) an application for any additional
4 grants available to the State under this
5 chapter.

6 “(D) REVIEW.—The Secretary shall review
7 and approve or disapprove an annual grant ap-
8 plication under this paragraph by not later than
9 60 days after the date of submission of the ap-
10 plication.

11 “(2) REPORTING REQUIREMENTS.—Not later
12 than 120 days after the end of each fiscal year for
13 which a grant is provided to a State under this
14 chapter, the State shall submit to the Secretary an
15 annual report that includes—

16 “(A) an assessment of the progress made
17 by the State in achieving the performance tar-
18 gets identified in the triennial highway safety
19 plan of the State, based on the most currently
20 available Fatality Analysis Reporting System
21 data; and

22 “(B)(i) a description of the extent to which
23 progress made in achieving those performance
24 targets is aligned with the triennial highway
25 safety plan of the State; and

1 “(ii) if applicable, any plans of the State to
2 adjust a strategy for programming funds to
3 achieve the performance targets.”;

4 (8) in subsection (m)(1), by striking “a State’s
5 highway safety plan” and inserting “the applicable
6 triennial highway safety plan of the State”; and

7 (9) by striking subsection (n) and inserting the
8 following:

9 “(n) PUBLIC TRANSPARENCY.—

10 “(1) IN GENERAL.—The Secretary shall pub-
11 licly release on a Department of Transportation
12 website, by not later than 45 calendar days after the
13 applicable date of availability—

14 “(A) each triennial highway safety plan ap-
15 proved by the Secretary under subsection (k);

16 “(B) each State performance target under
17 subsection (k); and

18 “(C) an evaluation of State achievement of
19 applicable performance targets under subsection
20 (k).

21 “(2) STATE HIGHWAY SAFETY PLAN
22 WEBSITE.—

23 “(A) IN GENERAL.—In carrying out para-
24 graph (1), the Secretary shall establish a public
25 website that is easily accessible, navigable, and

1 provided under this section, that the
2 State proposes to use to carry out the
3 triennial highway safety plan of the
4 State.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect with respect to any grant
7 application or State highway safety plan submitted under
8 chapter 4 of title 23, United States Code, for fiscal year
9 2024 or thereafter.

10 **SEC. 24103. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
11 **MENT.**

12 Section 403 of title 23, United States Code, is
13 amended—

14 (1) by striking “accident” each place it appears
15 and inserting “crash”;

16 (2) in subsection (b)(1), in the matter pre-
17 ceding subparagraph (A), by inserting “, training,
18 education,” after “demonstration projects”;

19 (3) in subsection (f)(1)—

20 (A) by striking “\$2,500,000” and inserting
21 “\$3,500,000”; and

22 (B) by striking “subsection 402(c) in each
23 fiscal year ending before October 1, 2015, and
24 \$443,989 of the total amount available for ap-
25 portionment to the States for highway safety

1 programs under section 402(c) in the period be-
2 ginning on October 1, 2015, and ending on De-
3 cember 4, 2015,” and inserting “section 402(c)
4 in each fiscal year”;

5 (4) in subsection (h)—

6 (A) in paragraph (2), by striking “2017
7 through 2021 not more than \$26,560,000’ to
8 conduct the research described in paragraph
9 (1)” and inserting “2022 through 2025, not
10 more than \$45,000,000 to conduct the research
11 described in paragraph (2)”;

12 (B) in paragraph (5)(A), by striking “sec-
13 tion 30102(a)(6)” and inserting “section
14 30102(a)”;

15 (C) by redesignating paragraphs (1), (2),
16 (3), (4), and (5) as paragraphs (2), (3), (4),
17 (5), and (1), respectively, and moving the para-
18 graphs so as to appear in numerical order; and
19 (5) by adding at the end the following:

20 “(k) CHILD SAFETY CAMPAIGN.—

21 “(1) IN GENERAL.—The Secretary shall carry
22 out an education campaign to reduce the incidence
23 of vehicular heatstroke of children left in passenger
24 motor vehicles (as defined in section 30102(a) of
25 title 49).

1 “(2) ADVERTISING.—The Secretary may use, or
2 authorize the use of, funds made available to carry
3 out this section to pay for the development, produc-
4 tion, and use of broadcast and print media adver-
5 tising and Internet-based outreach for the education
6 campaign under paragraph (1).

7 “(3) COORDINATION.—In carrying out the edu-
8 cation campaign under paragraph (1), the Secretary
9 shall coordinate with—

10 “(A) interested State and local govern-
11 ments;

12 “(B) private industry; and

13 “(C) other parties, as determined by the
14 Secretary.

15 “(1) DEVELOPMENT OF STATE PROCESSES FOR IN-
16 FORMING CONSUMERS OF RECALLS.—

17 “(1) DEFINITIONS.—In this subsection:

18 “(A) MOTOR VEHICLE.—The term ‘motor
19 vehicle’ has the meaning given the term in sec-
20 tion 30102(a) of title 49.

21 “(B) OPEN RECALL.—The term ‘open re-
22 call’ means a motor vehicle recall—

23 “(i) for which a notification by a man-
24 ufacturer has been provided under section
25 30119 of title 49; and

1 “(ii) that has not been remedied
2 under section 30120 of that title.

3 “(C) PROGRAM.—The term ‘program’
4 means the program established under para-
5 graph (2)(A).

6 “(D) REGISTRATION.—The term ‘registra-
7 tion’ means the process for registering a motor
8 vehicle in a State (including registration re-
9 newal).

10 “(E) STATE.—The term ‘State’ has the
11 meaning given the term in section 101(a).

12 “(2) GRANTS.—

13 “(A) ESTABLISHMENT OF PROGRAM.—Not
14 later than 2 years after the date of enactment
15 of this subsection, the Secretary shall establish
16 a program under which the Secretary shall pro-
17 vide grants to States for use in developing and
18 implementing State processes for informing
19 each applicable owner and lessee of a motor ve-
20 hicle of any open recall on the motor vehicle at
21 the time of registration of the motor vehicle in
22 the State, in accordance with this paragraph.

23 “(B) ELIGIBILITY.—To be eligible to re-
24 ceive a grant under the program, a State
25 shall—

1 “(i) submit to the Secretary an appli-
2 cation at such time, in such manner, and
3 containing such information as the Sec-
4 retary may require; and

5 “(ii) agree—

6 “(I) to notify each owner or les-
7 see of a motor vehicle presented for
8 registration in the State of any open
9 recall on that motor vehicle; and

10 “(II) to provide to each owner or
11 lessee of a motor vehicle presented for
12 registration, at no cost—

13 “(aa) the open recall infor-
14 mation for the motor vehicle; and

15 “(bb) such other information
16 as the Secretary may require.

17 “(C) FACTORS FOR CONSIDERATION.—In
18 selecting grant recipients under the program,
19 the Secretary shall take into consideration the
20 methodology of a State for—

21 “(i) identifying open recalls on a
22 motor vehicle;

23 “(ii) informing each owner and lessee
24 of a motor vehicle of an open recall; and

25 “(iii) measuring performance in—

965

1 “(I) informing owners and lessees
2 of open recalls; and

3 “(II) remedying open recalls.

4 “(D) PERFORMANCE PERIOD.—A grant
5 provided under the program shall require a per-
6 formance period of 2 years.

7 “(E) REPORT.—Not later than 90 days
8 after the date of completion of the performance
9 period under subparagraph (D), each State that
10 receives a grant under the program shall submit
11 to the Secretary a report that contains such in-
12 formation as the Secretary considers to be nec-
13 essary to evaluate the extent to which open re-
14 calls have been remedied in the State.

15 “(F) NO REGULATIONS REQUIRED.—Not-
16 withstanding any other provision of law, the
17 Secretary shall not be required to issue any reg-
18 ulations to carry out the program.

19 “(3) PAPERWORK REDUCTION ACT.—Chapter
20 35 of title 44 (commonly known as the ‘Paperwork
21 Reduction Act’) shall not apply to information col-
22 lected under the program.

23 “(4) FUNDING.—

24 “(A) IN GENERAL.—For each of fiscal
25 years 2022 through 2026, the Secretary shall

1 obligate from funds made available to carry out
2 this section \$1,500,000 to carry out the pro-
3 gram.

4 “(B) REALLOCATION.—To ensure, to the
5 maximum extent practicable, that all amounts
6 described in subparagraph (A) are obligated
7 each fiscal year, the Secretary, before the last
8 day of any fiscal year, may reallocate any of
9 those amounts remaining available to increase
10 the amounts made available to carry out any
11 other activities authorized under this section.

12 “(m) INNOVATIVE HIGHWAY SAFETY COUNTER-
13 MEASURES.—

14 “(1) IN GENERAL.—In conducting research
15 under this section, the Secretary shall evaluate the
16 effectiveness of innovative behavioral traffic safety
17 countermeasures, other than traffic enforcement,
18 that are considered promising or likely to be effec-
19 tive for the purpose of enriching revisions to the doc-
20 ument entitled ‘Countermeasures That Work: A
21 Highway Safety Countermeasure Guide for State
22 Highway Safety Offices, Ninth Edition’ and num-
23 bered DOT HS 812 478 (or any successor docu-
24 ment).

1 “(2) TREATMENT.—The research described in
2 paragraph (1) shall be in addition to any other re-
3 search carried out under this section.”.

4 **SEC. 24104. HIGH-VISIBILITY ENFORCEMENT PROGRAMS.**

5 Section 404(a) of title 23, United States Code, is
6 amended by striking “each of fiscal years 2016 through
7 2020” and inserting “each of fiscal years 2022 through
8 2026”.

9 **SEC. 24105. NATIONAL PRIORITY SAFETY PROGRAMS.**

10 (a) IN GENERAL.—Section 405 of title 23, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking paragraphs (6) and (9);

14 (B) by redesignating paragraphs (1)
15 through (5) as paragraphs (2) through (6), re-
16 spectively;

17 (C) by striking the subsection designation
18 and heading and all that follows through “the
19 following:” in the matter preceding paragraph
20 (2) (as so redesignated) and inserting the fol-
21 lowing:

22 “(a) PROGRAM AUTHORITY.—

23 “(1) IN GENERAL.—Subject to the require-
24 ments of this section, the Secretary shall—

1 “(A) manage programs to address national
2 priorities for reducing highway deaths and inju-
3 ries; and

4 “(B) allocate funds for the purpose de-
5 scribed in subparagraph (A) in accordance with
6 this subsection.”;

7 (D) in paragraph (4) (as so redesignated),
8 by striking “52.5 percent” and inserting “53
9 percent”;

10 (E) in paragraph (7)—

11 (i) by striking “5 percent” and insert-
12 ing “7 percent”; and

13 (ii) by striking “subsection (h)” and
14 inserting “subsection (g)”;

15 (F) by redesignating paragraphs (8) and
16 (10) as paragraphs (10) and (11), respectively;

17 (G) by inserting after paragraph (7) the
18 following:

19 “(8) PREVENTING ROADSIDE DEATHS.—In each
20 fiscal year, 1 percent of the funds provided under
21 this section shall be allocated among States that
22 meet requirements with respect to preventing road-
23 side deaths under subsection (h).

24 “(9) DRIVER OFFICER SAFETY EDUCATION.—In
25 each fiscal year, 1.5 percent of the funds provided

1 under this section shall be allocated among States
2 that meet requirements with respect to driver and
3 officer safety education under subsection (i).”; and

4 (H) in paragraph (10) (as so redesignated)—
5 nated)—

6 (i) by striking “(1) through (7)” and
7 inserting “(2) through (9)”; and

8 (ii) by striking “(b) through (h)” and
9 inserting “(b) through (i)”;
10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “of
12 Transportation”;

13 (B) in paragraph (3)(B)(ii)(VI)(aa), by
14 striking “3-year” and inserting “5-year”; and

15 (C) in paragraph (4)—

16 (i) in subparagraph (A), by striking
17 clause (v) and inserting the following:

18 “(v) implement programs—

19 “(I) to recruit and train nation-
20 ally certified child passenger safety
21 technicians among police officers, fire
22 and other first responders, emergency
23 medical personnel, and other individ-
24 uals or organizations serving low-in-
25 come and underserved populations;

1 “(II) to educate parents and
2 caregivers in low-income and under-
3 served populations regarding the im-
4 portance of proper use and correct in-
5 stallation of child restraints on every
6 trip in a motor vehicle; and

7 “(III) to purchase and distribute
8 child restraints to low-income and un-
9 derserved populations; and”;

10 (ii) by striking subparagraph (B) and
11 inserting the following:

12 “(B) REQUIREMENTS.—Each State that is
13 eligible to receive funds—

14 “(i) under paragraph (3)(A) shall
15 use—

16 “(I) not more than 90 percent of
17 those funds to carry out a project or
18 activity eligible for funding under sec-
19 tion 402; and

20 “(II) not less than 10 percent of
21 those funds to carry out subparagraph
22 (A)(v); and

23 “(ii) under paragraph (3)(B) shall use
24 not less than 10 percent of those funds to

1 carry out the activities described in sub-
2 paragraph (A)(v).”;

3 (3) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “of Transpor-
7 tation”; and

8 (ii) in subparagraph (D), by striking
9 “States; and” and inserting “States, in-
10 cluding the National EMS Information
11 System;”;

12 (B) in paragraph (3)—

13 (i) by striking the paragraph designa-
14 tion and heading and all that follows
15 through “has a functioning” in subpara-
16 graph (A) and inserting the following:

17 “(3) ELIGIBILITY.—A State shall not be eligible
18 to receive a grant under this subsection for a fiscal
19 year unless the State—

20 “(A) has certified to the Secretary that the
21 State—

22 “(i) has a functioning”;

23 (ii) in subparagraph (B)—

24 (I) by adding “and” after the
25 semicolon at the end; and

1 (II) by redesignating the sub-
2 paragraph as clause (ii) of subpara-
3 graph (A) and indenting the clause
4 appropriately;

5 (iii) in subparagraph (C)—

6 (I) by adding “and” after the
7 semicolon at the end; and

8 (II) by redesignating the sub-
9 paragraph as clause (iii) of subpara-
10 graph (A) and indenting the clause
11 appropriately;

12 (iv) by redesignating subparagraph
13 (D) as subparagraph (B);

14 (v) in clause (vi) of subparagraph (B)
15 (as so redesignated), by striking “; and”
16 and inserting a period; and

17 (vi) by striking subparagraph (E);

18 (C) by striking paragraph (4) and insert-
19 ing the following:

20 “(4) USE OF GRANT AMOUNTS.—A State may
21 use a grant received under this subsection to make
22 data program improvements to core highway safety
23 databases relating to quantifiable, measurable
24 progress in any significant data program attribute
25 described in paragraph (3)(B), including through—

1 “(A) software or applications to identify,
2 collect, and report data to State and local gov-
3 ernment agencies, and enter data into State
4 core highway safety databases, including crash,
5 citation or adjudication, driver, emergency med-
6 ical services or injury surveillance system, road-
7 way, and vehicle data;

8 “(B) purchasing equipment to improve a
9 process by which data are identified, collated,
10 and reported to State and local government
11 agencies, including technology for use by law
12 enforcement for near-real time, electronic re-
13 porting of crash data;

14 “(C) improving the compatibility and inter-
15 operability of the core highway safety databases
16 of the State with national data systems and
17 data systems of other States, including the Na-
18 tional EMS Information System;

19 “(D) enhancing the ability of a State and
20 the Secretary to observe and analyze local,
21 State, and national trends in crash occurrences,
22 rates, outcomes, and circumstances;

23 “(E) supporting traffic records improve-
24 ment training and expenditures for law enforce-

1 ment, emergency medical, judicial, prosecu-
2 torial, and traffic records professionals;

3 “(F) hiring traffic records professionals for
4 the purpose of improving traffic information
5 systems (including a State Fatal Accident Re-
6 porting System (FARS) liaison);

7 “(G) adoption of the Model Minimum Uni-
8 form Crash Criteria, or providing to the public
9 information regarding why any of those criteria
10 will not be used, if applicable;

11 “(H) supporting reporting criteria relating
12 to emerging topics, including—

13 “(i) impaired driving as a result of
14 drug, alcohol, or polysubstance consump-
15 tion; and

16 “(ii) advanced technologies present on
17 motor vehicles; and

18 “(I) conducting research relating to State
19 traffic safety information systems, including de-
20 veloping programs to improve core highway
21 safety databases and processes by which data
22 are identified, collected, reported to State and
23 local government agencies, and entered into
24 State core safety databases.”; and

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

1 “(6) TECHNICAL ASSISTANCE.—

2 “(A) IN GENERAL.—The Secretary shall
3 provide technical assistance to States, regard-
4 less of whether a State receives a grant under
5 this subsection, with respect to improving the
6 timeliness, accuracy, completeness, uniformity,
7 integration, and public accessibility of State
8 safety data that are needed to identify priorities
9 for Federal, State, and local highway and traf-
10 fic safety programs, including on adoption by a
11 State of the Model Minimum Uniform Crash
12 Criteria.

13 “(B) FUNDS.—The Secretary may use not
14 more than 3 percent of the amounts available
15 under this subsection to carry out subparagraph
16 (A).”;

17 (4) in subsection (d)—

18 (A) in paragraph (4)—

19 (i) in subparagraph (B)—

20 (I) by striking clause (iii) and in-
21 sserting the following:

22 “(iii) court support of impaired driv-
23 ing prevention efforts, including—

24 “(I) hiring criminal justice pro-
25 fessionals, including law enforcement

1 officers, prosecutors, traffic safety re-
2 source prosecutors, judges, judicial
3 outreach liaisons, and probation offi-
4 cers;

5 “(II) training and education of
6 those professionals to assist the pro-
7 fessionals in preventing impaired driv-
8 ing and handling impaired driving
9 cases, including by providing com-
10 pensation to a law enforcement officer
11 to carry out safety grant activities to
12 replace a law enforcement officer who
13 is receiving drug recognition expert
14 training or participating as an in-
15 structor in that drug recognition ex-
16 pert training; and

17 “(III) establishing driving while
18 intoxicated courts;”;

19 (II) by striking clause (v) and in-
20 serting the following:

21 “(v) improving blood alcohol and drug
22 concentration screening and testing, detec-
23 tion of potentially impairing drugs (includ-
24 ing through the use of oral fluid as a speci-

1 men), and reporting relating to testing and
2 detection;”;

3 (III) in clause (vi), by striking
4 “conducting standardized field sobri-
5 ety training, advanced roadside im-
6 paired driving evaluation training,
7 and” and inserting “conducting initial
8 and continuing standardized field so-
9 briety training, advanced roadside im-
10 paired driving evaluation training, law
11 enforcement phlebotomy training,
12 and”;

13 (IV) in clause (ix), by striking
14 “and” at the end;

15 (V) in clause (x), by striking the
16 period at the end and inserting “;
17 and”;

18 (VI) by adding at the end the fol-
19 lowing:

20 “(xi) testing and implementing pro-
21 grams, and purchasing technologies, to
22 better identify, monitor, or treat impaired
23 drivers, including—

24 “(I) oral fluid-screening tech-
25 nologies;

978

1 “(II) electronic warrant pro-
2 grams;

3 “(III) equipment to increase the
4 scope, quantity, quality, and timeli-
5 ness of forensic toxicology chemical
6 testing;

7 “(IV) case management software
8 to support the management of im-
9 paired driving offenders; and

10 “(V) technology to monitor im-
11 paired-driving offenders, and equip-
12 ment and related expenditures used in
13 connection with impaired-driving en-
14 forcement in accordance with criteria
15 established by the National Highway
16 Traffic Safety Administration.”; and

17 (ii) in subparagraph (C)—

18 (I) in the second sentence, by
19 striking “Medium-range” and insert-
20 ing the following:

21 “(ii) MEDIUM-RANGE AND HIGH-
22 RANGE STATES.—Subject to clause (iii),
23 medium-range”;

979

1 (II) in the first sentence, by
2 striking “Low-range” and inserting
3 the following:

4 “(i) LOW-RANGE STATES.—Subject to
5 clause (iii), low-range”; and

6 (III) by adding at the end the
7 following:

8 “(iii) REPORTING AND IMPAIRED
9 DRIVING MEASURES.—A State may use
10 grant funds for any expenditure relating
11 to—

12 “(I) increasing the timely and ac-
13 curate reporting to Federal, State,
14 and local databases of—

15 “(aa) crash information, in-
16 cluding electronic crash reporting
17 systems that allow accurate real-
18 or near-real-time uploading of
19 crash information; and

20 “(bb) impaired driving
21 criminal justice information; or

22 “(II) researching or evaluating
23 impaired driving countermeasures.”;

24 (B) in paragraph (6)—

1 (i) by striking subparagraph (A) and
2 inserting the following:

3 “(A) GRANTS TO STATES WITH ALCOHOL-
4 IGNITION INTERLOCK LAWS.—The Secretary
5 shall make a separate grant under this sub-
6 section to each State that—

7 “(i) adopts, and is enforcing, a man-
8 datory alcohol-ignition interlock law for all
9 individuals convicted of driving under the
10 influence of alcohol or of driving while in-
11 toxicated;

12 “(ii) does not allow an individual con-
13 victed of driving under the influence of al-
14 cohol or of driving while intoxicated to re-
15 ceive any driving privilege or driver’s li-
16 cense unless the individual installs on each
17 motor vehicle registered, owned, or leased
18 for operation by the individual an ignition
19 interlock for a period of not less than 180
20 days; or

21 “(iii) has in effect, and is enforcing—

22 “(I) a State law requiring for
23 any individual who is convicted of, or
24 the driving privilege of whom is re-
25 voked or denied for, refusing to sub-

1 mit to a chemical or other appropriate
2 test for the purpose of determining
3 the presence or concentration of any
4 intoxicating substance, a State law re-
5 quiring a period of not less than 180
6 days of ignition interlock installation
7 on each motor vehicle to be operated
8 by the individual; and

9 “(II) a compliance-based removal
10 program, under which an individual
11 convicted of driving under the influ-
12 ence of alcohol or of driving while in-
13 toxicated shall—

14 “(aa) satisfy a period of not
15 less than 180 days of ignition
16 interlock installation on each
17 motor vehicle to be operated by
18 the individual; and

19 “(bb) have completed a min-
20 imum consecutive period of not
21 less than 40 percent of the re-
22 quired period of ignition interlock
23 installation immediately pre-
24 ceding the date of release of the

1 individual, without a confirmed
2 violation.”; and

3 (ii) in subparagraph (D), by striking
4 “2009” and inserting “2022”; and

5 (C) in paragraph (7)(A), in the matter
6 preceding clause (i), by inserting “or local”
7 after “authorizes a State”;

8 (5) in subsection (e)—

9 (A) by striking paragraphs (6) and (8);

10 (B) by redesignating paragraphs (1), (2),
11 (3), (4), (5), (7), and (9) as paragraphs (2),
12 (4), (6), (7), (8), (9), and (1), respectively, and
13 moving the paragraphs so as to appear in nu-
14 merical order;

15 (C) in paragraph (1) (as so redesign-
16 ated)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “, the following defi-
19 nitions apply”;

20 (ii) by striking subparagraph (B) and
21 inserting the following:

22 “(B) PERSONAL WIRELESS COMMUNICA-
23 TIONS DEVICE.—

1 “(i) IN GENERAL.—The term ‘per-
2 sonal wireless communications device’
3 means—

4 “(I) a device through which per-
5 sonal wireless services (as defined in
6 section 332(c)(7)(C) of the Commu-
7 nications Act of 1934 (47 U.S.C.
8 332(c)(7)(C))) are transmitted; and

9 “(II) a mobile telephone or other
10 portable electronic communication de-
11 vice with which a user engages in a
12 call or writes, sends, or reads a text
13 message using at least 1 hand.

14 “(ii) EXCLUSION.—The term ‘per-
15 sonal wireless communications device’ does
16 not include a global navigation satellite
17 system receiver used for positioning, emer-
18 gency notification, or navigation pur-
19 poses.”; and

20 (iii) by striking subparagraph (E) and
21 inserting the following:

22 “(E) TEXT.—The term ‘text’ means—

23 “(i) to read from, or manually to
24 enter data into, a personal wireless com-
25 munications device, including for the pur-

1 pose of SMS texting, emailing, instant
2 messaging, or any other form of electronic
3 data retrieval or electronic data commu-
4 nication; and

5 “(ii) manually to enter, send, or re-
6 trieve a text message to communicate with
7 another individual or device.

8 “(F) TEXT MESSAGE.—

9 “(i) IN GENERAL.—The term ‘text
10 message’ means—

11 “(I) a text-based message;

12 “(II) an instant message;

13 “(III) an electronic message; and

14 “(IV) email.

15 “(ii) EXCLUSIONS.—The term ‘text
16 message’ does not include—

17 “(I) an emergency, traffic, or
18 weather alert; or

19 “(II) a message relating to the
20 operation or navigation of a motor ve-
21 hicle.”;

22 (D) by striking paragraph (2) (as so redesi-
23 gnated) and inserting the following:

24 “(2) GRANT PROGRAM.—The Secretary shall
25 provide a grant under this subsection to any State

1 that includes distracted driving awareness as part of
2 the driver's license examination of the State.

3 “(3) ALLOCATION.—

4 “(A) IN GENERAL.—For each fiscal year,
5 not less than 50 percent of the amounts made
6 available to carry out this subsection shall be
7 allocated to States, based on the proportion
8 that—

9 “(i) the apportionment of the State
10 under section 402 for fiscal year 2009;
11 bears to

12 “(ii) the apportionment of all States
13 under section 402 for that fiscal year.

14 “(B) GRANTS FOR STATES WITH DIS-
15 TRACTED DRIVING LAWS.—

16 “(i) IN GENERAL.—In addition to the
17 allocations under subparagraph (A), for
18 each fiscal year, not more than 50 percent
19 of the amounts made available to carry out
20 this subsection shall be allocated to States
21 that enact and enforce a law that meets
22 the requirements of paragraph (4), (5), or
23 (6)—

24 “(I) based on the proportion
25 that—

1 “(aa) the apportionment of
2 the State under section 402 for
3 fiscal year 2009; bears to

4 “(bb) the apportionment of
5 all States under section 402 for
6 that fiscal year; and

7 “(II) subject to clauses (ii), (iii),
8 and (iv), as applicable.

9 “(ii) PRIMARY LAWS.—Subject to
10 clause (iv), in the case of a State that en-
11 acts and enforces a law that meets the re-
12 quirements of paragraph (4), (5), or (6) as
13 a primary offense, the allocation to the
14 State under this subparagraph shall be
15 100 percent of the amount calculated to be
16 allocated to the State under clause (i)(I).

17 “(iii) SECONDARY LAWS.—Subject to
18 clause (iv), in the case of a State that en-
19 acts and enforces a law that meets the re-
20 quirements of paragraph (4), (5), or (6) as
21 a secondary enforcement action, the alloca-
22 tion to the State under this subparagraph
23 shall be an amount equal to 50 percent of
24 the amount calculated to be allocated to
25 the State under clause (i)(I).

1 “(iv) TEXTING WHILE DRIVING.—Not-
2 withstanding clauses (ii) and (iii), the allo-
3 cation under this subparagraph to a State
4 that enacts and enforces a law that pro-
5 hibits a driver from viewing a personal
6 wireless communications device (except for
7 purposes of navigation) shall be 25 percent
8 of the amount calculated to be allocated to
9 the State under clause (i)(I).”;

10 (E) in paragraph (4) (as so redesign-
11 nated)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “set forth in this”
14 and inserting “of this”;

15 (ii) by striking subparagraph (B);

16 (iii) by redesignating subparagraphs
17 (C) and (D) as subparagraphs (B) and
18 (C), respectively;

19 (iv) in subparagraph (B) (as so redesi-
20 gnated), by striking “minimum”; and

21 (v) in subparagraph (C) (as so redesi-
22 gnated), by striking “text through a per-
23 sonal wireless communication device” and
24 inserting “use a personal wireless commu-
25 nications device for texting”;

1 (F) by inserting after paragraph (4) (as so
2 redesignated) the following:

3 “(5) PROHIBITION ON HANDHELD PHONE USE
4 WHILE DRIVING.—A State law meets the require-
5 ments of this paragraph if the law—

6 “(A) prohibits a driver from holding a per-
7 sonal wireless communications device while driv-
8 ing;

9 “(B) establishes a fine for a violation of
10 that law; and

11 “(C) does not provide for an exemption
12 that specifically allows a driver to use a per-
13 sonal wireless communications device for
14 texting while stopped in traffic.”;

15 (G) in paragraph (6) (as so redesign-
16 nated)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “set forth in this”
19 and inserting “of this”;

20 (ii) in subparagraph (A)(ii), by strik-
21 ing “set forth in subsection (g)(2)(B)”;

22 (iii) by striking subparagraphs (B)
23 and (D);

24 (iv) by redesignating subparagraph
25 (C) as subparagraph (B);

1 (v) in subparagraph (B) (as so redesi-
2 gnated), by striking “minimum”; and

3 (vi) by adding at the end the fol-
4 lowing:

5 “(C) does not provide for—

6 “(i) an exemption that specifically al-
7 lows a driver to use a personal wireless
8 communications device for texting while
9 stopped in traffic; or

10 “(ii) an exemption described in para-
11 graph (7)(E).”; and

12 (H) in paragraph (7) (as so redesi-
13 gnated)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “set forth in para-
16 graph (2) or (3)” and inserting “of para-
17 graph (4), (5), or (6)”;

18 (ii) by striking subparagraph (A) and
19 inserting the following:

20 “(A) a driver who uses a personal wireless
21 communications device during an emergency to
22 contact emergency services to prevent injury to
23 persons or property;”;

24 (iii) in subparagraph (C), by striking
25 “and” at the end;

1 (iv) by redesignating subparagraph
2 (D) as subparagraph (F); and

3 (v) by inserting after subparagraph
4 (C) the following:

5 “(D) a driver who uses a personal wireless
6 communications device for navigation;

7 “(E) except for a law described in para-
8 graph (6), the use of a personal wireless com-
9 munications device—

10 “(i) in a hands-free manner;

11 “(ii) with a hands-free accessory; or

12 “(iii) with the activation or deactiva-
13 tion of a feature or function of the per-
14 sonal wireless communications device with
15 the motion of a single swipe or tap of the
16 finger of the driver; and”;

17 (6) in subsection (f)(3)—

18 (A) in subparagraph (A)(i), by striking
19 “accident” and inserting “crash”;

20 (B) by redesignating subparagraphs (C)
21 through (F) as subparagraphs (D) through (G),
22 respectively;

23 (C) by inserting after subparagraph (B)
24 the following:

1 “(C) HELMET LAW.—A State law requir-
2 ing the use of a helmet for each motorcycle
3 rider under the age of 18.”; and

4 (D) in subparagraph (F) (as so redesign-
5 ated), in the subparagraph heading, by strik-
6 ing “ACCIDENTS” and inserting “CRASHES”;

7 (7) by striking subsection (g);

8 (8) by redesignating subsection (h) as sub-
9 section (g);

10 (9) in subsection (g) (as so redesignated)—

11 (A) by redesignating paragraphs (1)
12 through (5) as paragraphs (2) through (6), re-
13 spectively;

14 (B) by inserting before paragraph (2) (as
15 so redesignated) the following:

16 “(1) DEFINITION OF NONMOTORIZED ROAD
17 USER.—In this subsection, the term ‘nonmotorized
18 road user’ means—

19 “(A) a pedestrian;

20 “(B) an individual using a nonmotorized
21 mode of transportation, including a bicycle, a
22 scooter, or a personal conveyance; and

23 “(C) an individual using a low-speed or
24 low-horsepower motorized vehicle, including an
25 electric bicycle, electric scooter, personal mobil-

1 ity assistance device, personal transporter, or
2 all-terrain vehicle.”;

3 (C) in paragraph (2) (as so redesignated),
4 by striking “pedestrian and bicycle fatalities
5 and injuries that result from crashes involving
6 a motor vehicle” and inserting “nonmotorized
7 road user fatalities involving a motor vehicle in
8 transit on a traffieway”;

9 (D) in paragraph (4) (as so redesignated),
10 by striking “pedestrian and bicycle” and insert-
11 ing “nonmotorized road user”; and

12 (E) by striking paragraph (5) (as so redesi-
13 gnated) and inserting the following:

14 “(5) USE OF GRANT AMOUNTS.—Grant funds
15 received by a State under this subsection may be
16 used for the safety of nonmotorized road users, in-
17 cluding—

18 “(A) training of law enforcement officials
19 relating to nonmotorized road user safety, State
20 laws applicable to nonmotorized road user safe-
21 ty, and infrastructure designed to improve non-
22 motorized road user safety;

23 “(B) carrying out a program to support
24 enforcement mobilizations and campaigns de-

1 signed to enforce State traffic laws applicable to
2 nonmotorized road user safety;

3 “(C) public education and awareness pro-
4 grams designed to inform motorists and non-
5 motorized road users regarding—

6 “(i) nonmotorized road user safety,
7 including information relating to non-
8 motorized mobility and the importance of
9 speed management to the safety of non-
10 motorized road users;

11 “(ii) the value of the use of non-
12 motorized road user safety equipment, in-
13 cluding lighting, conspicuity equipment,
14 mirrors, helmets, and other protective
15 equipment, and compliance with any State
16 or local laws requiring the use of that
17 equipment;

18 “(iii) State traffic laws applicable to
19 nonmotorized road user safety, including
20 the responsibilities of motorists with re-
21 spect to nonmotorized road users; and

22 “(iv) infrastructure designed to im-
23 prove nonmotorized road user safety; and

24 “(D) the collection of data, and the estab-
25 lishment and maintenance of data systems, re-

1 “(ii) in the case of a motor vehicle
2 that is used for emergency response activi-
3 ties, is capable of sending alerts to civilian
4 drivers to protect first responders on the
5 scene and en route;

6 “(B) to educate the public regarding the
7 safety of vehicles and individuals stopped at the
8 roadside in the State through public informa-
9 tion campaigns for the purpose of reducing
10 roadside deaths and injury;

11 “(C) for law enforcement costs relating to
12 enforcing State laws to protect the safety of ve-
13 hicles and individuals stopped at the roadside;

14 “(D) for programs to identify, collect, and
15 report to State and local government agencies
16 data relating to crashes involving vehicles and
17 individuals stopped at the roadside; and

18 “(E) to pilot and incentivize measures, in-
19 cluding optical visibility measures, to increase
20 the visibility of stopped and disabled vehicles.

21 “(5) GRANT AMOUNT.—The allocation of grant
22 funds to a State under this subsection for a fiscal
23 year shall be in proportion to the apportionment of
24 that State under section 402 for fiscal year 2022.

25 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

1 “(1) DEFINITION OF PEACE OFFICER.—In this
2 subsection, the term ‘peace officer’ includes any indi-
3 vidual—

4 “(A) who is an elected, appointed, or em-
5 ployed agent of a government entity;

6 “(B) who has the authority—

7 “(i) to carry firearms; and

8 “(ii) to make warrantless arrests; and

9 “(C) whose duties involve the enforcement
10 of criminal laws of the United States.

11 “(2) GRANTS.—Subject to the requirements of
12 this subsection, the Secretary shall provide grants
13 to—

14 “(A) States that enact or adopt a law or
15 program described in paragraph (4); and

16 “(B) qualifying States under paragraph
17 (7).

18 “(3) FEDERAL SHARE.—The Federal share of
19 the cost of carrying out an activity funded through
20 a grant under this subsection may not exceed 80
21 percent.

22 “(4) DESCRIPTION OF LAW OR PROGRAM.—A
23 law or program referred to in paragraph (2)(A) is
24 a law or program that requires 1 or more of the fol-
25 lowing:

1 “(A) DRIVER EDUCATION AND DRIVING
2 SAFETY COURSES.—The inclusion, in driver
3 education and driver safety courses provided to
4 individuals by educational and motor vehicle
5 agencies of the State, of instruction and testing
6 relating to law enforcement practices during
7 traffic stops, including information relating
8 to—

9 “(i) the role of law enforcement and
10 the duties and responsibilities of peace offi-
11 cers;

12 “(ii) the legal rights of individuals
13 concerning interactions with peace officers;

14 “(iii) best practices for civilians and
15 peace officers during those interactions;

16 “(iv) the consequences for failure of
17 an individual or officer to comply with the
18 law or program; and

19 “(v) how and where to file a com-
20 plaint against, or a compliment relating to,
21 a peace officer.

22 “(B) PEACE OFFICER TRAINING PRO-
23 GRAMS.—Development and implementation of a
24 training program, including instruction and
25 testing materials, for peace officers and reserve

1 law enforcement officers (other than officers
2 who have received training in a civilian course
3 described in subparagraph (A)) with respect to
4 proper interaction with civilians during traffic
5 stops.

6 “(5) USE OF FUNDS.—A State may use a grant
7 provided under this subsection for—

8 “(A) the production of educational mate-
9 rials and training of staff for driver education
10 and driving safety courses and peace officer
11 training described in paragraph (4); and

12 “(B) the implementation of a law or pro-
13 gram described in paragraph (4).

14 “(6) GRANT AMOUNT.—The allocation of grant
15 funds to a State under this subsection for a fiscal
16 year shall be in proportion to the apportionment of
17 that State under section 402 for fiscal year 2022.

18 “(7) SPECIAL RULE FOR CERTAIN STATES.—

19 “(A) DEFINITION OF QUALIFYING
20 STATE.—In this paragraph, the term ‘qualifying
21 State’ means a State that—

22 “(i) has received a grant under this
23 subsection for a period of not more than 5
24 years; and

25 “(ii) as determined by the Secretary—

999

1 “(I) has not fully enacted or
2 adopted a law or program described in
3 paragraph (4); but

4 “(II)(aa) has taken meaningful
5 steps toward the full implementation
6 of such a law or program; and

7 “(bb) has established a timetable
8 for the implementation of such a law
9 or program.

10 “(B) WITHHOLDING.—The Secretary
11 shall—

12 “(i) withhold 50 percent of the
13 amount that each qualifying State would
14 otherwise receive under this subsection if
15 the qualifying State were a State described
16 in paragraph (2)(A); and

17 “(ii) direct any amounts withheld
18 under clause (i) for distribution among the
19 States that are enforcing and carrying out
20 a law or program described in paragraph
21 (4).”.

22 (b) TECHNICAL AMENDMENT.—Section 4010(2) of
23 the FAST Act (23 U.S.C. 405 note; Public Law 114–94)
24 is amended by inserting “all” before “deficiencies”.

1000

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect with respect to any grant
3 application or State highway safety plan submitted under
4 chapter 4 of title 23, United States Code, for fiscal year
5 2024 or thereafter.

6 **SEC. 24106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING**
7 **PREVENTION.**

8 (a) IMPAIRED DRIVING COUNTERMEASURES.—Sec-
9 tion 154(c)(1) of title 23, United States Code, is amended
10 by striking “alcohol-impaired” each place it appears and
11 inserting “impaired”.

12 (b) COMPTROLLER GENERAL STUDY OF NATIONAL
13 DUI REPORTING.—

14 (1) IN GENERAL.—The Comptroller General of
15 the United States shall conduct a study of the re-
16 porting of impaired driving arrest and citation data
17 into Federal databases and the interstate sharing of
18 information relating to impaired driving-related con-
19 victions and license suspensions to facilitate the
20 widespread identification of repeat impaired driving
21 offenders.

22 (2) INCLUSIONS.—The study conducted under
23 paragraph (1) shall include a detailed assessment
24 of—

1001

1 (A) the extent to which State and local
2 criminal justice agencies are reporting impaired
3 driving arrest and citation data to Federal
4 databases;

5 (B) barriers—

6 (i) at the Federal, State, and local
7 levels, to the reporting of impaired driving
8 arrest and citation data to Federal data-
9 bases; and

10 (ii) to the use of those databases by
11 criminal justice agencies;

12 (C) Federal, State, and local resources
13 available to improve the reporting and sharing
14 of impaired driving data; and

15 (D) any options or recommendations for
16 actions that Federal agencies or Congress could
17 take to further improve the reporting and shar-
18 ing of impaired driving data.

19 (3) REPORT.—Not later than 1 year after the
20 date of enactment of this Act, the Comptroller Gen-
21 eral shall submit to the appropriate committees of
22 Congress a report describing the results of the study
23 conducted under this subsection.

1 **SEC. 24107. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
2 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
3 **ING UNDER THE INFLUENCE.**

4 Section 164(b)(1) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A), by striking “alcohol-
7 impaired” and inserting “alcohol- or multiple sub-
8 stance-impaired”; and

9 (2) in subparagraph (B)—

10 (A) by striking “intoxicated or driving”
11 and inserting “intoxicated, driving while mul-
12 tiple substance-impaired, or driving”; and

13 (B) by striking “alcohol-impaired” and in-
14 serting “alcohol- or multiple substance-im-
15 paired”.

16 **SEC. 24108. CRASH DATA.**

17 (a) IN GENERAL.—Not later than 3 years after the
18 date of enactment of this Act, the Secretary shall revise
19 the crash data collection system to include the collection
20 of crash report data elements that distinguish individual
21 personal conveyance vehicles, such as electric scooters and
22 bicycles, from other vehicles involved in a crash.

23 (b) COORDINATION.—In carrying out subsection (a),
24 the Secretary may coordinate with States to update the
25 Model Minimum Uniform Crash Criteria to provide guid-

1 ance to States regarding the collection of information and
2 data elements for the crash data collection system.

3 (c) VULNERABLE ROAD USERS.—

4 (1) UPDATE.—Based on the information con-
5 tained in the vulnerable road user safety assess-
6 ments required by subsection (f) of section 32302 of
7 title 49, United States Code (as added by section
8 24213(b)(2)), the Secretary shall modify existing
9 crash data collection systems to include the collec-
10 tion of additional crash report data elements relating
11 to vulnerable road user safety.

12 (2) INJURY HEALTH DATA.—The Secretary
13 shall coordinate with the Director of the Centers for
14 Disease Control and Prevention to develop and im-
15 plement a plan for States to combine highway crash
16 data and injury health data to produce a national
17 database of pedestrian injuries and fatalities,
18 disaggregated by demographic characteristics.

19 (d) STATE ELECTRONIC DATA COLLECTION.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) ELECTRONIC DATA TRANSFER.—The
22 term “electronic data transfer” means a pro-
23 tocol for automated electronic transfer of State
24 crash data to the National Highway Traffic
25 Safety Administration.

1004

- 1 (B) STATE.—The term “State” means—
- 2 (i) each of the 50 States;
- 3 (ii) the District of Columbia;
- 4 (iii) the Commonwealth of Puerto
- 5 Rico;
- 6 (iv) the United States Virgin Islands;
- 7 (v) Guam;
- 8 (vi) American Samoa;
- 9 (vii) the Commonwealth of the North-
- 10 ern Mariana Islands; and
- 11 (viii) the Secretary of the Interior,
- 12 acting on behalf of an Indian Tribe.

13 (2) ESTABLISHMENT OF PROGRAM.—The Sec-

14 retary shall establish a program under which the

15 Secretary shall—

16 (A) provide grants for the modernization

17 of State data collection systems to enable full

18 electronic data transfer under paragraph (3);

19 and

20 (B) upgrade the National Highway Traffic

21 Safety Administration system to manage and

22 support State electronic data transfers relating

23 to crashes under paragraph (4).

24 (3) STATE GRANTS.—

1005

1 (A) IN GENERAL.—The Secretary shall
2 provide grants to States to upgrade and stand-
3 ardize State crash data systems to enable elec-
4 tronic data collection, intrastate data sharing,
5 and electronic data transfers to the National
6 Highway Traffic Safety Administration to in-
7 crease the accuracy, timeliness, and accessibility
8 of the data, including data relating to fatalities
9 involving vulnerable road users.

10 (B) ELIGIBILITY.—A State shall be eligible
11 to receive a grant under this paragraph if the
12 State submits to the Secretary an application,
13 at such time, in such manner, and containing
14 such information as the Secretary may require,
15 that includes a plan to implement full electronic
16 data transfer to the National Highway Traffic
17 Safety Administration by not later than 5 years
18 after the date on which the grant is provided.

19 (C) USE OF FUNDS.—A grant provided
20 under this paragraph may be used for the costs
21 of—

22 (i) equipment to upgrade a statewide
23 crash data repository;

24 (ii) adoption of electronic crash re-
25 porting by law enforcement agencies; and

1006

1 (iii) increasing alignment of State
2 crash data with the latest Model Minimum
3 Uniform Crash Criteria.

4 (D) FEDERAL SHARE.—The Federal share
5 of the cost of a project funded with a grant
6 under this paragraph may be up to 80 percent.

7 (4) NATIONAL HIGHWAY TRAFFIC SAFETY AD-
8 MINISTRATION SYSTEM UPGRADE.—The Secretary
9 shall manage and support State electronic data
10 transfers relating to vehicle crashes by—

11 (A) increasing the capacity of the National
12 Highway Traffic Safety Administration system;
13 and

14 (B) making State crash data accessible to
15 the public.

16 (e) CRASH INVESTIGATION SAMPLING SYSTEM.—The
17 Secretary may use funds made available to carry out this
18 section to enhance the collection of crash data by upgrad-
19 ing the Crash Investigation Sampling System to include—

20 (1) additional program sites;

21 (2) an expanded scope that includes all crash
22 types; and

23 (3) on-scene investigation protocols.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary to carry

1 out this section \$150,000,000 for each of fiscal years 2022
2 through 2026, to remain available for a period of 3 fiscal
3 years following the fiscal year for which the amounts are
4 appropriated.

5 **SEC. 24109. REVIEW OF MOVE OVER OR SLOW DOWN LAW**
6 **PUBLIC AWARENESS.**

7 (a) DEFINITION OF MOVE OVER OR SLOW DOWN
8 LAW.—In this section, the term “Move Over or Slow
9 Down Law” means any Federal or State law intended to
10 ensure first responder and motorist safety by requiring
11 motorists to change lanes or slow down when approaching
12 an authorized emergency vehicle that is stopped or parked
13 on or next to a roadway with emergency lights activated.

14 (b) STUDY.—

15 (1) IN GENERAL.—The Comptroller General of
16 the United States shall carry out a study of the effi-
17 cacy of Move Over or Slow Down Laws and related
18 public awareness campaigns.

19 (2) INCLUSIONS.—The study under paragraph
20 (1) shall include—

21 (A) a review of each Federal and State
22 Move Over or Slow Down Law, including—

23 (i) penalties associated with the Move
24 Over or Slow Down Laws;

1 (ii) the level of enforcement of Move
2 Over or Slow Down Laws; and

3 (iii) the applicable class of vehicles
4 that triggers Move Over or Slow Down
5 Laws.

6 (B) an identification and description of
7 each Federal and State public awareness cam-
8 paign relating to Move Over or Slow Down
9 Laws; and

10 (C) a description of the role of the Depart-
11 ment in supporting State efforts with respect to
12 Move Over or Slow Down Laws, such as con-
13 ducting research, collecting data, or supporting
14 public awareness or education efforts.

15 (c) REPORT.—On completion of the study under sub-
16 section (b), the Comptroller General shall submit to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation and In-
19 frastructure of the House of Representatives a report that
20 describes—

21 (1) the findings of the study; and

22 (2) any recommendations to improve public
23 awareness campaigns, research, or education efforts
24 relating to the issues described in subsection (b)(2).

1 **SEC. 24110. REVIEW OF LAWS, SAFETY MEASURES, AND**
2 **TECHNOLOGIES RELATING TO SCHOOL**
3 **BUSES.**

4 (a) REVIEW OF ILLEGAL PASSING LAWS.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, the Secretary
7 shall prepare a report that—

8 (A) identifies and describes all illegal pass-
9 ing laws in each State relating to school buses,
10 including—

11 (i) the level of enforcement of those
12 laws;

13 (ii) the penalties associated with those
14 laws;

15 (iii) any issues relating to the enforce-
16 ment of those laws; and

17 (iv) the effectiveness of those laws;

18 (B) reviews existing State laws that may
19 inhibit the effectiveness of safety counter-
20 measures in school bus loading zones, such as—

21 (i) laws that require the face of a
22 driver to be visible in an image captured
23 by a camera if enforcement action is to be
24 taken based on that image;

25 (ii) laws that may reduce stop-arm
26 camera effectiveness;

1010

1 (iii) the need for a law enforcement
2 officer to witness an event for enforcement
3 action to be taken; and

4 (iv) the lack of primary enforcement
5 for texting and driving offenses;

6 (C) identifies the methods used by each
7 State to review, document, and report to law
8 enforcement school bus stop-arm violations; and
9 (D) identifies best practices relating to the
10 most effective approaches to address the illegal
11 passing of school buses.

12 (2) PUBLICATION.—The report under para-
13 graph (1) shall be made publicly available on the
14 website of the Department.

15 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary
18 shall establish and implement a public safety mes-
19 saging campaign that uses public safety media mes-
20 sages, posters, digital media messages, and other
21 media messages distributed to States, State depart-
22 ments of motor vehicles, schools, and other public
23 outlets—

24 (A) to highlight the importance of address-
25 ing the illegal passing of school buses; and

1 (B) to educate students and the public re-
2 garding the safe loading and unloading of
3 schools buses.

4 (2) CONSULTATION.—In carrying out para-
5 graph (1), the Secretary shall consult with—

6 (A) representatives of the school bus indus-
7 try from the public and private sectors; and

8 (B) States.

9 (3) UPDATES.—The Secretary shall periodically
10 update the materials used in the campaign under
11 paragraph (1).

12 (c) REVIEW OF TECHNOLOGIES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Secretary
15 shall review and evaluate the effectiveness of various
16 technologies for enhancing school bus safety, includ-
17 ing technologies such as—

18 (A) cameras;

19 (B) audible warning systems; and

20 (C) enhanced lighting.

21 (2) INCLUSIONS.—The review under paragraph

22 (1)—

23 (A) shall include—

24 (i) an assessment of—

1012

1 (I) the costs of acquiring and op-
2 erating new equipment;

3 (II) the potential impact of that
4 equipment on overall school bus rider-
5 ship; and

6 (III) motion-activated detection
7 systems capable of—

8 (aa) detecting pedestrians,
9 cyclists, and other road users lo-
10 cated near the exterior of the
11 school bus; and

12 (bb) alerting the operator of
13 the school bus of those road
14 users;

15 (ii) an assessment of the impact of
16 advanced technologies designed to improve
17 loading zone safety; and

18 (iii) an assessment of the effectiveness
19 of school bus lighting systems at clearly
20 communicating to surrounding drivers the
21 appropriate actions those drivers should
22 take; and

23 (B) may include an evaluation of any tech-
24 nological solutions that may enhance school bus
25 safety outside the school bus loading zone.

1 (3) CONSULTATION.—In carrying out the re-
2 view under paragraph (1), the Secretary shall con-
3 sult with—

4 (A) manufacturers of school buses;

5 (B) manufacturers of various technologies
6 that may enhance school bus safety; and

7 (C) representatives of the school bus indus-
8 try from the public and private sectors.

9 (4) PUBLICATION.—The Secretary shall make
10 the findings of the review under paragraph (1) pub-
11 licly available on the website of the Department.

12 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Secretary
15 shall—

16 (A) review driver manuals, handbooks, and
17 other materials in all States to determine
18 whether and the means by which illegal passing
19 of school buses is addressed in those driver ma-
20 terials, including in—

21 (i) testing for noncommercial driver's
22 licenses; and

23 (ii) road tests; and

24 (B) make recommendations on methods by
25 which States can improve education regarding

1 the illegal passing of school buses, particularly
2 for new drivers.

3 (2) CONSULTATION.—In carrying out para-
4 graph (1), the Secretary shall consult with—

5 (A) representatives of the school bus indus-
6 try from the public and private sectors;

7 (B) States;

8 (C) State motor vehicle administrators or
9 senior State executives responsible for driver li-
10 censing; and

11 (D) other appropriate motor vehicle ex-
12 perts.

13 (3) PUBLICATION.—The Secretary shall make
14 the findings of the review under paragraph (1) pub-
15 licly available on the website of the Department.

16 (e) REVIEW OF OTHER SAFETY ISSUES.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary
19 shall research and prepare a report describing any
20 relationship between the illegal passing of school
21 buses and other safety issues, including issues such
22 as—

23 (A) distracted driving;

24 (B) poor visibility, such as morning dark-
25 ness;

1 (C) illumination and reach of vehicle head-
2 lights;

3 (D) speed limits; and

4 (E) characteristics associated with school
5 bus stops, including the characteristics of school
6 bus stops in rural areas.

7 (2) PUBLICATION.—The Secretary shall make
8 the report under paragraph (1) publicly available on
9 the website of the Department.

10 **SEC. 24111. MOTORCYCLIST ADVISORY COUNCIL.**

11 (a) IN GENERAL.—Subchapter III of chapter 3 of
12 title 49, United States Code, is amended by adding at the
13 end the following:

14 **“§ 355. Motorcyclist Advisory Council**

15 “(a) ESTABLISHMENT.—Not later than 90 days after
16 the date of enactment of this section, the Secretary of
17 Transportation (referred to in this section as the ‘Sec-
18 retary’) shall establish a council, to be known as the ‘Mo-
19 torcyclist Advisory Council’ (referred to in this section as
20 the ‘Council’).

21 “(b) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Council shall be com-
23 prised of 13 members, to be appointed by the Sec-
24 retary, of whom—

1016

1 “(A) 5 shall be representatives of units of
2 State or local government with expertise relat-
3 ing to highway engineering and safety issues,
4 including—

5 “(i) motorcycle and motorcyclist safe-
6 ty;

7 “(ii) barrier and road design, con-
8 struction, and maintenance; or

9 “(iii) intelligent transportation sys-
10 tems;

11 “(B) 1 shall be a motorcyclist who serves
12 as a State or local—

13 “(i) traffic and safety engineer;

14 “(ii) design engineer; or

15 “(iii) other transportation department
16 official;

17 “(C) 1 shall be a representative of a na-
18 tional association of State transportation offi-
19 cials;

20 “(D) 1 shall be a representative of a na-
21 tional motorcyclist association;

22 “(E) 1 shall be a representative of a na-
23 tional motorcyclist foundation;

24 “(F) 1 shall be a representative of a na-
25 tional motorcycle manufacturing association;

1017

1 “(G) 1 shall be a representative of a mo-
2 torcycle manufacturing company headquartered
3 in the United States;

4 “(H) 1 shall be a roadway safety data ex-
5 pert with expertise relating to crash testing and
6 analysis; and

7 “(I) 1 shall be a member of a national
8 safety organization that represents the traffic
9 safety systems industry.

10 “(2) TERM.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), each member shall serve on
13 the Council for a single term of 2 years.

14 “(B) ADDITIONAL TERM.—If a successor
15 is not appointed for a member of the Council
16 before the expiration of the term of service of
17 the member, the member may serve on the
18 Council for a second term of not longer than 2
19 years.

20 “(C) APPOINTMENT OF REPLACEMENTS.—
21 If a member of the Council resigns before the
22 expiration of the 2-year term of service of the
23 member—

1 “(i) the Secretary may appoint a re-
2 placement for the member, who shall serve
3 the remaining portion of the term; and

4 “(ii) the resigning member may con-
5 tinue to serve after resignation until the
6 date on which a successor is appointed.

7 “(3) VACANCIES.—A vacancy on the Council
8 shall be filled in the manner in which the original
9 appointment was made.

10 “(4) COMPENSATION.—A member of the Coun-
11 cil shall serve without compensation.

12 “(c) DUTIES.—

13 “(1) ADVISING.—The Council shall advise the
14 Secretary, the Administrator of the National High-
15 way Traffic Safety Administration, and the Adminis-
16 trator of the Federal Highway Administration re-
17 garding transportation safety issues of concern to
18 motorcyclists, including—

19 “(A) motorcycle and motorcyclist safety;

20 “(B) barrier and road design, construction,
21 and maintenance practices; and

22 “(C) the architecture and implementation
23 of intelligent transportation system tech-
24 nologies.

1 “(2) BIENNIAL REPORT.—Not later than Octo-
2 ber 31 of the calendar year following the calendar
3 year in which the Council is established, and not less
4 frequently than once every 2 years thereafter, the
5 Council shall submit to the Secretary a report con-
6 taining recommendations of the Council regarding
7 the issues described in paragraph (1).

8 “(d) DUTIES OF SECRETARY.—

9 “(1) COUNCIL RECOMMENDATIONS.—

10 “(A) IN GENERAL.—The Secretary shall
11 determine whether to accept or reject a rec-
12 ommendation contained in a report of the
13 Council under subsection (c)(2).

14 “(B) INCLUSION IN REVIEW.—

15 “(i) IN GENERAL.—The Secretary
16 shall indicate in each review under para-
17 graph (2) whether the Secretary accepts or
18 rejects each recommendation of the Coun-
19 cil covered by the review.

20 “(ii) EXCEPTION.—The Secretary
21 may indicate in a review under paragraph
22 (2) that a recommendation of the Council
23 is under consideration, subject to the con-
24 dition that a recommendation so under
25 consideration shall be accepted or rejected

1 by the Secretary in the subsequent review
2 of the Secretary under paragraph (2).

3 “(2) REVIEW.—

4 “(A) IN GENERAL.—Not later than 60
5 days after the date on which the Secretary re-
6 ceives a report from the Council under sub-
7 section (c)(2), the Secretary shall submit a re-
8 view describing the response of the Secretary to
9 the recommendations of the Council contained
10 in the Council report to—

11 “(i) the Committee on Commerce,
12 Science, and Transportation of the Senate;

13 “(ii) the Committee on Environment
14 and Public Works of the Senate;

15 “(iii) the Subcommittee on Transpor-
16 tation, Housing and Urban Development,
17 and Related Agencies of the Committee on
18 Appropriations of the Senate;

19 “(iv) the Committee on Transpor-
20 tation and Infrastructure of the House of
21 Representatives; and

22 “(v) the Subcommittee on Transpor-
23 tation, Housing and Urban Development,
24 and Related Agencies of the Committee on

1 Appropriations of the House of Represent-
2 atives.

3 “(B) CONTENTS.—A review of the Sec-
4 retary under this paragraph shall include a de-
5 scription of—

6 “(i) each recommendation contained
7 in the Council report covered by the re-
8 view; and

9 “(ii)(I) each recommendation of the
10 Council that was categorized under para-
11 graph (1)(B)(ii) as being under consider-
12 ation by the Secretary in the preceding re-
13 view submitted under this paragraph; and

14 “(II) for each such recommendation,
15 whether the recommendation—

16 “(aa) is accepted or rejected by
17 the Secretary; or

18 “(bb) remains under consider-
19 ation by the Secretary.

20 “(3) ADMINISTRATIVE AND TECHNICAL SUP-
21 PORT.—The Secretary shall provide to the Council
22 such administrative support, staff, and technical as-
23 sistance as the Secretary determines to be necessary
24 to carry out the duties of the Council under this sec-
25 tion.

1 “(e) TERMINATION.—The Council shall terminate on
2 the date that is 6 years after the date on which the Council
3 is established under subsection (a).”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter III of chapter 3 of title 49, United States Code,
6 is amended by inserting after the item relating to section
7 354 the following:

“355. Motorcycleist Advisory Council.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 1426 of the FAST Act (23 U.S.C.
10 101 note; Public Law 114–94) is repealed.

11 (2) The table of contents for the FAST Act
12 (Public Law 114–94; 129 Stat. 1313) is amended by
13 striking the item relating to section 1426.

14 **SEC. 24112. SAFE STREETS AND ROADS FOR ALL GRANT**
15 **PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17 (1) COMPREHENSIVE SAFETY ACTION PLAN.—
18 The term “comprehensive safety action plan” means
19 a plan aimed at preventing transportation-related fa-
20 talities and serious injuries in a locality, commonly
21 referred to as a “Vision Zero” or “Toward Zero
22 Deaths” plan, that may include—

23 (A) a goal and timeline for eliminating fa-
24 talities and serious injuries;

1 (B) an analysis of the location and severity
2 of vehicle-involved crashes in a locality;

3 (C) an analysis of community input, gath-
4 ered through public outreach and education;

5 (D) a data-driven approach to identify
6 projects or strategies to prevent fatalities and
7 serious injuries in a locality, such as those in-
8 volving—

9 (i) education and community out-
10 reach;

11 (ii) effective methods to enforce traffic
12 laws and regulations;

13 (iii) new vehicle or other transpor-
14 tation-related technologies; and

15 (iv) roadway planning and design; and

16 (E) mechanisms for evaluating the out-
17 comes and effectiveness of the comprehensive
18 safety action plan, including the means by
19 which that effectiveness will be reported to resi-
20 dents in a locality.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means—

23 (A) a metropolitan planning organization;

24 (B) a political subdivision of a State;

1 (C) a federally recognized Tribal govern-
2 ment; and

3 (D) a multijurisdictional group of entities
4 described in any of subparagraphs (A) through
5 (C).

6 (3) ELIGIBLE PROJECT.—The term “eligible
7 project” means a project—

8 (A) to develop a comprehensive safety ac-
9 tion plan;

10 (B) to conduct planning, design, and devel-
11 opment activities for projects and strategies
12 identified in a comprehensive safety action plan;
13 or

14 (C) to carry out projects and strategies
15 identified in a comprehensive safety action plan.

16 (4) PROGRAM.—The term “program” means
17 the Safe Streets and Roads for All program estab-
18 lished under subsection (b).

19 (b) ESTABLISHMENT.—The Secretary shall establish
20 and carry out a program, to be known as the Safe Streets
21 and Roads for All program, that supports local initiatives
22 to prevent death and serious injury on roads and streets,
23 commonly referred to as “Vision Zero” or “Toward Zero
24 Deaths” initiatives.

25 (c) GRANTS.—

1025

1 (1) IN GENERAL.—In carrying out the program,
2 the Secretary may make grants to eligible entities,
3 on a competitive basis, in accordance with this sec-
4 tion.

5 (2) LIMITATIONS.—

6 (A) IN GENERAL.—Not more than 15 per-
7 cent of the funds made available to carry out
8 the program for a fiscal year may be awarded
9 to eligible projects in a single State during that
10 fiscal year.

11 (B) PLANNING GRANTS.—Of the total
12 amount made available to carry out the pro-
13 gram for each fiscal year, not less than 40 per-
14 cent shall be awarded to eligible projects de-
15 scribed in subsection (a)(3)(A).

16 (d) SELECTION OF ELIGIBLE PROJECTS.—

17 (1) SOLICITATION.—Not later than 180 days
18 after the date on which amounts are made available
19 to provide grants under the program for a fiscal
20 year, the Secretary shall solicit from eligible entities
21 grant applications for eligible projects in accordance
22 with this section.

23 (2) APPLICATIONS.—

24 (A) IN GENERAL.—To be eligible to receive
25 a grant under the program, an eligible entity

1026

1 shall submit to the Secretary an application in
2 such form and containing such information as
3 the Secretary considers to be appropriate.

4 (B) REQUIREMENT.—An application for a
5 grant under this paragraph shall include mech-
6 anisms for evaluating the success of applicable
7 eligible projects and strategies.

8 (3) CONSIDERATIONS.—In awarding a grant
9 under the program, the Secretary shall take into
10 consideration the extent to which an eligible entity,
11 and each eligible project proposed to be carried out
12 by the eligible entity, as applicable—

13 (A) is likely to significantly reduce or
14 eliminate transportation-related fatalities and
15 serious injuries involving various road users, in-
16 cluding pedestrians, bicyclists, public transpor-
17 tation users, motorists, and commercial opera-
18 tors, within the timeframe proposed by the eli-
19 gible entity;

20 (B) demonstrates engagement with a vari-
21 ety of public and private stakeholders;

22 (C) seeks to adopt innovative technologies
23 or strategies to promote safety;

1 (D) employs low-cost, high-impact strate-
2 gies that can improve safety over a wider geo-
3 graphical area;

4 (E) ensures, or will ensure, equitable in-
5 vestment in the safety needs of underserved
6 communities in preventing transportation-re-
7 lated fatalities and injuries;

8 (F) includes evidence-based projects or
9 strategies; and

10 (G) achieves such other conditions as the
11 Secretary considers to be necessary.

12 (4) TRANSPARENCY.—

13 (A) IN GENERAL.—The Secretary shall
14 evaluate, through a methodology that is discern-
15 ible and transparent to the public, the means
16 by, and extent to, which each application under
17 the program addresses any applicable merit cri-
18 teria established by the Secretary.

19 (B) PUBLICATION.—The methodology
20 under subparagraph (A) shall be published by
21 the Secretary as part of the notice of funding
22 opportunity under the program.

23 (e) FEDERAL SHARE.—The Federal share of the cost
24 of an eligible project carried out using a grant provided
25 under the program shall not exceed 80 percent.

1 (f) FUNDING.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated to carry out
4 this section \$200,000,000 for each of fiscal years
5 2022 through 2026, to remain available for a period
6 of 3 fiscal years following the fiscal year for which
7 the amounts are appropriated.

8 (2) ADMINISTRATIVE EXPENSES.—Of the

9 amounts made available to carry out the program
10 for a fiscal year, the Secretary may retain not more
11 than 2 percent for the administrative expenses of the
12 program.

13 (3) AVAILABILITY TO ELIGIBLE ENTITIES.—

14 Amounts made available under a grant under the
15 program shall remain available for use by the appli-
16 cable eligible entity until the date that is 5 years
17 after the date on which the grant is provided.

18 (g) DATA SUBMISSION.—

19 (1) IN GENERAL.—As a condition of receiving a

20 grant under this program, an eligible entity shall
21 submit to the Secretary, on a regular basis as estab-
22 lished by the Secretary, data, information, or anal-
23 yses collected or conducted in accordance with sub-
24 section (d)(3).

1 (2) FORM.—The data, information, and anal-
2 yses under paragraph (1) shall be submitted in such
3 form such manner as may be prescribed by the Sec-
4 retary.

5 (h) REPORTS.—Not later than 120 days after the end
6 of the period of performance for a grant under the pro-
7 gram, the eligible entity shall submit to the Secretary a
8 report that describes—

9 (1) the costs of each eligible project carried out
10 using the grant;

11 (2) the outcomes and benefits that each such el-
12 igible project has generated, as—

13 (A) identified in the grant application of
14 the eligible entity; and

15 (B) measured by data, to the maximum ex-
16 tent practicable; and

17 (3) the lessons learned and any recommenda-
18 tions relating to future projects or strategies to pre-
19 vent death and serious injury on roads and streets.

20 (i) BEST PRACTICES.—Based on the information
21 submitted by eligible entities under subsection (g), the
22 Secretary shall—

23 (1) periodically post on a publicly available
24 website best practices and lessons learned for pre-
25 venting transportation-related fatalities and serious

1 injuries pursuant to strategies or interventions im-
2 plemented under the program; and

3 (2) evaluate and incorporate, as appropriate,
4 the effectiveness of strategies and interventions im-
5 plemented under the program for the purpose of en-
6 riching revisions to the document entitled “Counter-
7 measures That Work: A Highway Safety Counter-
8 measure Guide for State Highway Safety Offices,
9 Ninth Edition” and numbered DOT HS 812 478 (or
10 any successor document).

11 **SEC. 24113. IMPLEMENTATION OF GAO RECOMMENDA-**
12 **TIONS.**

13 (a) NEXT GENERATION 911.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary
16 shall implement the recommendations of the Comp-
17 troller General of the United States contained in the
18 report entitled “Next Generation 911: National 911
19 Program Could Strengthen Efforts to Assist
20 States”, numbered GAO–18–252, and dated Janu-
21 ary 1, 2018, by requiring that the Administrator of
22 the National Highway Traffic Safety Administra-
23 tion, in collaboration with the appropriate Federal
24 agencies, shall determine the roles and responsibil-
25 ities of the Federal agencies participating in the ini-

1 initiative entitled “National NG911 Roadmap initia-
2 tive” to carry out the national-level tasks with re-
3 spect which each agency has jurisdiction.

4 (2) IMPLEMENTATION PLAN.—The Adminis-
5 trator of the National Highway Traffic Safety Ad-
6 ministration shall develop an implementation plan to
7 support the completion of national-level tasks under
8 the National NG911 Roadmap initiative.

9 (b) PEDESTRIAN AND CYCLISTS INFORMATION AND
10 ENHANCED PERFORMANCE MANAGEMENT.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, the Secretary
13 shall implement the recommendations of the Comp-
14 troller General of the United States contained in the
15 report entitled “Pedestrians and Cyclists: Better In-
16 formation to States and Enhanced Performance
17 Management Could Help DOT Improve Safety”,
18 numbered GAO–21–405, and dated May 20, 2021,
19 by—

20 (A) carrying out measures to collect infor-
21 mation relating to the range of counter-
22 measures implemented by States;

23 (B) analyzing that information to help ad-
24 vance knowledge regarding the effectiveness of
25 those countermeasures; and

1 (C) sharing with States any results.

2 (2) PERFORMANCE MANAGEMENT PRACTICES.—

3 The Administrator of the National Highway Traffic
4 Safety Administration shall use performance man-
5 agement practices to guide pedestrian and cyclist
6 safety activities by—

7 (A) developing performance measures for
8 the Administration and program offices respon-
9 sible for implementing pedestrian and cyclist
10 safety activities to demonstrate the means by
11 which those activities contribute to safety goals;
12 and

13 (B) using performance information to
14 make any necessary changes to advance pedes-
15 trian and cyclist safety efforts.

16 **Subtitle B—Vehicle Safety**

17 **SEC. 24201. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Sec-
19 retary to carry out chapter 301, and part C of subtitle
20 VI, of title 49, United States Code—

21 (1) \$200,294,333 for fiscal year 2022;

22 (2) \$204,300,219 for fiscal year 2023;

23 (3) \$208,386,224 for fiscal year 2024;

24 (4) \$212,553,948 for fiscal year 2025; and

25 (5) \$216,805,027 for fiscal year 2026.

1 **SEC. 24202. RECALL COMPLETION.**

2 (a) REPORTS ON RECALL CAMPAIGNS.—Section
3 30118 of title 49, United States Code, is amended by add-
4 ing at the end the following:

5 “(f) REPORTS ON NOTIFICATION CAMPAIGNS.—

6 “(1) IN GENERAL.—Each manufacturer that is
7 conducting a campaign under subsection (b) or (c)
8 or any other provision of law (including regulations)
9 to notify manufacturers, distributors, owners, pur-
10 chasers, or dealers of a defect or noncompliance
11 shall submit to the Administrator of the National
12 Highway Traffic Safety Administration—

13 “(A) by the applicable date described in
14 section 573.7(d) of title 49, Code of Federal
15 Regulations (or a successor regulation), a quar-
16 terly report describing the campaign for each of
17 8 consecutive quarters, beginning with the
18 quarter in which the campaign was initiated;
19 and

20 “(B) an annual report for each of the 3
21 years beginning after the date of completion of
22 the last quarter for which a quarterly report is
23 submitted under subparagraph (A).

24 “(2) REQUIREMENTS.—Except as otherwise
25 provided in this subsection, each report under this
26 subsection shall comply with the requirements of

1 section 573.7 of title 49, Code of Federal Regula-
2 tions (or a successor regulation).”.

3 (b) RECALL COMPLETION RATES.—Section 30120 of
4 title 49, United States Code, is amended by adding at the
5 end the following:

6 “(k) RECALL COMPLETION RATES.—

7 “(1) IN GENERAL.—The Administrator of the
8 National Highway Traffic Safety Administration
9 shall publish an annual list of recall completion rates
10 for each recall campaign for which 8 quarterly re-
11 ports have been submitted under subsection (f) of
12 section 30118 as of the date of publication of the
13 list.

14 “(2) REQUIREMENTS.—The annual list under
15 paragraph (1) shall include—

16 “(A) for each applicable campaign—

17 “(i) the total number of vehicles sub-
18 ject to recall; and

19 “(ii) the percentage of vehicles that
20 have been remedied; and

21 “(B) for each manufacturer submitting an
22 applicable quarterly report under section
23 30118(f)—

1035

1 “(i) the total number of recalls issued
2 by the manufacturer during the year cov-
3 ered by the list;

4 “(ii) the estimated number of vehicles
5 of the manufacturer subject to recall dur-
6 ing the year covered by the list; and

7 “(iii) the percentage of vehicles that
8 have been remedied.”.

9 **SEC. 24203. RECALL ENGAGEMENT.**

10 (a) RECALL REPAIR.—Not later than 2 years after
11 the date of enactment of this Act, the Comptroller General
12 of the United States shall—

13 (1) conduct a study to determine—

14 (A) the reasons why vehicle owners do not
15 have repairs performed for vehicles subject to
16 open recalls; and

17 (B) whether engagement by third parties,
18 including State and local governments, insur-
19 ance companies, or other entities, could increase
20 the rate at which vehicle owners have repairs
21 performed for vehicles subject to open recalls;
22 and

23 (2) submit to Congress a report describing the
24 results of the study under paragraph (1), including

1 any recommendations for increasing the rate of re-
2 pair for vehicles subject to open recalls.

3 (b) RIDESHARING.—Not later than 18 months after
4 the date of enactment of this Act, the Comptroller General
5 shall—

6 (1) conduct a study to determine the number of
7 passenger motor vehicles in each State that—

8 (A) are used by transportation network
9 companies for for-hire purposes, such as ride-
10 sharing; and

11 (B) have 1 or more open recalls; and

12 (2) submit to Congress a report describing the
13 results of the study under paragraph (1).

14 (c) NHTSA STUDY AND REPORT.—Not later than
15 3 years after the date of enactment of this Act, the Admin-
16 istrator of the National Highway Traffic Safety Adminis-
17 tration shall—

18 (1) conduct a study to determine the ways in
19 which vehicle recall notices could—

20 (A) more effectively reach vehicle owners;

21 (B) be made easier for all consumers to
22 understand; and

23 (C) incentivize vehicle owners to complete
24 the repairs described in the recall notices; and

1 (2) submit to Congress a report describing the
2 results of the study under paragraph (1), including
3 any recommendations for—

4 (A) increasing the rate of repair for vehi-
5 cles subject to open recalls; or

6 (B) any regulatory or statutory legislative
7 changes that would facilitate an increased rate
8 of repair.

9 **SEC. 24204. MOTOR VEHICLE SEAT BACK SAFETY STAND-**
10 **ARDS.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, subject to subsection (b),
13 the Secretary shall issue an advanced notice of proposed
14 rulemaking to update section 571.207 of title 49, Code
15 of Federal Regulations.

16 (b) COMPLIANCE DATE.—If the Secretary determines
17 that a final rule is appropriate consistent with the consid-
18 erations described in section 30111(b) of title 49, United
19 States Code, in issuing a final rule pursuant to subsection
20 (a), the Secretary shall establish a date for required com-
21 pliance with the final rule of not later than 2 motor vehicle
22 model years after the model year during which the effec-
23 tive date of the final rule occurs.

24 **SEC. 24205. AUTOMATIC SHUTOFF.**

25 (a) DEFINITIONS.—In this section:

1 (1) KEY.—The term “key” has the meaning
2 given the term in section 571.114 of title 49, Code
3 of Federal Regulations (or a successor regulation).

4 (2) MANUFACTURER.—The term “manufac-
5 turer” has the meaning given the term in section
6 30102(a) of title 49, United States Code.

7 (3) MOTOR VEHICLE.—

8 (A) IN GENERAL.—The term “motor vehi-
9 cle” has the meaning given the term in section
10 30102(a) of title 49, United States Code.

11 (B) EXCLUSIONS.—The term “motor vehi-
12 cle” does not include—

13 (i) a motorcycle or trailer (as those
14 terms are defined in section 571.3 of title
15 49, Code of Federal Regulations (or a suc-
16 cessor regulation));

17 (ii) any motor vehicle with a gross ve-
18 hicle weight rating of more than 10,000
19 pounds;

20 (iii) a battery electric vehicle; or

21 (iv) a motor vehicle that requires ex-
22 tended periods with the engine in idle to
23 operate in service mode or to operate
24 equipment, such as an emergency vehicle
25 (including a police vehicle, an ambulance,

1 or a tow vehicle) and a commercial-use ve-
2 hicle (including a refrigeration vehicle).

3 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-
4 HICLES.—

5 (1) FINAL RULE.—

6 (A) IN GENERAL.—Not later than 2 years
7 after the date of enactment of this Act, the Sec-
8 retary shall issue a final rule amending section
9 571.114 of title 49, Code of Federal Regula-
10 tions, to require manufacturers to install in
11 each motor vehicle that is equipped with a key-
12 less ignition device and an internal combustion
13 engine a device or system to automatically shut-
14 off the motor vehicle after the motor vehicle has
15 idled for the period described in subparagraph
16 (B).

17 (B) DESCRIPTION OF PERIOD.—

18 (i) IN GENERAL.—The period referred
19 to in subparagraph (A) is the period des-
20 ignated by the Secretary as necessary to
21 prevent, to the maximum extent prac-
22 ticable, carbon monoxide poisoning.

23 (ii) DIFFERENT PERIODS.—The Sec-
24 retary may designate different periods
25 under clause (i) for different types of

1040

1 motor vehicles, depending on the rate at
2 which the motor vehicle emits carbon mon-
3 oxide, if—

4 (I) the Secretary determines a
5 different period is necessary for a type
6 of motor vehicle for purposes of sec-
7 tion 30111 of title 49, United States
8 Code; and

9 (II) requiring a different period
10 for a type of motor vehicle is con-
11 sistent with the prevention of carbon
12 monoxide poisoning.

13 (2) DEADLINE.—Unless the Secretary finds
14 good cause to phase-in or delay implementation, the
15 rule issued pursuant to paragraph (1) shall take ef-
16 fect on September 1 of the first calendar year begin-
17 ning after the date on which the Secretary issues the
18 rule.

19 (c) PREVENTING MOTOR VEHICLES FROM ROLLING
20 AWAY.—

21 (1) REQUIREMENT.—The Secretary shall con-
22 duct a study of the regulations contained in part
23 571 of title 49, Code of Federal Regulations, to
24 evaluate the potential consequences and benefits of
25 the installation by manufacturers of technology to

1 prevent movement of motor vehicles equipped with
2 keyless ignition devices and automatic transmissions
3 when—

4 (A) the transmission of the motor vehicle
5 is not in the park setting;

6 (B) the motor vehicle does not exceed the
7 speed determined by the Secretary under para-
8 graph (2);

9 (C) the seat belt of the operator of the
10 motor vehicle is unbuckled;

11 (D) the service brake of the motor vehicle
12 is not engaged; and

13 (E) the door for the operator of the motor
14 vehicle is open.

15 (2) REVIEW AND REPORT.—The Secretary
16 shall—

17 (A) provide a recommended maximum
18 speed at which a motor vehicle may be safely
19 locked in place under the conditions described
20 in subparagraphs (A), (C), (D), and (E) of
21 paragraph (1) to prevent vehicle rollaways; and

22 (B) not later than 1 year after the date of
23 completion of the study under paragraph (1),
24 submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and

1 the Committee on Transportation and Infra-
2 structure of the House of Representatives a re-
3 port—

4 (i) describing the findings of the
5 study; and

6 (ii) providing additional recommenda-
7 tions, if any.

8 **SEC. 24206. PETITIONS BY INTERESTED PERSONS FOR**
9 **STANDARDS AND ENFORCEMENT.**

10 Section 30162 of title 49, United States Code, is
11 amended—

12 (1) in subsection (b), by striking “The petition”
13 and inserting “A petition under this section”;

14 (2) in subsection (c), by striking “the petition”
15 and inserting “a petition under this section”; and

16 (3) in subsection (d)—

17 (A) in the third sentence, by striking “If a
18 petition” and inserting the following:

19 “(3) DENIAL.—If a petition under this sec-
20 tion”;

21 (B) in the second sentence , by striking “If
22 a petition is granted” and inserting the fol-
23 lowing:

24 “(2) APPROVAL.—If a petition under this sec-
25 tion is approved”; and

1 (C) in the first sentence, by striking “The
2 Secretary shall grant or deny a petition” and
3 inserting the following:

4 “(1) IN GENERAL.—The Secretary shall deter-
5 mine whether to approve or deny a petition under
6 this section by”.

7 **SEC. 24207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.**

8 (a) IN GENERAL.—The Secretary, in coordination
9 with other relevant Federal departments and agencies, in-
10 cluding the Secretary of Agriculture, the Secretary of
11 Education, and the Secretary of Health and Human Serv-
12 ices, shall conduct a study to review the status of motor
13 vehicle child safety seat accessibility for low-income fami-
14 lies and underserved populations.

15 (b) ADDRESSING NEEDS.—In conducting the study
16 under subsection (a), the Secretary shall—

17 (1) examine the impact of Federal funding pro-
18 vided under section 405 of title 23, United States
19 Code; and

20 (2) develop a plan for addressing any needs
21 identified in the study, including by working with so-
22 cial service providers.

1 **SEC. 24208. CRASH AVOIDANCE TECHNOLOGY.**

2 (a) IN GENERAL.—Subchapter II of chapter 301 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 30129. Crash avoidance technology**

6 “(a) IN GENERAL.—The Secretary of Transportation
7 shall promulgate a rule—

8 “(1) to establish minimum performance stand-
9 ards with respect to crash avoidance technology; and

10 “(2) to require that all passenger motor vehicles
11 manufactured for sale in the United States on or
12 after the compliance date described in subsection (b)
13 shall be equipped with—

14 “(A) a forward collision warning and auto-
15 matic emergency braking system that—

16 “(i) alerts the driver if—

17 “(I) the distance to a vehicle
18 ahead or an object in the path of travel
19 ahead is closing too quickly; and

20 “(II) a collision is imminent; and

21 “(ii) automatically applies the brakes
22 if the driver fails to do so; and

23 “(B) a lane departure warning and lane-
24 keeping assist system that—

25 “(i) warns the driver to maintain the
26 lane of travel; and

1 “(ii) corrects the course of travel if
2 the driver fails to do so.

3 “(b) COMPLIANCE DATE.—The Secretary of Trans-
4 portation shall determine the appropriate effective date,
5 and any phasing-in of requirements, of the final rule pro-
6 mulgated pursuant to subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 301 of title 49, United States Code,
9 is amended by adding at the end the following:

“30129. Crash avoidance technology.”.

10 **SEC. 24209. REDUCTION OF DRIVER DISTRACTION.**

11 (a) IN GENERAL.—Not later than 3 years after the
12 date of enactment of this Act, the Secretary shall conduct
13 research regarding the installation and use on motor vehi-
14 cles of driver monitoring systems to minimize or elimi-
15 nate—

- 16 (1) driver distraction;
17 (2) driver disengagement;
18 (3) automation complacency by drivers; and
19 (4) foreseeable misuse of advanced driver-assist
20 systems.

21 (b) REPORT.—Not later than 180 days after the date
22 of completion of the research under subsection (a), the
23 Secretary shall submit to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Energy and Commerce of the House of Rep-

1 representatives a detailed report describing the findings of the
2 research.

3 (c) RULEMAKING.—

4 (1) IN GENERAL.—If, based on the research
5 completed under subsection (a), the Secretary deter-
6 mines that—

7 (A) 1 or more rulemakings are necessary
8 to ensure safety, in accordance with the section
9 30111 of title 49, United States Code, the Sec-
10 retary shall initiate the rulemakings by not
11 later than 2 years after the date of submission
12 of the report under subsection (b); and

13 (B) an additional rulemaking is not nec-
14 essary, or an additional rulemaking cannot
15 meet the applicable requirements and consider-
16 ations described in subsections (a) and (b) of
17 section 30111 of title 49, United States Code,
18 the Secretary shall submit to the Committee on
19 Commerce, Science, and Transportation of the
20 Senate and the Committee on Energy and Com-
21 merce of the House of Representatives a report
22 describing the reasons for not prescribing addi-
23 tional Federal motor vehicle safety standards
24 regarding the research conducted under sub-
25 section (a).

1 (2) PRIVACY.—A rule issued pursuant to para-
2 graph (1) shall incorporate appropriate privacy and
3 data security safeguards, as determined by the Sec-
4 retary.

5 **SEC. 24210. RULEMAKING REPORT.**

6 (a) DEFINITION OF COVERED RULEMAKING.—In this
7 section, the term “covered rulemaking” means a regula-
8 tion or rulemaking that—

9 (1) has not been finalized by the date on which
10 the relevant notification is submitted under sub-
11 section (b); and

12 (2) relates to—

13 (A) section 30120A of title 49, United
14 States Code;

15 (B) section 30166(o) of title 49, United
16 States Code;

17 (C) section 30172 of title 49, United
18 States Code;

19 (D) section 32302(c) of title 49, United
20 States Code;

21 (E) a defect reporting requirement under
22 section 32302(d) of title 49, United States
23 Code;

24 (F) subsections (b) and (c) of section
25 32304A of title 49, United States Code;

1 (G) the tire pressure monitoring standards
2 required under section 24115 of the FAST Act
3 (49 U.S.C. 30123 note; Public Law 114–94);

4 (H) the amendment made by section
5 24402 of the FAST Act (129 Stat. 1720; Pub-
6 lic Law 114–94) to section 30120(g)(1) of title
7 49, United States Code;

8 (I) the records retention rule required
9 under section 24403 of the FAST Act (49
10 U.S.C. 30117 note; Public Law 114–94);

11 (J) the amendments made by section
12 24405 of the FAST Act (Public Law 114–94;
13 129 Stat. 1721) to section 30114 of title 49,
14 United States Code;

15 (K) a defect and noncompliance notifica-
16 tion required under—

17 (i) section 24104 of the FAST Act
18 (49 U.S.C. 30119 note; Public Law 114–
19 94); or

20 (ii) section 31301 of MAP–21 (49
21 U.S.C. 30166 note; Public Law 112–141);

22 (L) a side impact or frontal impact test
23 procedure for child restraint systems under sec-
24 tion 31501 of MAP–21 (49 U.S.C. 30127 note;
25 Public Law 112–141);

1 (M) an upgrade to child restraint anchor-
2 age system usability requirements required
3 under section 31502 of MAP-21 (49 U.S.C.
4 30127 note; Public Law 112-141);

5 (N) the rear seat belt reminder system re-
6 quired under section 31503 of MAP-21 (49
7 U.S.C. 30127 note; Public Law 112-141);

8 (O) a motorcoach rulemaking required
9 under section 32703 of MAP-21 (49 U.S.C.
10 31136 note; Public Law 112-141); or

11 (P) any rulemaking required under this
12 Act.

13 (b) NOTIFICATION.—Not later than 180 days after
14 the date of enactment of this Act, and not less frequently
15 than biannually thereafter until the applicable covered
16 rulemaking is complete, the Secretary shall submit to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Energy and Commerce
19 of the House of Representatives a written notification that
20 includes, with respect to each covered rulemaking—

21 (1) for a covered rulemaking with a statutory
22 deadline for completion—

23 (A) an explanation of why the deadline was
24 not met; and

1 (B) an expected date of completion of the
2 covered rulemaking; and

3 (2) for a covered rulemaking without a statu-
4 tory deadline for completion, an expected date of
5 completion of the covered rulemaking.

6 (c) **ADDITIONAL CONTENTS.**—A notification under
7 subsection (b) shall include, for each applicable covered
8 rulemaking—

9 (1) an updated timeline;

10 (2) a list of factors causing delays in the com-
11 pletion of the covered rulemaking; and

12 (3) any other details associated with the status
13 of the covered rulemaking.

14 **SEC. 24211. GLOBAL HARMONIZATION.**

15 The Secretary shall cooperate, to the maximum ex-
16 tent practicable, with foreign governments, nongovern-
17 mental stakeholder groups, the motor vehicle industry,
18 and consumer groups with respect to global harmonization
19 of vehicle regulations as a means for improving motor ve-
20 hicle safety.

21 **SEC. 24212. HEADLAMPS.**

22 (a) **DEFINITIONS.**—In this section:

23 (1) **ADAPTIVE DRIVING BEAM HEADLAMP.**—The
24 term “adaptive driving beam headlamp” means a
25 headlamp (as defined in Standard 108) that meets

1 the performance requirements specified in SAE
2 International Standard J3069, published on June
3 30, 2016.

4 (2) STANDARD 108.—The term “Standard 108”
5 means Federal Motor Vehicle Safety Standard Num-
6 ber 108, contained in section 571.108 of title 49,
7 Code of Federal Regulations (as in effect on the
8 date of enactment of this Act).

9 (b) RULEMAKING.—Not later than 2 years after the
10 date of enactment of this Act, the Secretary shall issue
11 a final rule amending Standard 108—

12 (1) to include performance-based standards for
13 vehicle headlamp systems—

14 (A) to ensure that headlights are correctly
15 aimed on the road; and

16 (B) requiring those systems to be tested
17 on-vehicle to account for headlight height and
18 lighting performance; and

19 (2) to allow for the use on vehicles of adaptive
20 driving beam headlamp systems.

21 (c) PERIODIC REVIEW.—Nothing in this section pre-
22 cludes the Secretary from—

23 (1) reviewing Standard 108, as amended pursu-
24 ant to subsection (b); and

1 (2) revising Standard 108 to reflect an updated
2 version of SAE International Standard J3069, as
3 the Secretary determines to be—

4 (A) appropriate; and

5 (B) in accordance with section 30111 of
6 title 49, United States Code.

7 **SEC. 24213. NEW CAR ASSESSMENT PROGRAM.**

8 (a) **UPDATES.**—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall finalize the
10 proceeding for which comments were requested in the no-
11 tice entitled “New Car Assessment Program” (80 Fed.
12 Reg. 78522 (December 16, 2015)) to update the pas-
13 senger motor vehicle information required under section
14 32302(a) of title 49, United States Code.

15 (b) **INFORMATION PROGRAM.**—Section 32302 of title
16 49, United States Code, is amended—

17 (1) in subsection (a), in the matter preceding
18 paragraph (1), by inserting “(referred to in this sec-
19 tion as the ‘Secretary’)” after “of Transportation”;
20 and

21 (2) by adding at the end the following:

22 “(e) **ADVANCED CRASH-AVOIDANCE TECH-**
23 **NOLOGIES.**—

24 “(1) **NOTICE.**—Not later than 1 year after the
25 date of enactment of this subsection, the Secretary

1 shall publish a notice, for purposes of public review
2 and comment, to establish, distinct from crash-
3 worthiness information, a means for providing to
4 consumers information relating to advanced crash-
5 avoidance technologies, in accordance with sub-
6 section (a).

7 “(2) INCLUSIONS.—The notice under paragraph
8 (1) shall include—

9 “(A) an appropriate methodology for—

10 “(i) determining which advanced
11 crash-avoidance technologies shall be in-
12 cluded in the information;

13 “(ii) developing performance test cri-
14 teria for use by manufacturers in evalu-
15 ating advanced crash-avoidance tech-
16 nologies;

17 “(iii) determining a distinct rating in-
18 volving each advanced crash-avoidance
19 technology to be included; and

20 “(iv) updating overall vehicle ratings
21 to incorporate advanced crash-avoidance
22 technology ratings; and

23 “(B) such other information and analyses
24 as the Secretary determines to be necessary to

1 “(ii) developing performance test cri-
2 teria for use by manufacturers in evalu-
3 ating the extent to which automated pedes-
4 trian safety systems in light vehicles at-
5 tempt to prevent and mitigate, to the best
6 extent possible, pedestrian injury;

7 “(iii) determining a distinct rating in-
8 volving each technology to be included; and

9 “(iv) updating overall vehicle ratings
10 to incorporate vulnerable road user safety
11 technology ratings; and

12 “(B) such other information and analyses
13 as the Secretary determines to be necessary to
14 implement the rating of vulnerable road user
15 safety technologies.

16 “(3) REPORT.—Not later than 18 months after
17 the date of enactment of this subsection, the Sec-
18 retary shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Energy and Commerce of the House
21 of Representatives a report that describes a plan for
22 implementing an information and rating system for
23 vulnerable road user safety technologies, in accord-
24 ance with subsection (a).”.

25 (c) ROADMAP.—

1 (1) IN GENERAL.—Chapter 323 of title 49,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 32310. New Car Assessment Program roadmap**

5 “(a) ESTABLISHMENT.—Not later than 1 year after
6 the date of enactment of this section, and not less fre-
7 quently than once every 4 years thereafter, the Secretary
8 of Transportation (referred to in this section as the ‘Sec-
9 retary’) shall establish a roadmap for the implementation
10 of the New Car Assessment Program of the National
11 Highway Traffic Safety Administration.

12 “(b) REQUIREMENTS.—A roadmap under subsection
13 (a) shall—

14 “(1) cover a term of 10 years, consisting of—

15 “(A) a mid-term component covering the
16 initial 5 years of the term; and

17 “(B) a long-term component covering the
18 final 5 years of the term; and

19 “(2) be in accordance with—

20 “(A) section 306 of title 5;

21 “(B) section 1115 of title 31;

22 “(C) section 24401 of the FAST Act (49
23 U.S.C. 105 note; Public Law 114–94); and

24 “(D) any other relevant plans of the Na-
25 tional Highway Traffic Safety Administration.

1 “(A) with respect to the mid-term compo-
2 nent of the roadmap under subsection
3 (b)(1)(A)—

4 “(i) that are practicable; and

5 “(ii) for which objective rating tests,
6 evaluation criteria, and other consumer
7 data exist for a market-based, consumer
8 information approach; and

9 “(B) with respect to the long-term compo-
10 nent of the roadmap under subsection
11 (b)(1)(B), exist or are in development;

12 “(3) an identification of—

13 “(A) any safety opportunity or technology
14 that—

15 “(i) is identified through the activities
16 carried out pursuant to subsection (d) or
17 (e); and

18 “(ii) is not included in the roadmap
19 under paragraph (2);

20 “(B) the reasons why such a safety oppor-
21 tunity or technology is not included in the road-
22 map; and

23 “(C) any developments or information that
24 would be necessary for the Secretary to con-

1 sider including such a safety opportunity or
2 technology in a future roadmap; and

3 “(4) consideration of the benefits of consistency
4 with other rating systems used—

5 “(A) within the United States; and

6 “(B) internationally.

7 “(d) CONSIDERATIONS.—Before finalizing a roadmap
8 under this section, the Secretary shall—

9 “(1) make the roadmap available for public
10 comment;

11 “(2) review any public comments received under
12 paragraph (1); and

13 “(3) incorporate in the roadmap under this sec-
14 tion those comments, as the Secretary determines to
15 be appropriate.

16 “(e) STAKEHOLDER ENGAGEMENT.—Not less fre-
17 quently than annually, the Secretary shall engage stake-
18 holders that represent a diversity of technical backgrounds
19 and viewpoints—

20 “(1) to identify—

21 “(A) safety opportunities or technologies in
22 development that could be included in future
23 roadmaps; and

1 “(B) opportunities to benefit from collabo-
2 ration or harmonization with third-party safety
3 rating programs;

4 “(2) to assist with long-term planning;

5 “(3) to provide an interim update of the status
6 and development of the following roadmap to be es-
7 tablished under subsection (a); and

8 “(4) to collect feedback or other information
9 that the Secretary determines to be relevant to en-
10 hancing the New Car Assessment Program of the
11 National Highway Traffic Safety Administration.”.

12 (2) CLERICAL AMENDMENT.—The analysis for
13 chapter 323 of title 49, United States Code, is
14 amended by adding at the end the following:

“32310. New Car Assessment Program roadmap.”.

15 **SEC. 24214. HOOD AND BUMPER STANDARDS.**

16 (a) NOTICE.—Not later than 2 years after the date
17 of enactment of this Act, the Secretary shall issue a notice,
18 for purposes of public review and comment, regarding po-
19 tential updates to hood and bumper standards for motor
20 vehicles (as defined in section 30102(a) of title 49, United
21 States Code).

22 (b) INCLUSIONS.—The notice under subsection (a)
23 shall include information relating to—

1 (1) the incorporation or consideration of ad-
2 vanced crash-avoidance technology in existing motor
3 vehicle standards;

4 (2) the incorporation or consideration of stand-
5 ards or technologies to reduce the number of injuries
6 and fatalities suffered by pedestrians, bicyclists, or
7 other vulnerable road users;

8 (3) the development of performance test criteria
9 for use by manufacturers in evaluating advanced
10 crash-avoidance technology, including technology re-
11 lating to vulnerable road user safety;

12 (4) potential harmonization with global stand-
13 ards, including United Nations Economic Commis-
14 sion for Europe Regulation Number 42; and

15 (5) such other information and analyses as the
16 Secretary determines to be necessary.

17 (c) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Commerce, Science, and Transportation
20 of the Senate and the Committee on Energy and Com-
21 merce of the House of Representatives a report that de-
22 scribes—

23 (1) the current status of hood and bumper
24 standards;

1 (2) relevant advanced crash-avoidance tech-
2 nology;

3 (3) actions needed to be carried out to develop
4 performance test criteria; and

5 (4) if applicable, a plan for incorporating ad-
6 vanced crash-avoidance technology, including tech-
7 nology relating to vulnerable road user safety, in ex-
8 isting standards.

9 **SEC. 24215. EMERGENCY MEDICAL SERVICES AND 9-1-1.**

10 Section 158(a) of the National Telecommunications
11 and Information Administration Organization Act (47
12 U.S.C. 942(a)) is amended by striking paragraph (4).

13 **SEC. 24216. EARLY WARNING REPORTING.**

14 (a) IN GENERAL.—Section 30166(m)(3) of title 49,
15 United States Code, is amended by adding at the end the
16 following:

17 “(D) SETTLEMENTS.—Notwithstanding
18 any order entered in a civil action restricting
19 the disclosure of information, a manufacturer of
20 a motor vehicle or motor vehicle equipment
21 shall comply with the requirements of this sub-
22 section and any regulations promulgated pursu-
23 ant to this subsection.”.

24 (b) STUDY AND REPORT.—Not later than 18 months
25 after the date of enactment of this Act, the Administrator

1 of the National Highway Traffic Safety Administration
2 shall—

3 (1) conduct a study—

4 (A) to evaluate the early warning reporting
5 data submitted under section 30166(m) of title
6 49, United States Code (including regulations);
7 and

8 (B) to identify improvements, if any, that
9 would enhance the use by the National High-
10 way Traffic Administration of early warning re-
11 porting data to enhance safety; and

12 (2) submit to the Committee on the Committee
13 on Commerce, Science, and Transportation of the
14 Senate and the Committee on Energy and Com-
15 merce of the House of Representatives a report de-
16 scribing the results of the study under paragraph
17 (1), including any recommendations for regulatory
18 or legislative action.

19 **SEC. 24217. IMPROVED VEHICLE SAFETY DATABASES.**

20 Not later than 3 years after the date of enactment
21 of this Act, after consultation with frequent users of pub-
22 licly available databases, the Secretary shall improve pub-
23 lic accessibility to information relating to the publicly ac-
24 cessible vehicle safety databases of the National Highway

1 Traffic Safety Administration by revising the publicly ac-
2 cessible vehicle safety databases—

3 (1) to improve organization and functionality,
4 including design features such as drop-down menus;

5 (2) to allow data from applicable publicly acces-
6 sible vehicle safety databases to be searched, sorted,
7 aggregated, and downloaded in a manner that—

8 (A) is consistent with the public interest;
9 and

10 (B) facilitates easy use by consumers;

11 (3) to provide greater consistency in presen-
12 tation of vehicle safety issues;

13 (4) to improve searchability regarding specific
14 vehicles and issues, which may include the standard-
15 ization of commonly used search terms; and

16 (5) to ensure nonconfidential documents and
17 materials relating to information created or obtained
18 by the National Highway Traffic Safety Administra-
19 tion are made publicly available in a manner that
20 is—

21 (A) timely; and

22 (B) searchable in databases by any ele-
23 ment that the Secretary determines to be in the
24 public interest.

1065

1 **SEC. 24218. NATIONAL DRIVER REGISTER ADVISORY COM-**
2 **MITTEE REPEAL.**

3 (a) **IN GENERAL.**—Section 30306 of title 49, United
4 States Code, is repealed.

5 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
6 ter 303 of title 49, United States Code, is amended by
7 striking the item relating to section 30306.

8 **SEC. 24219. RESEARCH ON CONNECTED VEHICLE TECH-**
9 **NOLOGY.**

10 The Administrator of the National Highway Traffic
11 Safety Administration, in collaboration with the head of
12 the Intelligent Transportation Systems Joint Program Of-
13 fice and the Administrator of the Federal Highway Ad-
14 ministration, shall—

15 (1) not later than 180 days after the date of
16 enactment of this Act, expand vehicle-to-pedestrian
17 research efforts focused on incorporating bicyclists
18 and other vulnerable road users into the safe deploy-
19 ment of connected vehicle systems; and

20 (2) not later than 2 years after the date of en-
21 actment of this Act, submit to Congress and make
22 publicly available a report describing the findings of
23 the research efforts described in paragraph (1), in-
24 cluding an analysis of the extent to which applica-
25 tions supporting vulnerable road users can be ac-

1 commodated within existing spectrum allocations for
2 connected vehicle systems.

3 **SEC. 24220. ADVANCED IMPAIRED DRIVING TECHNOLOGY.**

4 (a) FINDINGS.—Congress finds that—

5 (1) alcohol-impaired driving fatalities represent
6 approximately $\frac{1}{3}$ of all highway fatalities in the
7 United States each year;

8 (2) in 2019, there were 10,142 alcohol-impaired
9 driving fatalities in the United States involving driv-
10 ers with a blood alcohol concentration level of .08 or
11 higher, and 68 percent of the crashes that resulted
12 in those fatalities involved a driver with a blood alco-
13 hol concentration level of .15 or higher;

14 (3) the estimated economic cost for alcohol-im-
15 paired driving in 2010 was \$44,000,000,000;

16 (4) according to the Insurance Institute for
17 Highway Safety, advanced drunk and impaired driv-
18 ing prevention technology can prevent more than
19 9,400 alcohol-impaired driving fatalities annually;
20 and

21 (5) to ensure the prevention of alcohol-impaired
22 driving fatalities, advanced drunk and impaired driv-
23 ing prevention technology must be standard equip-
24 ment in all new passenger motor vehicles.

25 (b) DEFINITIONS.—In this section:

1067

1 (1) ADVANCED DRUNK AND IMPAIRED DRIVING
2 PREVENTION TECHNOLOGY.—The term “advanced
3 drunk and impaired driving prevention technology”
4 means a system that—

5 (A) can—

6 (i) passively monitor the performance
7 of a driver of a motor vehicle to accurately
8 identify whether that driver may be im-
9 paired; and

10 (ii) prevent or limit motor vehicle op-
11 eration if an impairment is detected;

12 (B) can—

13 (i) passively and accurately detect
14 whether the blood alcohol concentration of
15 a driver of a motor vehicle is equal to or
16 greater than the blood alcohol concentra-
17 tion described in section 163(a) of title 23,
18 United States Code; and

19 (ii) prevent or limit motor vehicle op-
20 eration if a blood alcohol concentration
21 above the legal limit is detected; or

22 (C) is a combination of systems described
23 in subparagraphs (A) and (B).

1 (2) NEW.—The term “new”, with respect to a
2 passenger motor vehicle, means that the passenger
3 motor vehicle—

4 (A) is a new vehicle (as defined in section
5 37.3 of title 49, Code of Federal Regulations
6 (or a successor regulation)); and

7 (B) has not been purchased for purposes
8 other than resale.

9 (3) PASSENGER MOTOR VEHICLE.—The term
10 “passenger motor vehicle” has the meaning given
11 the term in section 32101 of title 49, United States
12 Code.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Transportation, acting through the
15 Administrator of the National Highway Traffic Safe-
16 ty Administration.

17 (c) ADVANCED DRUNK AND IMPAIRED DRIVING PRE-
18 VENTION TECHNOLOGY SAFETY STANDARD.—Subject to
19 subsection (e) and not later than 3 years after the date
20 of enactment of this Act, the Secretary shall issue a final
21 rule prescribing a Federal motor vehicle safety standard
22 under section 30111 of title 49, United States Code, that
23 requires passenger motor vehicles manufactured after the
24 effective date of that standard to be equipped with ad-
25 vanced drunk and impaired driving prevention technology.

1 (d) REQUIREMENT.—To allow sufficient time for
2 manufacturer compliance, the compliance date of the rule
3 issued under subsection (c) shall be not earlier than 2
4 years and not more than 3 years after the date on which
5 that rule is issued.

6 (e) TIMING.—If the Secretary determines that the
7 Federal motor vehicle safety standard required under sub-
8 section (c) cannot meet the requirements and consider-
9 ations described in subsections (a) and (b) of section
10 30111 of title 49, United States Code, by the applicable
11 date, the Secretary—

12 (1) may extend the time period to such date as
13 the Secretary determines to be necessary, but not
14 later than the date that is 3 years after the date de-
15 scribed in subsection (c);

16 (2) shall, not later than the date described in
17 subsection (c) and not less frequently than annually
18 thereafter until the date on which the rule under
19 that subsection is issued, submit to the Committee
20 on Commerce, Science, and Transportation of the
21 Senate and the Committee on Energy and Com-
22 merce of the House of Representatives a report de-
23 scribing, as of the date of submission of the report—

24 (A) the reasons for not prescribing a Fed-
25 eral motor vehicle safety standard under section

1 30111 of title 49, United States Code, that re-
2 quires advanced drunk and impaired driving
3 prevention technology in all new passenger
4 motor vehicles;

5 (B) the deployment of advanced drunk and
6 impaired driving prevention technology in vehi-
7 cles;

8 (C) any information relating to the ability
9 of vehicle manufacturers to include advanced
10 drunk and impaired driving prevention tech-
11 nology in new passenger motor vehicles; and

12 (D) an anticipated timeline for prescribing
13 the Federal motor vehicle safety standard de-
14 scribed in subsection (c); and

15 (3) if the Federal motor vehicle safety standard
16 required by subsection (c) has not been finalized by
17 the date that is 10 years after the date of enactment
18 of this Act, shall submit to the Committee on Com-
19 merce, Science, and Transportation of the Senate
20 and the Committee on Energy and Commerce of the
21 House of Representative a report describing—

22 (A) the reasons why the Federal motor ve-
23 hicle safety standard has not been finalized;

24 (B) the barriers to finalizing the Federal
25 motor vehicle safety standard; and

1071

1 (C) recommendations to Congress to facili-
2 tate the Federal motor vehicle safety standard.

3 **SEC. 24221. GAO REPORT ON CRASH DUMMIES.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall conduct a study and submit to
7 the Committee on Commerce, Science, and Transportation
8 of the Senate and the Committee on Energy and Com-
9 merce of the House of Representatives a report that—

10 (1) examines—

11 (A) the processes used by the National
12 Highway Traffic Safety Administration (re-
13 ferred to in this section as the “Administra-
14 tion”) for studying and deploying crash test
15 dummies;

16 (B)(i) the types of crash test dummies
17 used by the Administration as of the date of en-
18 actment of this Act;

19 (ii) the seating positions in which those
20 crash test dummies are tested; and

21 (iii) whether the seating position affects
22 disparities in motor vehicle safety outcomes
23 based on demographic characteristics, including
24 sex, and, if so, how the seating position affects
25 those disparities;

1 (C) the biofidelic crash test dummies that
2 are available in the global and domestic market-
3 place that reflect the physical and demographic
4 characteristics of the driving public in the
5 United States, including—

6 (i) females;

7 (ii) the elderly;

8 (iii) young adults;

9 (iv) children; and

10 (v) individuals of differing body
11 weights;

12 (D) how the Administration determines
13 whether to study and deploy new biofidelic
14 crash test dummies, including the biofidelic
15 crash test dummies examined under subpara-
16 graph (C), and the timelines by which the Ad-
17 ministration conducts the work of making those
18 determinations and studying and deploying new
19 biofidelic crash test dummies;

20 (E) challenges the Administration faces in
21 studying and deploying new crash test dum-
22 mies; and

23 (F) how the practices of the Administra-
24 tion with respect to crash test dummies com-
25 pare to other programs that test vehicles and

1 report results to the public, including the Euro-
2 pean New Car Assessment Programme;

3 (2) evaluates potential improvements to the
4 processes described in paragraph (1) that could re-
5 duce disparities in motor vehicle safety outcomes
6 based on demographic characteristics, including sex;

7 (3) analyzes the potential use of computer sim-
8 ulation techniques, as a supplement to physical
9 crash tests, to conduct virtual simulations of vehicle
10 crash tests in order to evaluate predicted motor vehi-
11 cle safety outcomes based on the different physical
12 and demographic characteristics of motor vehicle oc-
13 cupants; and

14 (4) includes, as applicable, any assessments or
15 recommendations relating to crash test dummies
16 that are relevant to reducing disparities in motor ve-
17 hicle safety outcomes based on demographic charac-
18 teristics, including sex.

19 (b) INTERIM REPORT FROM THE ADMINISTRA-
20 TION.—Not later than 90 days after the date of enactment
21 of this Act, the Administrator of the Administration shall
22 submit to the Committee on Commerce, Science, and
23 Transportation of the Senate and the Committee on En-
24 ergy and Commerce of the House of Representatives a re-
25 port that—

1 (1) identifies—

2 (A) the types of crash test dummies used
3 by the Administration as of the date of enact-
4 ment of this Act with respect to—

5 (i) the New Car Assessment Program
6 of the Administration; and

7 (ii) testing relating to Federal Motor
8 Vehicle Safety Standards;

9 (B) how each type of crash test dummy
10 identified under subparagraph (A) is tested
11 with respect to seating position; and

12 (C) any crash test dummies that the Ad-
13 ministration is actively evaluating for future
14 use—

15 (i) in the New Car Assessment Pro-
16 gram of the Administration; or

17 (ii) for testing relating to Federal
18 Motor Vehicle Safety Standards;

19 (2) explains—

20 (A) the plans of the Administration, in-
21 cluding the expected timelines, for putting any
22 crash test dummies identified under paragraph
23 (1)(C) to use as described in that paragraph;

24 (B) any challenges to putting those crash
25 test dummies to use; and

1 (C) the potential use of computer simula-
2 tion techniques, as a supplement to physical
3 crash tests, to conduct virtual simulations of ve-
4 hicle crash tests in order to evaluate predicted
5 motor vehicle safety outcomes based on the dif-
6 ferent physical and demographic characteristics
7 of motor vehicle occupants; and

8 (3) provides policy recommendations for reduc-
9 ing disparities in motor vehicle safety testing and
10 outcomes based on demographic characteristics, in-
11 cluding sex.

12 **SEC. 24222. CHILD SAFETY.**

13 (a) AMENDMENT.—

14 (1) IN GENERAL.—Chapter 323 of title 49,
15 United States Code, is amended by adding after sec-
16 tion 32304A the following:

17 **“§ 32304B. Child safety**

18 “(a) DEFINITIONS.—In this section:

19 “(1) PASSENGER MOTOR VEHICLE.—The term
20 ‘passenger motor vehicle’ has the meaning given that
21 term in section 32101.

22 “(2) REAR-DESIGNATED SEATING POSITION.—
23 The term ‘rear-designated seating position’ means
24 designated seating positions that are rearward of the
25 front seat.

1076

1 “(3) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.

3 “(b) RULEMAKING.—Not later than 2 years after the
4 date of enactment of this section, the Secretary shall issue
5 a final rule requiring all new passenger motor vehicles
6 weighing less than 10,000 pounds gross vehicle weight to
7 be equipped with a system to alert the operator to check
8 rear-designated seating positions after the vehicle engine
9 or motor is deactivated by the operator.

10 “(c) MEANS.—The alert required under subsection
11 (b)—

12 “(1) shall include a distinct auditory and visual
13 alert, which may be combined with a haptic alert;
14 and

15 “(2) shall be activated when the vehicle motor
16 is deactivated by the operator.

17 “(d) PHASE-IN.—The rule issued pursuant to sub-
18 section (b) shall require full compliance with the rule be-
19 ginning on September 1st of the first calendar year that
20 begins 2 years after the date on which the final rule is
21 issued.”.

22 (2) CLERICAL AMENDMENT.—The analysis for
23 chapter 323 of title 49, United States Code, is
24 amended by inserting after the item relating to sec-
25 tion 32304A the following:

“32304B. Child safety.”.

1 (b) AWARENESS OF CHILDREN IN MOTOR VEHI-
2 CLES.—Section 402 of title 23, United States Code (as
3 amended by section 24102(a)(9)), is amended by adding
4 at the end the following:

5 “(o) UNATTENDED PASSENGERS.—

6 “(1) IN GENERAL.—Each State shall use a por-
7 tion of the amounts received by the State under this
8 section to carry out a program to educate the public
9 regarding the risks of leaving a child or unattended
10 passenger in a vehicle after the vehicle motor is de-
11 activated by the operator.

12 “(2) PROGRAM PLACEMENT.—Nothing in this
13 subsection requires a State to carry out a program
14 described in paragraph (1) through the State trans-
15 portation or highway safety office.”.

16 (c) STUDY AND REPORT.—

17 (1) STUDY.—

18 (A) IN GENERAL.—The Secretary shall
19 conduct a study on—

20 (i) the potential retrofitting of existing
21 passenger motor vehicles with 1 or more
22 technologies that may address the problem
23 of children left in rear-designated seating
24 positions of motor vehicles after deactiva-

1079

1 product described in clause (i) in
2 order to retrofit existing vehicles.

3 (2) REPORT BY SECRETARY.—Not later than
4 180 days after the date on which the Secretary
5 issues the final rule required by section 32304B(b)
6 of title 49, United States Code (as added by sub-
7 section (a)(1)), the Secretary shall submit a report
8 describing the results of the study carried out under
9 paragraph (1) to—

10 (A) the Committee on Commerce, Science,
11 and Transportation of the Senate; and

12 (B) the Committee on Energy and Com-
13 merce of the House of Representatives.

14 **TITLE V—RESEARCH AND**
15 **INNOVATION**

16 **SEC. 25001. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
17 **GRAM ADVISORY COMMITTEE.**

18 Section 515(h) of title 23, United States Code, is
19 amended—

20 (1) in paragraph (1), by inserting “(referred to
21 in this subsection as the ‘Advisory Committee’)”
22 after “an Advisory Committee”;

23 (2) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “20 members” and inserting
3 “25 members”;

4 (B) in subparagraph (O) (as redesignated
5 by section 13008(a)(2))—

6 (i) by striking “utilities,”; and

7 (ii) by striking the period at the end
8 and inserting a semicolon;

9 (C) by redesignating subparagraphs (F),
10 (G), (H), (I), (J), (K), (L), (M), (N), and (O)
11 (as added or redesignated by section 13008(a))
12 as subparagraphs (H), (J), (K), (L), (M), (N),
13 (O), (S), (T), and (U), respectively;

14 (D) by inserting after subparagraph (E)
15 (as redesignated by section 13008(a)(2)) the
16 following:

17 “(F) a representative of a national transit
18 association;

19 “(G) a representative of a national, State,
20 or local transportation agency or association;”;

21 (E) by inserting after subparagraph (H)
22 (as redesignated by subparagraph (C)) the fol-
23 lowing:

1 “(I) a private sector developer of intel-
2 ligent transportation system technologies, which
3 may include emerging vehicle technologies;”;

4 (F) by inserting after subparagraph (O)
5 (as so redesignated) the following:

6 “(P) a representative of a labor organiza-
7 tion;

8 “(Q) a representative of a mobility-pro-
9 viding entity;

10 “(R) an expert in traffic management;”;

11 and

12 (G) by adding at the end the following:

13 “(V) an expert in cybersecurity; and

14 “(W) an automobile manufacturer.”;

15 (3) in paragraph (3)—

16 (A) in subparagraph (A), by striking “sec-
17 tion 508” and inserting “section 6503 of title
18 49”; and

19 (B) in subparagraph (B)—

20 (i) in the matter preceding clause (i),
21 by inserting “programs and” before “re-
22 search”; and

23 (ii) in clause (iii), by striking “re-
24 search and” and inserting “programs, re-
25 search, and”;

1 (4) by redesignating paragraphs (3) through
2 (5) as paragraphs (5) through (7); and

3 (5) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) TERM.—

6 “(A) IN GENERAL.—The term of a mem-
7 ber of the Advisory Committee shall be 3 years.

8 “(B) RENEWAL.—On expiration of the
9 term of a member of the Advisory Committee,
10 the member—

11 “(i) may be reappointed; or

12 “(ii) if the member is not reappointed
13 under clause (i), may serve until a new
14 member is appointed.

15 “(4) MEETINGS.—The Advisory Committee—

16 “(A) shall convene not less frequently than
17 twice each year; and

18 “(B) may convene with the use of remote
19 video conference technology.”.

20 **SEC. 25002. SMART COMMUNITY RESOURCE CENTER.**

21 (a) DEFINITIONS.—In this section:

22 (1) RESOURCE CENTER.—The term “resource
23 center” means the Smart Community Resource Cen-
24 ter established under subsection (b).

1 (2) SMART COMMUNITY.—The term “smart
2 community” means a community that uses innova-
3 tive technologies, data, analytics, and other means to
4 improve the community and address local challenges.

5 (b) ESTABLISHMENT.—The Secretary shall work
6 with the modal administrations of the Department and
7 with such other Federal agencies and departments as the
8 Secretary determines to be appropriate to make available
9 to the public on an Internet website a resource center, to
10 be known as the “Smart Community Resource Center”,
11 that includes a compilation of resources or links to re-
12 sources for States and local communities to use in devel-
13 oping and implementing—

14 (1) intelligent transportation system programs;

15 or

16 (2) smart community transportation programs.

17 (c) INCLUSIONS.—The resource center shall include
18 links to—

19 (1) existing programs and resources for intel-
20 ligent transportation system or smart community
21 transportation programs, including technical assist-
22 ance, education, training, funding, and examples of
23 intelligent transportation systems or smart commu-
24 nity transportation programs implemented by States
25 and local communities, available from—

1 (A) the Department;

2 (B) other Federal agencies; and

3 (C) non-Federal sources;

4 (2) existing reports or databases with the re-
5 sults of intelligent transportation system or smart
6 community transportation programs;

7 (3) any best practices developed or lessons
8 learned from intelligent transportation system or
9 smart community transportation programs; and

10 (4) such other resources as the Secretary deter-
11 mines to be appropriate.

12 (d) DEADLINE.—The Secretary shall establish the re-
13 source center by the date that is 1 year after the date
14 of enactment of this Act.

15 (e) UPDATES.—The Secretary shall ensure that the
16 resource center is updated on a regular basis.

17 **SEC. 25003. FEDERAL SUPPORT FOR LOCAL DECISION-**
18 **MAKING.**

19 (a) LOCAL OUTREACH.—To determine the data anal-
20 ysis tools needed to assist local communities in making
21 infrastructure decisions, the Director of the Bureau of
22 Transportation Statistics shall perform outreach to plan-
23 ning and infrastructure decision-making officials in units
24 of local government and other units of government, includ-
25 ing a geographically diverse group of individuals from—

- 1 (1) States;
- 2 (2) political subdivisions of States;
- 3 (3) cities;
- 4 (4) metropolitan planning organizations;
- 5 (5) regional transportation planning organiza-
- 6 tions; and
- 7 (6) federally recognized Indian Tribes.

8 (b) WORK PLAN.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, based on the out-
11 reach performed under subsection (a), the Director
12 of the Bureau of Transportation Statistics shall sub-
13 mit to the Secretary a work plan for reviewing and
14 updating existing data analysis tools and developing
15 any additional data analysis tools needed to assist
16 local communities with making infrastructure invest-
17 ment decisions.

18 (2) CONTENTS.—Based on the needs identified
19 pursuant to the outreach performed under sub-
20 section (a), the work plan submitted under para-
21 graph (1) shall include—

22 (A) a description of the data analysis tools
23 identified that would benefit infrastructure deci-
24 sion-making by local governments and address
25 the goals described in subsection (c);

1 (B) a review of the datasets that local gov-
2 ernments need to effectively use the data anal-
3 ysis tools described in subparagraph (A);

4 (C) an identification of existing or pro-
5 posed data analysis tools that use publicly avail-
6 able data;

7 (D) the estimated cost of obtaining each
8 dataset described in subparagraph (B);

9 (E) the estimated cost to develop the data
10 analysis tools described in subparagraph (A);

11 (F) a prioritization for the development of
12 data analysis tools described in subparagraph
13 (A); and

14 (G) a determination as to whether it would
15 be appropriate for the Federal Government to
16 develop the data analysis tools described in sub-
17 paragraph (A).

18 (c) GOALS.—

19 (1) IN GENERAL.—A data analysis tool created
20 pursuant to the work plan submitted under sub-
21 section (b)(1) shall be developed to help inform local
22 communities in making infrastructure investments.

23 (2) SPECIFIC ISSUES.—A data analysis tool cre-
24 ated pursuant to the work plan submitted under
25 subsection (b)(1) shall be intended to help units of

1 local government and other units of government ad-
2 dress 1 or more of the following:

3 (A) Improving maintenance of existing as-
4 sets.

5 (B) Rebuilding infrastructure to a state of
6 good repair.

7 (C) Creating economic development
8 through infrastructure development.

9 (D) Establishing freight plans and infra-
10 structure that connects the community to sup-
11 ply chains.

12 (E) Increasing options for communities
13 that lack access to affordable transportation to
14 improve access to jobs, affordable housing,
15 schools, medical services, foods and other essen-
16 tial community services.

17 (F) Reducing congestion.

18 (G) Improving community resilience to ex-
19 treme weather events.

20 (H) Any other subject, as the Director de-
21 termines to be necessary.

22 (d) IMPLEMENTATION.—Subject to the availability of
23 appropriations, the Secretary shall develop data analysis
24 tools and purchase datasets as prioritized in the work
25 plan.

1 (e) COORDINATION.—The Director of the Bureau of
2 Transportation Statistics may utilize existing working
3 groups or advisory committees to perform the local out-
4 reach required under subsection (a).

5 **SEC. 25004. BUREAU OF TRANSPORTATION STATISTICS.**

6 (a) FUNDING.—In addition to amounts made avail-
7 able from the Highway Trust Fund, there is authorized
8 to be appropriated to the Secretary for use by the Bureau
9 of Transportation Statistics for data collection and anal-
10 ysis activities \$10,000,000 for each of fiscal years 2022
11 through 2026.

12 (b) AMENDMENT.—Section 6302(b)(3)(B)(vi) of title
13 49, United States Code, is amended—

14 (1) by striking subclause (V);

15 (2) by redesignating subclauses (VI) through
16 (XI) as subclauses (VII) through (XII), respectively;
17 and

18 (3) by adding after subclause (IV) the fol-
19 lowing:

20 “(V) employment in the transpor-
21 tation sector;

22 “(VI) the effects of the transpor-
23 tation system, including advanced
24 technologies and automation, on glob-

1 al and domestic economic competitive-
2 ness;”.

3 **SEC. 25005. STRENGTHENING MOBILITY AND REVOLUTION-**
4 **IZING TRANSPORTATION GRANT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State;

9 (B) a political subdivision of a State;

10 (C) a Tribal government;

11 (D) a public transit agency or authority;

12 (E) a public toll authority;

13 (F) a metropolitan planning organization;

14 and

15 (G) a group of 2 or more eligible entities
16 described in any of subparagraphs (A) through
17 (F) applying through a single lead applicant.

18 (2) ELIGIBLE PROJECT.—The term “eligible
19 project” means a project described in subsection (e).

20 (3) LARGE COMMUNITY.—The term “large com-
21 munity” means a community with a population of
22 not less than 400,000 individuals, as determined
23 under the most recent annual estimate of the Bu-
24 reau of the Census.

1090

1 (4) MIDSIZED COMMUNITY.—The term
2 “midsized community” means any community that
3 is not a large community or a rural community.

4 (5) REGIONAL PARTNERSHIP.—The term “re-
5 gional partnership” means a partnership composed
6 of 2 or more eligible entities located in jurisdictions
7 with a combined population that is equal to or great-
8 er than the population of any midsized community.

9 (6) RURAL COMMUNITY.—The term “rural
10 community” means a community that is located in
11 an area that is outside of an urbanized area (as de-
12 fined in section 5302 of title 49, United States
13 Code).

14 (7) SMART GRANT.—The term “SMART
15 grant” means a grant provided to an eligible entity
16 under the Strengthening Mobility and Revolution-
17 izing Transportation Grant Program established
18 under subsection (b).

19 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
20 shall establish a program, to be known as the “Strength-
21 ening Mobility and Revolutionizing Transportation Grant
22 Program”, under which the Secretary shall provide grants
23 to eligible entities to conduct demonstration projects fo-
24 cused on advanced smart city or community technologies

1 and systems in a variety of communities to improve trans-
2 portation efficiency and safety.

3 (c) DISTRIBUTION.—In determining the projects for
4 which to provide a SMART grant, the Secretary shall con-
5 sider contributions to geographical diversity among grant
6 recipients, including the need for balancing the needs of
7 rural communities, midsized communities, and large com-
8 munities, consistent with the requirements of subpara-
9 graphs (A) through (C) of subsection (g)(1).

10 (d) APPLICATIONS.—

11 (1) IN GENERAL.—An eligible entity may sub-
12 mit to the Secretary an application for a SMART
13 grant at such time, in such manner, and containing
14 such information as the Secretary may require.

15 (2) TRANSPARENCY.—The Secretary shall in-
16 clude, in any notice of funding availability relating
17 to SMART grants, a full description of the method
18 by which applications under paragraph (1) will be
19 evaluated.

20 (3) SELECTION CRITERIA.—

21 (A) IN GENERAL.—The Secretary shall
22 evaluate applications for SMART grants based
23 on—

24 (i) the extent to which the eligible en-
25 tity or applicable beneficiary community—

1092

1 (I) has a public transportation
2 system or other transit options capa-
3 ble of integration with other systems
4 to improve mobility and efficiency;

5 (II) has a population density and
6 transportation needs conducive to
7 demonstrating proposed strategies;

8 (III) has continuity of committed
9 leadership and the functional capacity
10 to carry out the proposed project;

11 (IV) is committed to open data
12 sharing with the public; and

13 (V) is likely to successfully imple-
14 ment the proposed eligible project, in-
15 cluding through technical and finan-
16 cial commitments from the public and
17 private sectors; and

18 (ii) the extent to which a proposed eli-
19 gible project will use advanced data, tech-
20 nology, and applications to provide signifi-
21 cant benefits to a local area, a State, a re-
22 gion, or the United States, including the
23 extent to which the proposed eligible
24 project will—

1093

1 (I) reduce congestion and delays
2 for commerce and the traveling public;

3 (II) improve the safety and inte-
4 gration of transportation facilities and
5 systems for pedestrians, bicyclists,
6 and the broader traveling public;

7 (III) improve access to jobs, edu-
8 cation, and essential services, includ-
9 ing health care;

10 (IV) connect or expand access for
11 underserved or disadvantaged popu-
12 lations and reduce transportation
13 costs;

14 (V) contribute to medium- and
15 long-term economic competitiveness;

16 (VI) improve the reliability of ex-
17 isting transportation facilities and sys-
18 tems;

19 (VII) promote connectivity be-
20 tween and among connected vehicles,
21 roadway infrastructure, pedestrians,
22 bicyclists, the public, and transpor-
23 tation systems

24 (VIII) incentivize private sector
25 investments or partnerships, including

1094

1 by working with mobile and fixed tele-
2 communication service providers, to
3 the extent practicable;

4 (IX) improve energy efficiency or
5 reduce pollution;

6 (X) increase the resiliency of the
7 transportation system; and

8 (XI) improve emergency re-
9 sponse.

10 (B) PRIORITY.—In providing SMART
11 grants, the Secretary shall give priority to ap-
12 plications for eligible projects that would—

13 (i) demonstrate smart city or commu-
14 nity technologies in repeatable ways that
15 can rapidly be scaled;

16 (ii) encourage public and private shar-
17 ing of data and best practices;

18 (iii) encourage private-sector innova-
19 tion by promoting industry-driven tech-
20 nology standards, open platforms, tech-
21 nology-neutral requirements, and inter-
22 operability;

23 (iv) promote a skilled workforce that
24 is inclusive of minority or disadvantaged
25 groups;

1 (v) allow for the measurement and
2 validation of the cost savings and perform-
3 ance improvements associated with the in-
4 stallation and use of smart city or commu-
5 nity technologies and practices;

6 (vi) encourage the adoption of smart
7 city or community technologies by commu-
8 nities;

9 (vii) promote industry practices re-
10 garding cybersecurity; and

11 (viii) safeguard individual privacy.

12 (4) TECHNICAL ASSISTANCE.—On request of an
13 eligible entity that submitted an application under
14 paragraph (1) with respect to a project that is not
15 selected for a SMART grant, the Secretary shall
16 provide to the eligible entity technical assistance and
17 briefings relating to the project.

18 (e) USE OF GRANT FUNDS.—

19 (1) ELIGIBLE PROJECTS.—

20 (A) IN GENERAL.—A SMART grant may
21 be used to carry out a project that dem-
22 onstrates at least 1 of the following:

23 (i) COORDINATED AUTOMATION.—The
24 use of automated transportation and au-
25 tonomous vehicles, while working to mini-

1096

1 mize the impact on the accessibility of any
2 other user group or mode of travel.

3 (ii) CONNECTED VEHICLES.—Vehicles
4 that send and receive information regard-
5 ing vehicle movements in the network and
6 use vehicle-to-vehicle and vehicle-to-every-
7 thing communications to provide advanced
8 and reliable connectivity.

9 (iii) INTELLIGENT, SENSOR-BASED IN-
10 FRASTRUCTURE.—The deployment and use
11 of a collective intelligent infrastructure
12 that allows sensors to collect and report
13 real-time data to inform everyday trans-
14 portation-related operations and perform-
15 ance.

16 (iv) SYSTEMS INTEGRATION.—The in-
17 tegration of intelligent transportation sys-
18 tems with other existing systems and other
19 advanced transportation technologies.

20 (v) COMMERCE DELIVERY AND LOGIS-
21 TICS.—Innovative data and technological
22 solutions supporting efficient goods move-
23 ment, such as connected vehicle probe
24 data, road weather data, or global posi-
25 tioning data to improve on-time pickup

1 and delivery, improved travel time reli-
2 ability, reduced fuel consumption and
3 emissions, and reduced labor and vehicle
4 maintenance costs.

5 (vi) LEVERAGING USE OF INNOVATIVE
6 AVIATION TECHNOLOGY.—Leveraging the
7 use of innovative aviation technologies,
8 such as unmanned aircraft systems, to
9 support transportation safety and effi-
10 ciencies, including traffic monitoring and
11 infrastructure inspection.

12 (vii) SMART GRID.—Development of a
13 programmable and efficient energy trans-
14 mission and distribution system to support
15 the adoption or expansion of energy cap-
16 ture, electric vehicle deployment, or freight
17 or commercial fleet fuel efficiency.

18 (viii) SMART TECHNOLOGY TRAFFIC
19 SIGNALS.—Improving the active manage-
20 ment and functioning of traffic signals, in-
21 cluding through—

22 (I) the use of automated traffic
23 signal performance measures;

24 (II) implementing strategies, ac-
25 tivities, and projects that support ac-

1098

1 tive management of traffic signal op-
2 erations, including through optimiza-
3 tion of corridor timing, improved vehi-
4 cle, pedestrian, and bicycle detection
5 at traffic signals, or the use of con-
6 nected vehicle technologies;

7 (III) replacing outdated traffic
8 signals; or

9 (IV) for an eligible entity serving
10 a population of less than 500,000,
11 paying the costs of temporary staffing
12 hours dedicated to updating traffic
13 signal technology.

14 (2) ELIGIBLE PROJECT COSTS.—A SMART
15 grant may be used for—

16 (A) development phase activities, includ-
17 ing—

18 (i) planning;

19 (ii) feasibility analyses;

20 (iii) revenue forecasting;

21 (iv) environmental review;

22 (v) permitting;

23 (vi) preliminary engineering and de-
24 sign work;

1 (vii) systems development or informa-
2 tion technology work; and

3 (viii) acquisition of real property (in-
4 cluding land and improvements to land re-
5 lating to an eligible project); and

6 (B) construction phase activities, includ-
7 ing—

8 (i) construction;

9 (ii) reconstruction;

10 (iii) rehabilitation;

11 (iv) replacement;

12 (v) environmental mitigation;

13 (vi) construction contingencies; and

14 (vii) acquisition of equipment, includ-
15 ing vehicles.

16 (3) PROHIBITED USES.—A SMART grant shall
17 not be used—

18 (A) to reimburse any preaward costs or ap-
19 plication preparation costs of the SMART grant
20 application;

21 (B) for any traffic or parking enforcement
22 activity; or

23 (C) to purchase or lease a license plate
24 reader.

25 (f) REPORTS.—

1101

1 tation information to make informed
2 travel decisions; or

3 (IV) reducing barriers or improv-
4 ing access to jobs, education, or var-
5 ious essential services;

6 (ii) the effectiveness of providing to
7 the public real-time integrated traffic,
8 transit, and multimodal transportation in-
9 formation to make informed travel deci-
10 sions; and

11 (iii) lessons learned and recommenda-
12 tions for future deployment strategies to
13 optimize transportation efficiency and
14 multimodal system performance.

15 (2) GAO.—Not later than 4 years after the
16 date of enactment of this Act, the Comptroller Gen-
17 eral of the United States shall conduct, and submit
18 to the Committee on Commerce, Science, and Trans-
19 portation of the Senate, the Committee on Energy
20 and Commerce of the House of Representatives, and
21 the Committee on Transportation and Infrastructure
22 of the House of Representatives a report describing
23 the results of, a review of the SMART grant pro-
24 gram under this section.

25 (3) SECRETARY.—

1 (A) REPORT TO CONGRESS.—Not later
2 than 2 years after the date on which the initial
3 SMART grants are provided under this section,
4 the Secretary shall submit to the Committee on
5 Commerce, Science, and Transportation of the
6 Senate, the Committee on Energy and Com-
7 merce of the House of Representatives, and the
8 Committee on Transportation and Infrastruc-
9 ture of the House of Representatives a report
10 that—

11 (i) describes each eligible entity that
12 received a SMART grant;

13 (ii) identifies the amount of each
14 SMART grant provided;

15 (iii) summarizes the intended uses of
16 each SMART grant;

17 (iv) describes the effectiveness of eligi-
18 ble entities in meeting the goals described
19 in the SMART grant application of the eli-
20 gible entity, including an assessment or
21 measurement of the realized improvements
22 or benefits resulting from each SMART
23 grant; and

24 (v) describes lessons learned and rec-
25 ommendations for future deployment strat-

1 egies to optimize transportation efficiency
2 and multimodal system performance.

3 (B) BEST PRACTICES.—The Secretary
4 shall—

5 (i) develop and regularly update best
6 practices based on, among other informa-
7 tion, the data, lessons learned, and feed-
8 back from eligible entities that received
9 SMART grants;

10 (ii) publish the best practices under
11 clause (i) on a publicly available website;
12 and

13 (iii) update the best practices pub-
14 lished on the website under clause (ii) reg-
15 ularly.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to the Secretary \$100,000,000 for each
19 of the first 5 fiscal years beginning after the date of
20 enactment of this Act, of which—

21 (A) not more than 40 percent shall be used
22 to provide SMART grants for eligible projects
23 that primarily benefit large communities;

1 (B) not more than 30 percent shall be pro-
2 vided for eligible projects that primarily benefit
3 midsized communities; and

4 (C) not more than 30 percent shall be used
5 to provide SMART grants for eligible projects
6 that primarily benefit rural communities or re-
7 gional partnerships.

8 (2) ADMINISTRATIVE COSTS.—Of the amounts
9 made available under paragraph (1) for each fiscal
10 year, not more than 2 percent shall be used for ad-
11 ministrative costs of the Secretary in carrying out
12 this section.

13 (3) LIMITATION.—An eligible entity may not
14 use more than 3 percent of the amount of a SMART
15 grant for each fiscal year to achieve compliance with
16 applicable planning and reporting requirements.

17 (4) AVAILABILITY.—The amounts made avail-
18 able for a fiscal year pursuant to this subsection
19 shall be available for obligation during the 2-fiscal-
20 year period beginning on the first day of the fiscal
21 year for which the amounts were appropriated.

22 **SEC. 25006. ELECTRIC VEHICLE WORKING GROUP.**

23 (a) DEFINITIONS.—In this section:

24 (1) SECRETARIES.—The term “Secretaries”
25 means—

1 (A) the Secretary; and

2 (B) the Secretary of Energy.

3 (2) WORKING GROUP.—The term “working
4 group” means the electric vehicle working group es-
5 tablished under subsection (b)(1).

6 (b) ESTABLISHMENT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Secretaries
9 shall jointly establish an electric vehicle working
10 group to make recommendations regarding the de-
11 velopment, adoption, and integration of light-, me-
12 dium-, and heavy-duty electric vehicles into the
13 transportation and energy systems of the United
14 States.

15 (2) MEMBERSHIP.—

16 (A) IN GENERAL.—The working group
17 shall be composed of—

18 (i) the Secretaries (or designees), who
19 shall be cochairs of the working group; and

20 (ii) not more than 25 members, to be
21 appointed by the Secretaries, of whom—

22 (I) not more than 6 shall be Fed-
23 eral stakeholders as described in sub-
24 paragraph (B); and

1106

1 (II) not more than 19 shall be
2 non-Federal stakeholders as described
3 in subparagraph (C).

4 (B) FEDERAL STAKEHOLDERS.—The
5 working group—

6 (i) shall include not fewer than 1 rep-
7 resentative of each of—

8 (I) the Department;

9 (II) the Department of Energy;

10 (III) the Environmental Protec-
11 tion Agency;

12 (IV) the Council on Environ-
13 mental Quality; and

14 (V) the General Services Admin-
15 istration; and

16 (ii) may include a representative of
17 any other Federal agency the Secretaries
18 consider to be appropriate.

19 (C) NON-FEDERAL STAKEHOLDERS.—

20 (i) IN GENERAL.—Subject to clause

21 (ii), the working group—

22 (I) shall include not fewer than 1
23 representative of each of—

24 (aa) a manufacturer of
25 light-duty electric vehicles or the

1107

1 relevant components of light-duty
2 electric vehicles;

3 (bb) a manufacturer of
4 medium- and heavy-duty vehicles
5 or the relevant components of
6 medium- and heavy-duty electric
7 vehicles;

8 (cc) a manufacturer of elec-
9 tric vehicle batteries;

10 (dd) an owner, operator, or
11 manufacturer of electric vehicle
12 charging equipment;

13 (ee) the public utility indus-
14 try;

15 (ff) a public utility regulator
16 or association of public utility
17 regulators;

18 (gg) the transportation fuel-
19 ing distribution industry;

20 (hh) the energy provider in-
21 dustry;

22 (ii) the automotive dealing
23 industry;

24 (jj) the for-hire passenger
25 transportation industry;

1108

1 (kk) an organization rep-
2 resenting units of local govern-
3 ment;

4 (ll) an organization rep-
5 resenting regional transportation
6 or planning agencies;

7 (mm) an organization rep-
8 resenting State departments of
9 transportation;

10 (nn) an organization rep-
11 resenting State departments of
12 energy or State energy planners;

13 (oo) the intelligent transpor-
14 tation systems and technologies
15 industry;

16 (pp) labor organizations rep-
17 resenting workers in transpor-
18 tation manufacturing, construc-
19 tion, or operations;

20 (qq) the trucking industry;

21 (rr) Tribal governments; and

22 (ss) the property develop-
23 ment industry; and

24 (II) may include a representative
25 of any other non-Federal stakeholder

1 that the Secretaries consider to be ap-
2 propriate.

3 (ii) REQUIREMENT.—The stake-
4 holders selected under clause (i) shall, in
5 the aggregate—

6 (I) consist of individuals with a
7 balance of backgrounds, experiences,
8 and viewpoints; and

9 (II) include individuals that rep-
10 resent geographically diverse regions
11 of the United States, including indi-
12 viduals representing the perspectives
13 of rural, urban, and suburban areas.

14 (D) COMPENSATION.—A member of the
15 working group shall serve without compensa-
16 tion.

17 (3) MEETINGS.—

18 (A) IN GENERAL.—The working group
19 shall meet not less frequently than once every
20 120 days.

21 (B) REMOTE PARTICIPATION.—A member
22 of the working group may participate in a meet-
23 ing of the working group via teleconference or
24 similar means.

1 (4) COORDINATION.—In carrying out the duties
2 of the working group, the working group shall co-
3 ordinate and consult with any existing Federal inter-
4 agency working groups on fleet conversion or other
5 similar matters relating to electric vehicles.

6 (c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE
7 ADOPTION.—

8 (1) WORKING GROUP REPORTS.—The working
9 group shall complete by each of the deadlines de-
10 scribed in paragraph (2) a report describing the sta-
11 tus of electric vehicle adoption including—

12 (A) a description of the barriers and op-
13 portunities to scaling up electric vehicle adop-
14 tion throughout the United States, including
15 recommendations for issues relating to—

16 (i) consumer behavior;

17 (ii) charging infrastructure needs, in-
18 cluding standardization and cybersecurity;

19 (iii) manufacturing and battery costs,
20 including the raw material shortages for
21 batteries and electric motor magnets;

22 (iv) the adoption of electric vehicles
23 for low- and moderate-income individuals
24 and underserved communities, including

1111

1 charging infrastructure access and vehicle
2 purchase financing;

3 (v) business models for charging per-
4 sonal electric vehicles outside the home, in-
5 cluding wired and wireless charging;

6 (vi) charging infrastructure permit-
7 ting and regulatory issues;

8 (vii) the connections between housing
9 and transportation costs and emissions;

10 (viii) freight transportation, including
11 local, port and drayage, regional, and long-
12 haul trucking;

13 (ix) intercity passenger travel;

14 (x) the process by which governments
15 collect a user fee for the contribution of
16 electric vehicles to funding roadway im-
17 provements;

18 (xi) State- and local-level policies, in-
19 centives, and zoning efforts;

20 (xii) the installation of highway cor-
21 ridor signage;

22 (xiii) secondary markets and recycling
23 for batteries;

24 (xiv) grid capacity and integration;

25 (xv) energy storage; and

1 (xvi) specific regional or local issues
2 that may not appear to apply throughout
3 the United States, but may hamper nation-
4 wide adoption or coordination of electric
5 vehicles;

6 (B) examples of successful public and pri-
7 vate models and demonstration projects that
8 encourage electric vehicle adoption;

9 (C) an analysis of current efforts to over-
10 come the barriers described in subparagraph
11 (A);

12 (D) an analysis of the estimated costs and
13 benefits of any recommendations of the working
14 group; and

15 (E) any other topics, as determined by the
16 working group.

17 (2) DEADLINES.—A report under paragraph
18 (1) shall be submitted to the Secretaries, the Com-
19 mittees on Commerce, Science, and Transportation
20 and Appropriations of the Senate and the Commit-
21 tees on Transportation and Infrastructure and Ap-
22 propriations of the House of Representatives—

23 (A) in the case of the first report, by not
24 later than 18 months after the date on which

1 the working group is established under sub-
2 section (b)(1);

3 (B) in the case of the second report, by not
4 later than 2 years after the date on which the
5 first report is required to be submitted under
6 subparagraph (A); and

7 (C) in the case of the third report, by not
8 later than 2 years after the date on which the
9 second report is required to be submitted under
10 subparagraph (B).

11 (3) STRATEGY.—

12 (A) IN GENERAL.—Based on the reports
13 submitted by the working group under para-
14 graph (1), the Secretaries shall jointly develop,
15 maintain, and update a strategy that describes
16 the means by which the Federal Government,
17 States, units of local government, and industry
18 can—

19 (i) establish quantitative targets for
20 transportation electrification;

21 (ii) overcome the barriers described in
22 paragraph (1)(A);

23 (iii) identify areas of opportunity in
24 research and development to improve bat-
25 tery manufacturing, mineral mining, recy-

1114

1 cling costs, material recovery, fire risks,
2 and battery performance for electric vehi-
3 cles;

4 (iv) enhance Federal interagency co-
5 ordination to promote electric vehicle adop-
6 tion;

7 (v) prepare the workforce for the
8 adoption of electric vehicles, including
9 through collaboration with labor unions,
10 educational institutions, and relevant man-
11 ufacturers;

12 (vi) expand electric vehicle and charg-
13 ing infrastructure;

14 (vii) expand knowledge of the benefits
15 of electric vehicles among the general pub-
16 lic;

17 (viii) maintain the global competitive-
18 ness of the United States in the electric ve-
19 hicle and charging infrastructure markets;

20 (ix) provide clarity in regulations to
21 improve national uniformity with respect to
22 electric vehicles; and

23 (x) ensure the sustainable integration
24 of electric vehicles into the national electric
25 grid.

1 (B) NOTICE AND COMMENT.—In carrying
2 out subparagraph (A), the Secretaries shall pro-
3 vide public notice and opportunity for comment
4 on the strategy described in that subparagraph.

5 (4) INFORMATION.—

6 (A) IN GENERAL.—The Secretaries may
7 enter into an agreement with the Transpor-
8 tation Research Board of the National Acad-
9 emies of Sciences, Engineering, and Medicine to
10 provide, track, or report data, information, or
11 research to assist the working group in carrying
12 out paragraph (1).

13 (B) USE OF EXISTING INFORMATION.—In
14 developing a report under paragraph (1) or a
15 strategy under paragraph (3), the Secretaries
16 and the working group shall take into consider-
17 ation existing Federal, State, local, private sec-
18 tor, and academic data and information relating
19 to electric vehicles and, to the maximum extent
20 practicable, coordinate with the entities that
21 publish that information—

22 (i) to prevent duplication of efforts by
23 the Federal Government; and

24 (ii) to leverage existing information
25 and complementary efforts.

1 (d) COORDINATION.—To the maximum extent prac-
2 ticable, the Secretaries and the working group shall carry
3 out this section using all available existing resources,
4 websites, and databases of Federal agencies, such as—

5 (1) the Alternative Fuels Data Center;

6 (2) the Energy Efficient Mobility Systems pro-
7 gram; and

8 (3) the Clean Cities Coalition Network.

9 (e) TERMINATION.—The working group shall termi-
10 nate on submission of the third report required under sub-
11 section (c)(2)(C).

12 **SEC. 25007. RISK AND SYSTEM RESILIENCE.**

13 (a) IN GENERAL.—The Secretary, in consultation
14 with appropriate Federal, State, and local agencies, shall
15 develop a process for quantifying annual risk in order to
16 increase system resilience with respect to the surface
17 transportation system of the United States by meas-
18 uring—

19 (1) resilience to threat probabilities by type of
20 hazard and geographical location;

21 (2) resilience to asset vulnerabilities with re-
22 spect to each applicable threat; and

23 (3) anticipated consequences from each applica-
24 ble threat to each asset.

1 (b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL
2 ENTITIES.—

3 (1) IN GENERAL.—The Secretary shall provide
4 the process developed under subsection (a) to State
5 departments of transportation, metropolitan plan-
6 ning organizations, Indian Tribes, local govern-
7 ments, and other relevant entities.

8 (2) GUIDANCE AND TECHNICAL ASSISTANCE.—
9 The Secretary shall provide to the entities described
10 in paragraph (1) guidance and technical assistance
11 on the use of the process referred to in that para-
12 graph.

13 (c) RESEARCH.—

14 (1) IN GENERAL.—The Secretary shall—

15 (A) identify and support fundamental re-
16 search to develop a framework and quantitative
17 models to support compilation of information
18 for risk-based analysis of transportation assets
19 by standardizing the basis for quantifying an-
20 nual risk and increasing system resilience; and

21 (B) build on existing resilience research,
22 including studies conducted by—

23 (i) the Transportation Research
24 Board of the National Academies of
25 Sciences, Engineering, and Medicine; and

1 (ii) the National Institute of Stand-
2 ards and Technology.

3 (2) USE OF EXISTING FACILITIES.—In carrying
4 out paragraph (1), the Secretary shall use existing
5 research facilities available to the Secretary, includ-
6 ing the Turner–Fairbank Highway Research Center
7 and University Transportation Centers established
8 under section 5505 of title 49, United States Code.

9 **SEC. 25008. COORDINATION ON EMERGING TRANSPOR-**
10 **TATION TECHNOLOGY.**

11 (a) IN GENERAL.—Subchapter I of chapter 3 of title
12 49, United States Code, is amended by adding at the end
13 the following:

14 **“§ 313. Nontraditional and Emerging Transportation**
15 **Technology Council**

16 “(a) ESTABLISHMENT.—Not later than 180 days
17 after the date of enactment of this section, the Secretary
18 of Transportation (referred to in this section as the ‘Sec-
19 retary’) shall establish a council, to be known as the ‘Non-
20 traditional and Emerging Transportation Technology
21 Council’ (referred to in this section as the ‘Council’), to
22 address coordination on emerging technology issues across
23 all modes of transportation.

24 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Council shall be com-
2 posed of—

3 “(A) the Secretary, who shall serve as an
4 ex officio member of the Council;

5 “(B) the Deputy Secretary of Transpor-
6 tation;

7 “(C) the Under Secretary of Transpor-
8 tation for Policy;

9 “(D) the Assistant Secretary for Research
10 and Technology of the Department of Trans-
11 portation;

12 “(E) the Assistant Secretary for Budget
13 and Programs of the Department of Transpor-
14 tation;

15 “(F) the General Counsel of the Depart-
16 ment of Transportation;

17 “(G) the Chief Information Officer of the
18 Department of Transportation;

19 “(H) the Administrator of the Federal
20 Aviation Administration;

21 “(I) the Administrator of the Federal
22 Highway Administration;

23 “(J) the Administrator of the Federal
24 Motor Carrier Safety Administration;

1 “(K) the Administrator of the Federal
2 Railroad Administration;

3 “(L) the Administrator of the Federal
4 Transit Administration;

5 “(M) the Administrator of the Maritime
6 Administration;

7 “(N) the Administrator of the National
8 Highway Traffic Safety Administration;

9 “(O) the Administrator of the Pipeline and
10 Hazardous Materials Safety Administration;
11 and

12 “(P) any other official of the Department
13 of Transportation, as determined by the Sec-
14 retary.

15 “(2) CHAIR AND VICE CHAIR.—

16 “(A) CHAIR.—The Deputy Secretary of
17 Transportation (or a designee) shall serve as
18 Chair of the Council.

19 “(B) VICE CHAIR.—The Under Secretary
20 of Transportation for Policy (or a designee)
21 shall serve as Vice Chair of the Council.

22 “(c) DUTIES.—The Council shall—

23 “(1) identify and resolve jurisdictional and reg-
24 ulatory gaps or inconsistencies associated with non-
25 traditional and emerging transportation tech-

1 nologies, modes, or projects pending or brought be-
2 fore the Department of Transportation to reduce, to
3 the maximum extent practicable, impediments to the
4 prompt and safe deployment of new and innovative
5 transportation technology, including with respect
6 to—

7 “(A) safety oversight;

8 “(B) environmental review; and

9 “(C) funding and financing issues;

10 “(2) coordinate the response of the Department
11 of Transportation to nontraditional and emerging
12 transportation technology projects;

13 “(3) engage with stakeholders in nontraditional
14 and emerging transportation technology projects;
15 and

16 “(4) develop and establish Department of
17 Transportation-wide processes, solutions, and best
18 practices for identifying and managing nontradi-
19 tional and emerging transportation technology
20 projects.

21 “(d) BEST PRACTICES.—Not later than 1 year after
22 the date of enactment of this section, the Council shall—

23 “(1) publish initial guidelines to achieve the
24 purposes described in subsection (c)(4); and

1 “(2) promote each modal administration within
2 the Department of Transportation to further test
3 and support the advancement of nontraditional and
4 emerging transportation technologies not specifically
5 considered by the Council.

6 “(e) SUPPORT.—The Office of the Secretary shall
7 provide support for the Council.

8 “(f) MEETINGS.—The Council shall meet not less fre-
9 quently than 4 times per year, at the call of the Chair.

10 “(g) LEAD MODAL ADMINISTRATION.—For each
11 nontraditional or emerging transportation technology,
12 mode, or project associated with a jurisdictional or regu-
13 latory gap or inconsistency identified under subsection
14 (c)(1), the Chair of the Council shall—

15 “(1) designate a lead modal administration of
16 the Department of Transportation for review of the
17 technology, mode, or project; and

18 “(2) arrange for the detailing of staff between
19 modal administrations or offices of the Department
20 of Transportation as needed to maximize the sharing
21 of experience and expertise.

22 “(h) TRANSPARENCY.—Not later than 1 year after
23 the date of establishment of the Council, and not less fre-
24 quently than annually thereafter until December 31, 2026,
25 the Council shall post on a publicly accessible website a

1 report describing the activities of the Council during the
2 preceding calendar year.”.

3 (b) CLERICAL AMENDMENT.—The analysis for sub-
4 chapter I of chapter 3 of title 49, United States Code,
5 is amended by adding at the end the following:

“313. Nontraditional and Emerging Transportation Technology Council.”.

6 **SEC. 25009. INTERAGENCY INFRASTRUCTURE PERMITTING**
7 **IMPROVEMENT CENTER.**

8 (a) IN GENERAL.—Section 102 of title 49, United
9 States Code (as amended by section 14009), is amended—

10 (1) in subsection (a), by inserting “(referred to
11 in this section as the ‘Department’)” after “Trans-
12 portation”;

13 (2) in subsection (b), in the first sentence, by
14 inserting “(referred to in this section as the ‘Sec-
15 retary’)” after “Transportation”;

16 (3) by redesignating subsection (h) as sub-
17 section (i); and

18 (4) by inserting after subsection (g) the fol-
19 lowing:

20 “(h) INTERAGENCY INFRASTRUCTURE PERMITTING
21 IMPROVEMENT CENTER.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) CENTER.—The term ‘Center’ means
24 the Interagency Infrastructure Permitting Im-
25 provement Center established by paragraph (2).

1 “(B) PROJECT.—The term ‘project’ means
2 a project authorized or funded under—

3 “(i) this title; or

4 “(ii) title 14, 23, 46, or 51.

5 “(2) ESTABLISHMENT.—There is established
6 within the Office of the Secretary a center, to be
7 known as the ‘Interagency Infrastructure Permitting
8 Improvement Center’.

9 “(3) PURPOSES.—The purposes of the Center
10 shall be—

11 “(A) to implement reforms to improve
12 interagency coordination and expedite projects
13 relating to the permitting and environmental re-
14 view of major transportation infrastructure
15 projects, including—

16 “(i) developing and deploying informa-
17 tion technology tools to track project
18 schedules and metrics; and

19 “(ii) improving the transparency and
20 accountability of the permitting process;

21 “(B)(i) to identify appropriate methods to
22 assess environmental impacts; and

23 “(ii) to develop innovative methods for
24 reasonable mitigation;

1 “(C) to reduce uncertainty and delays with
2 respect to environmental reviews and permit-
3 ting; and

4 “(D) to reduce costs and risks to taxpayers
5 in project delivery.

6 “(4) EXECUTIVE DIRECTOR.—The Center shall
7 be headed by an Executive Director, who shall—

8 “(A) report to the Under Secretary of
9 Transportation for Policy;

10 “(B) be responsible for the management
11 and oversight of the daily activities, decisions,
12 operations, and personnel of the Center; and

13 “(C) carry out such additional duties as
14 the Secretary may prescribe.

15 “(5) DUTIES.—The Center shall carry out the
16 following duties:

17 “(A) Coordinate and support implementa-
18 tion of priority reform actions for Federal agen-
19 cy permitting and reviews.

20 “(B) Support modernization efforts at the
21 operating administrations within the Depart-
22 ment and interagency pilot programs relating to
23 innovative approaches to the permitting and re-
24 view of transportation infrastructure projects.

1 “(C) Provide technical assistance and
2 training to Department staff on policy changes,
3 innovative approaches to project delivery, and
4 other topics, as appropriate.

5 “(D) Identify, develop, and track metrics
6 for timeliness of permit reviews, permit deci-
7 sions, and project outcomes.

8 “(E) Administer and expand the use of on-
9 line transparency tools providing for—

10 “(i) tracking and reporting of metrics;

11 “(ii) development and posting of
12 schedules for permit reviews and permit
13 decisions;

14 “(iii) the sharing of best practices re-
15 lating to efficient project permitting and
16 reviews; and

17 “(iv) the visual display of relevant
18 geospatial data to support the permitting
19 process.

20 “(F) Submit to the Secretary reports de-
21 scribing progress made toward achieving—

22 “(i) greater efficiency in permitting
23 decisions and review of infrastructure
24 projects; and

1 “(ii) better outcomes for communities
2 and the environment.

3 “(6) INNOVATIVE BEST PRACTICES.—

4 “(A) IN GENERAL.—The Center shall work
5 with the operating administrations within the
6 Department, eligible entities, and other public
7 and private interests to develop and promote
8 best practices for innovative project delivery.

9 “(B) ACTIVITIES.—The Center shall sup-
10 port the Department and operating administra-
11 tions in conducting environmental reviews and
12 permitting, together with project sponsor tech-
13 nical assistance activities, by—

14 “(i) carrying out activities that are
15 appropriate and consistent with the goals
16 and policies of the Department to improve
17 the delivery timelines for projects;

18 “(ii) serving as the Department liai-
19 son to—

20 “(I) the Council on Environ-
21 mental Quality; and

22 “(II) the Federal Permitting Im-
23 provement Steering Council estab-
24 lished by section 41002(a) of the Fix-

1128

1 ing America’s Surface Transportation
2 Act (42 U.S.C. 4370m–1(a));

3 “(iii) supporting the National Surface
4 Transportation and Innovative Finance
5 Bureau (referred to in this paragraph as
6 the ‘Bureau’) in implementing activities to
7 improve delivery timelines, as described in
8 section 116(f), for projects carried out
9 under the programs described in section
10 116(d)(1) for which the Bureau admin-
11 isters the application process;

12 “(iv) leading activities to improve de-
13 livery timelines for projects carried out
14 under programs not administered by the
15 Bureau by—

16 “(I) coordinating efforts to im-
17 prove the efficiency and effectiveness
18 of the environmental review and per-
19 mitting process;

20 “(II) providing technical assist-
21 ance and training to field and head-
22 quarters staff of Federal agencies
23 with respect to policy changes and in-
24 novative approaches to the delivery of
25 projects; and

1129

1 “(III) identifying, developing,
2 and tracking metrics for permit re-
3 views and decisions by Federal agen-
4 cies for projects under the National
5 Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.).

7 “(C) NEPA COMPLIANCE ASSISTANCE.—

8 “(i) IN GENERAL.—Subject to clause
9 (ii), at the request of an entity that is car-
10 rying out a project, the Center, in coordi-
11 nation with the appropriate operating ad-
12 ministrations within the Department, shall
13 provide technical assistance relating to
14 compliance with the applicable require-
15 ments of the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.)
17 and applicable Federal authorizations.

18 “(ii) ASSISTANCE FROM THE BU-
19 REAU.—For projects carried out under the
20 programs described in section 116(d)(1)
21 for which the Bureau administers the ap-
22 plication process, the Bureau, on request
23 of the entity carrying out the project, shall
24 provide the technical assistance described
25 in clause (i).”.

1 (b) CONFORMING AMENDMENT.—Section 116(f)(2)
2 of title 49, United States Code, is amended—

3 (1) by striking subparagraph (A); and

4 (2) by redesignating subparagraphs (B)
5 through (D) and subparagraphs (A) through (C), re-
6 spectively.

7 **SEC. 25010. RURAL OPPORTUNITIES TO USE TRANSPOR-**
8 **TATION FOR ECONOMIC SUCCESS INITIATIVE.**

9 (a) DEFINITIONS.—In this section:

10 (1) BUILD AMERICA BUREAU.—The term
11 “Build America Bureau” means the National Sur-
12 face Transportation and Innovative Finance Bureau
13 established under section 116 of title 49, United
14 States Code.

15 (2) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given the term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).

19 (3) ROUTES COUNCIL.—The term “ROUTES
20 Council” means the Rural Opportunities to Use
21 Transportation for Economic Success Council estab-
22 lished by subsection (c)(1).

23 (4) ROUTES OFFICE.—The term “ROUTES
24 Office” means the Rural Opportunities to Use

1131

1 Transportation for Economic Success Office estab-
2 lished by subsection (b)(1).

3 (b) ROUTES OFFICE.—

4 (1) IN GENERAL.—The Secretary shall establish
5 within the Department the Rural Opportunities to
6 Use Transportation for Economic Success Office—

7 (A) to improve analysis of projects from
8 rural areas, Indian Tribes, and historically dis-
9 advantaged communities in rural areas applying
10 for Department discretionary grants, including
11 ensuring that project costs, local resources, and
12 the larger benefits to the people and the econ-
13 omy of the United States are appropriately con-
14 sidered; and

15 (B) to provide rural communities, Indian
16 Tribes, and historically disadvantaged commu-
17 nities in rural areas with technical assistance
18 for meeting the transportation infrastructure
19 investment needs of the United States in a fi-
20 nancially sustainable manner.

21 (2) OBJECTIVES.—The ROUTES Office shall—

22 (A) collect input from knowledgeable enti-
23 ties and the public on—

24 (i) the benefits of rural and Tribal
25 transportation projects;

1 (ii) the technical and financial assist-
2 ance required for constructing and oper-
3 ating transportation infrastructure and
4 services within rural areas and on the land
5 of Indian Tribes;

6 (iii) barriers and opportunities to
7 funding transportation projects in rural
8 areas and on the land of Indian Tribes;
9 and

10 (iv) unique transportation barriers
11 and challenges faced by Indian Tribes and
12 historically disadvantaged communities in
13 rural areas;

14 (B) evaluate data on transportation chal-
15 lenges faced by rural communities and Indian
16 Tribes and determine methods to align the dis-
17 cretionary funding and financing opportunities
18 of the Department with the needs of those com-
19 munities for meeting national transportation
20 goals;

21 (C) provide education and technical assist-
22 ance to rural communities and Indian Tribes
23 about applicable Department discretionary
24 grants, develop effective methods to evaluate
25 projects in those communities in discretionary

1 grant programs, and communicate those meth-
2 ods through program guidance;

3 (D) carry out research and utilize innova-
4 tive approaches to resolve the transportation
5 challenges faced by rural areas and Indian
6 Tribes; and

7 (E) perform such other duties as deter-
8 mined by the Secretary.

9 (c) ROUTES COUNCIL.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a Rural Opportunities to Use Transportation for
12 Economic Success Council—

13 (A) to organize, guide, and lead the
14 ROUTES Office; and

15 (B) to coordinate rural-related and Tribal-
16 related funding programs and assistance among
17 the modal administrations of the Department,
18 the offices of the Department, and other Fed-
19 eral agencies, as appropriate—

20 (i) to ensure that the unique transpor-
21 tation needs and attributes of rural areas
22 and Indian Tribes are fully addressed dur-
23 ing the development and implementation of
24 programs, policies, and activities of the
25 Department;

1 (ii) to increase coordination of pro-
2 grams, policies, and activities of the De-
3 partment in a manner that improves and
4 expands transportation infrastructure in
5 order to further economic development in,
6 and the quality of life of, rural areas and
7 Indian Tribes; and

8 (iii) to provide rural areas and Indian
9 Tribes with proactive outreach—

10 (I) to improve access to discre-
11 tionary funding and financing pro-
12 grams; and

13 (II) to facilitate timely resolution
14 of environmental reviews for complex
15 or high-priority projects.

16 (2) MEMBERSHIP.—

17 (A) IN GENERAL.—The ROUTES Council
18 shall be composed of the following officers of
19 the Department, or their designees:

20 (i) The Deputy Secretary of Trans-
21 portation.

22 (ii) The Under Secretary of Transpor-
23 tation for Policy.

24 (iii) The General Counsel.

1135

1 (iv) The Chief Financial Officer and
2 Assistant Secretary for Budget and Pro-
3 grams.

4 (v) The Assistant Secretary for Re-
5 search and Technology.

6 (vi) The Assistant Secretary for
7 Multimodal Freight.

8 (vii) The Administrators of—

9 (I) the Federal Aviation Adminis-
10 tration;

11 (II) the Federal Highway Admin-
12 istration;

13 (III) the Federal Railroad Ad-
14 ministration; and

15 (IV) the Federal Transit Admin-
16 istration.

17 (viii) The Executive Director of the
18 Build America Bureau.

19 (ix) The Assistant Secretary for Gov-
20 ernmental Affairs.

21 (x) The Assistant Secretary for
22 Transportation Policy.

23 (xi) The Deputy Assistant Secretary
24 for Tribal Government Affairs.

1 (B) CHAIR.—The Deputy Secretary of
2 Transportation shall be the Chair of the
3 ROUTES Council.

4 (C) ADDITIONAL MEMBERS.—The Sec-
5 retary or the Chair of the ROUTES Council
6 may designate additional members to serve on
7 the ROUTES Council.

8 (3) ADDITIONAL MODAL INPUT.—To address
9 issues related to safety and transport of commodities
10 produced in or by, or transported through, as appli-
11 cable, rural areas, Indian Tribes, or the land of In-
12 dian Tribes, the ROUTES Council shall consult with
13 the Administrators (or their designees) of—

14 (A) the Maritime Administration;

15 (B) the Great Lakes St. Lawrence Seaway
16 Development Corporation; and

17 (C) the National Highway Traffic Safety
18 Administration.

19 (4) DUTIES.—Members of the ROUTES Coun-
20 cil shall—

21 (A) participate in all meetings and relevant
22 ROUTES Council activities and be prepared to
23 share information relevant to rural and Tribal
24 transportation infrastructure projects and
25 issues;

1 (B) provide guidance and leadership on
2 rural and Tribal transportation infrastructure
3 issues and represent the work of the ROUTES
4 Council and the Department on those issues to
5 external stakeholders; and

6 (C) recommend initiatives for the consider-
7 ation of the Chair of the ROUTES Council to
8 establish and staff any resulting activities or
9 working groups.

10 (5) MEETINGS.—The ROUTES Council shall
11 meet bimonthly.

12 (6) ADDITIONAL STAFFING.—The Secretary
13 shall ensure that the ROUTES Council and
14 ROUTES Office have adequate staff support to
15 carry out the duties of the ROUTES Council and
16 the ROUTES Office, respectively, under this section.

17 (7) WORK PRODUCTS AND DELIVERABLES.—
18 The ROUTES Council may develop work products
19 or deliverables to meet the goals of the ROUTES
20 Council, including—

21 (A) an annual report to Congress describ-
22 ing ROUTES Council activities for the past
23 year and expected activities for the coming
24 year;

1 (B) any recommendations to enhance the
2 effectiveness of Department discretionary grant
3 programs regarding rural and Tribal infrastruc-
4 ture issues; and

5 (C) other guides and reports for relevant
6 groups and the public.

7 **SEC. 25011. SAFETY DATA INITIATIVE.**

8 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
9 tion, the term “eligible entity” means—

- 10 (1) a State;
- 11 (2) a unit of local government;
- 12 (3) a transit agency or authority;
- 13 (4) a metropolitan planning organization;
- 14 (5) any other subdivision of a State or local
15 government;
- 16 (6) an institution of higher education; and
- 17 (7) a multi-State or multijurisdictional group.

18 (b) SAFETY DATA INITIATIVE.—

19 (1) ESTABLISHMENT.—The Secretary shall es-
20 tablish an initiative, to be known as the “Safety
21 Data Initiative”, to promote the use of data integra-
22 tion, data visualization, and advanced analytics for
23 surface transportation safety through the develop-
24 ment of innovative practices and products for use by
25 Federal, State, and local entities.

1 (2) ACTIVITIES.—

2 (A) APPLIED RESEARCH.—

3 (i) IN GENERAL.—The Secretary shall
4 support and carry out applied research to
5 develop practices and products that will en-
6 courage the integration and use of tradi-
7 tional and new sources of safety data and
8 safety information to improve policy and
9 decisionmaking at the Federal, State, and
10 local government levels.

11 (ii) METHODOLOGY.—In carrying out
12 clause (i), the Secretary may—

13 (I) carry out demonstration pro-
14 grams;

15 (II) award grants and provide in-
16 centives to eligible entities;

17 (III) enter into partnerships
18 with—

19 (aa) eligible entities;

20 (bb) private sector entities;

21 and

22 (cc) National Laboratories;

23 and

24 (IV) use any other tools, strate-
25 gies, or methods that will result in the

1 effective use of data and information
2 for safety purposes.

3 (B) TOOLS AND PRACTICES.—In carrying
4 out subparagraph (A), the Secretary, to the
5 maximum extent practicable, shall—

6 (i) develop safety analysis tools for
7 State and local governments, with a par-
8 ticular focus on State and local govern-
9 ments with limited capacity to perform
10 safety analysis;

11 (ii)(I) identify innovative State and
12 local government practices;

13 (II) incubate those practices for fur-
14 ther development; and

15 (III) replicate those practices nation-
16 wide; and

17 (iii) transfer to State and local gov-
18 ernments the results of the applied re-
19 search carried out under that subpara-
20 graph.

21 (C) DATA SHARING.—

22 (i) IN GENERAL.—To inform the cre-
23 ation of information useful for safety pol-
24 icy and decisionmaking, the Secretary
25 shall—

1141

1 (I) encourage the sharing of data
2 between and among Federal, State,
3 and local transportation agencies; and

4 (II) leverage data from private
5 sector entities.

6 (ii) GOALS.—The goals of the data-
7 sharing activities under clause (i) shall in-
8 clude—

9 (I) the creation of data eco-
10 systems to reduce barriers to the effi-
11 cient integration and analysis of rel-
12 evant datasets for use by safety pro-
13 fessionals; and

14 (II) the establishment of proce-
15 dures adequate to ensure sufficient se-
16 curity, privacy, and confidentiality as
17 needed to promote the sharing of sen-
18 sitive or proprietary data.

19 (iii) MANAGEMENT OF DATA ECO-
20 SYSTEMS.—A data ecosystem described in
21 clause (ii)(I) may be managed by—

22 (I) the Director of the Bureau of
23 Transportation Statistics;

1142

1 (II) 1 or more trusted third par-
2 ties, as determined by the Secretary;
3 or

4 (III) 1 or more other entities or
5 partnerships capable of securing,
6 managing, and analyzing sensitive or
7 proprietary data.

8 (3) PLAN.—

9 (A) IN GENERAL.—The Safety Data Initia-
10 tive shall be carried out pursuant to a plan to
11 be jointly established by—

12 (i) the Under Secretary of Transpor-
13 tation for Policy;

14 (ii) the Chief Information Officer of
15 the Department;

16 (iii) the Administrator of the National
17 Highway Traffic Safety Administration;

18 (iv) the Administrator of the Federal
19 Highway Administration;

20 (v) the Administrator of the Federal
21 Motor Carrier Safety Administration;

22 (vi) the Administrator of the Federal
23 Transit Administration; and

24 (vii) the Administrator of the Federal
25 Railroad Administration.

1 (B) REQUIREMENT.—The plan established
2 under subparagraph (A) shall include details re-
3 garding the means by which tools and innova-
4 tions developed by projects carried out under
5 the Safety Data Initiative will be transferred to
6 the appropriate program of the Department for
7 further implementation.

8 (C) DEADLINE.—Not later than 1 year
9 after the date of enactment of this Act, the Sec-
10 retary shall direct the officials described in
11 clauses (i) through (vii) of subparagraph (A) to
12 establish, by a date determined by the Sec-
13 retary, the plan referred to in that subpara-
14 graph.

15 (4) TERMINATION.—The Safety Data Initiative
16 shall terminate on the later of—

17 (A) the date that is 1 year after the date
18 of enactment of this Act; and

19 (B) the date on which the Secretary makes
20 the direction to officials described in paragraph

21 (3)(C).

22 **SEC. 25012. ADVANCED TRANSPORTATION RESEARCH.**

23 (a) IN GENERAL.—Chapter 1 of title 49, United
24 States Code (as amended by section 21101(a)), is amend-
25 ed by adding at the end the following:

1 **“§ 119. Advanced Research Projects Agency–Infra-**
2 **structure**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ARPA–I.— The term ‘ARPA–I’ means the
5 Advanced Research Projects Agency–Infrastructure
6 established by subsection (b).

7 “(2) DEPARTMENT.—The term ‘Department’
8 means the Department of Transportation.

9 “(3) DIRECTOR.—The term ‘Director’ means
10 the Director of ARPA–I appointed under subsection
11 (d).

12 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means—

14 “(A) a unit of State or local government;

15 “(B) an institution of higher education;

16 “(C) a commercial entity;

17 “(D) a research foundation;

18 “(E) a trade or industry research collabo-
19 rative;

20 “(F) a federally funded research and devel-
21 opment center;

22 “(G) a research facility owned or funded
23 by the Department;

24 “(H) a collaborative that includes relevant
25 international entities; and

1 “(I) a consortia of 2 or more entities de-
2 scribed in any of subparagraphs (A) through
3 (H).

4 “(5) INFRASTRUCTURE.—

5 “(A) IN GENERAL.—The term ‘infrastruc-
6 ture’ means any transportation method or facil-
7 ity that facilitates the transit of goods or people
8 within the United States (including territories).

9 “(B) INCLUSIONS.—The term ‘infrastruc-
10 ture’ includes—

11 “(i) roads;

12 “(ii) highways;

13 “(iii) bridges;

14 “(iv) airports;

15 “(v) rail lines;

16 “(vi) harbors; and

17 “(vii) pipelines.

18 “(6) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Transportation.

20 “(b) ESTABLISHMENT.—There is established within
21 the Department an agency, to be known as the ‘Advanced
22 Research Projects Agency–Infrastructure’, to support the
23 development of science and technology solutions—

24 “(1) to overcome long-term challenges; and

1 “(2) to advance the state of the art for United
2 States transportation infrastructure.

3 “(c) GOALS.—

4 “(1) IN GENERAL.—The goals of ARPA-I shall
5 be—

6 “(A) to advance the transportation infra-
7 structure of the United States by developing in-
8 novative science and technology solutions that—

9 “(i) lower the long-term costs of infra-
10 structure development, including costs of
11 planning, construction, and maintenance;

12 “(ii) reduce the lifecycle impacts of
13 transportation infrastructure on the envi-
14 ronment, including through the reduction
15 of greenhouse gas emissions;

16 “(iii) contribute significantly to im-
17 proving the safe, secure, and efficient
18 movement of goods and people; and

19 “(iv) promote the resilience of infra-
20 structure from physical and cyber threats;
21 and

22 “(B) to ensure that the United States is a
23 global leader in developing and deploying ad-
24 vanced transportation infrastructure tech-
25 nologies and materials.

1 “(2) RESEARCH PROJECTS.—ARPA–I shall
2 achieve the goals described in paragraph (1) by pro-
3 viding assistance under this section for infrastruc-
4 ture research projects that—

5 “(A) advance novel, early-stage research
6 with practicable application to transportation
7 infrastructure;

8 “(B) translate techniques, processes, and
9 technologies, from the conceptual phase to pro-
10 totype, testing, or demonstration;

11 “(C) develop advanced manufacturing
12 processes and technologies for the domestic
13 manufacturing of novel transportation-related
14 technologies; and

15 “(D) accelerate transformational techno-
16 logical advances in areas in which industry enti-
17 ties are unlikely to carry out projects due to
18 technical and financial uncertainty.

19 “(d) DIRECTOR.—

20 “(1) APPOINTMENT.—ARPA–I shall be headed
21 by a Director, who shall be appointed by the Presi-
22 dent, by and with the advice and consent of the Sen-
23 ate.

24 “(2) QUALIFICATIONS.—The Director shall be
25 an individual who, by reason of professional back-

1 ground and experience, is especially qualified to ad-
2 vise the Secretary regarding, and manage research
3 programs addressing, matters relating to the devel-
4 opment of science and technology solutions to ad-
5 vance United States transportation infrastructure.

6 “(3) RELATIONSHIP TO SECRETARY.—The Di-
7 rector shall—

8 “(A) be located within the Office of the As-
9 sistant Secretary for Research and Technology;
10 and

11 “(B) report to the Secretary.

12 “(4) RELATIONSHIP TO OTHER PROGRAMS.—
13 No other program within the Department shall re-
14 port to the Director.

15 “(5) RESPONSIBILITIES.—The responsibilities
16 of the Director shall include—

17 “(A) approving new programs within
18 ARPA–I;

19 “(B) developing funding criteria, and as-
20 sessing the success of programs, to achieve the
21 goals described in subsection (c)(1) through the
22 establishment of technical milestones;

23 “(C) administering available funding by
24 providing to eligible entities assistance to
25 achieve the goals described in subsection (c)(1);

1 “(D) terminating programs carried out
2 under this section that are not achieving the
3 goals of the programs; and

4 “(E) establishing a process through which
5 eligible entities can submit to ARPA–I unsolic-
6 ited research proposals for assistance under this
7 section in accordance with subsection (f).

8 “(e) PERSONNEL.—

9 “(1) IN GENERAL.—The Director shall establish
10 and maintain within ARPA–I a staff with sufficient
11 qualifications and expertise to enable ARPA–I to
12 carry out the responsibilities under this section, in
13 conjunction with other operations of the Depart-
14 ment.

15 “(2) PROGRAM DIRECTORS.—

16 “(A) IN GENERAL.—The Director shall
17 designate employees to serve as program direc-
18 tors for ARPA–I.

19 “(B) RESPONSIBILITIES.—Each program
20 director shall be responsible for—

21 “(i) establishing research and develop-
22 ment goals for the applicable program, in-
23 cluding by convening workshops and con-
24 ferring with outside experts;

1 “(ii) publicizing the goals of the appli-
2 cable program;

3 “(iii) soliciting applications for spe-
4 cific areas of particular promise, especially
5 in areas that the private sector or the Fed-
6 eral Government are not likely to carry out
7 absent assistance from ARPA-I;

8 “(iv) establishing research collabora-
9 tions for carrying out the applicable pro-
10 gram;

11 “(v) selecting on the basis of merit
12 each project to be supported under the ap-
13 plicable program, taking into consider-
14 ation—

15 “(I) the novelty and scientific
16 and technical merit of proposed
17 projects;

18 “(II) the demonstrated capabili-
19 ties of eligible entities to successfully
20 carry out proposed projects;

21 “(III) the extent to which an eli-
22 gible entity took into consideration fu-
23 ture commercial applications of a pro-
24 posed project, including the feasibility

1151

1 of partnering with 1 or more commer-
2 cial entities; and

3 “(IV) such other criteria as the
4 Director may establish;

5 “(vi) identifying innovative cost-shar-
6 ing arrangements for projects carried out
7 or funded by ARPA-I;

8 “(vii) monitoring the progress of
9 projects supported under the applicable
10 program;

11 “(viii) identifying mechanisms for
12 commercial application of successful tech-
13 nology development projects, including
14 through establishment of partnerships be-
15 tween eligible entities and commercial enti-
16 ties; and

17 “(ix) as applicable, recommending—

18 “(I) program restructuring; or

19 “(II) termination of applicable
20 research partnerships or projects.

21 “(C) TERM OF SERVICE.—A program di-
22 rector—

23 “(i) shall serve for a term of 3 years;

24 and

1 “(B) PRIVATE RECRUITING FIRMS.—The
2 Director may enter into a contract with a pri-
3 vate recruiting firm for the hiring of qualified
4 technical staff to carry out this section.

5 “(C) ADDITIONAL STAFF.—The Director
6 may use all authorities available to the Sec-
7 retary to hire administrative, financial, and
8 clerical staff, as the Director determines to be
9 necessary to carry out this section.

10 “(f) RESEARCH PROPOSALS.—

11 “(1) IN GENERAL.—An eligible entity may sub-
12 mit to the Director an unsolicited research proposal
13 at such time, in such manner, and containing such
14 information as the Director may require, including a
15 description of—

16 “(A) the extent of current and prior efforts
17 with respect to the project proposed to be car-
18 ried out using the assistance, if applicable; and

19 “(B) any current or prior investments in
20 the technology area for which funding is re-
21 quested, including as described in subsection
22 (c)(2)(D).

23 “(2) REVIEW.—The Director—

1 “(A) shall review each unsolicited research
2 proposal submitted under paragraph (1), taking
3 into consideration—

4 “(i) the novelty and scientific and
5 technical merit of the research proposal;

6 “(ii) the demonstrated capabilities of
7 the applicant to successfully carry out the
8 research proposal;

9 “(iii) the extent to which the applicant
10 took into consideration future commercial
11 applications of the proposed research
12 project, including the feasibility of
13 partnering with 1 or more commercial enti-
14 ties; and

15 “(iv) such other criteria as the Direc-
16 tor may establish;

17 “(B) may approve a research proposal if
18 the Director determines that the research—

19 “(i) is in accordance with—

20 “(I) the goals described in sub-
21 section (c)(1); or

22 “(II) an applicable transportation
23 research and development strategic
24 plan developed under section 6503;
25 and

1 “(ii) would not duplicate any other
2 Federal research being conducted or fund-
3 ed by another Federal agency; and

4 “(C)(i) if funding is denied for the re-
5 search proposal, shall provide to the eligible en-
6 tity that submitted the proposal a written no-
7 tice of the denial that, as applicable—

8 “(I) explains why the research pro-
9 posal was not selected, including whether
10 the research proposal fails to cover an area
11 of need; and

12 “(II) recommends that the research
13 proposal be submitted to another research
14 program; or

15 “(ii) if the research proposal is approved
16 for funding, shall provide to the eligible entity
17 that submitted the proposal—

18 “(I) a written notice of the approval;
19 and

20 “(II) assistance in accordance with
21 subsection (g) for the proposed research.

22 “(g) FORMS OF ASSISTANCE.—On approval of a re-
23 search proposal of an eligible entity, the Director may pro-
24 vide to the eligible entity assistance in the form of—

25 “(1) a grant;

- 1 “(2) a contract;
- 2 “(3) a cooperative agreement;
- 3 “(4) a cash prize; or
- 4 “(5) another, similar form of funding.

5 “(h) REPORTS AND ROADMAPS.—

6 “(1) ANNUAL REPORTS.—For each fiscal year,

7 the Director shall provide to the Secretary, for inclu-

8 sion in the budget request submitted by the Sec-

9 retary to the President under section 1108 of title

10 31 for the fiscal year, a report that, with respect to

11 the preceding fiscal year, describes—

12 “(A) the projects that received assistance

13 from ARPA–I, including—

14 “(i) each such project that was funded

15 as a result of an unsolicited research pro-

16 posal; and

17 “(ii) each such project that examines

18 topics or technologies closely related to

19 other activities funded by the Department,

20 including an analysis of whether the Direc-

21 tor achieved compliance with subsection

22 (i)(1) in supporting the project; and

23 “(B) the instances of, and reasons for, the

24 provision of assistance under this section for

1 any projects being carried out by industry enti-
2 ties.

3 “(2) STRATEGIC VISION ROADMAP.—Not later
4 than October 1, 2022, and not less frequently than
5 once every 4 years thereafter, the Director shall sub-
6 mit to the relevant authorizing and appropriations
7 committees of Congress a roadmap describing the
8 strategic vision that ARPA–I will use to guide the
9 selection of future projects for technology investment
10 during the 4 fiscal-year period beginning on the date
11 of submission of the report.

12 “(i) COORDINATION AND NONDUPLICATION.—The
13 Director shall ensure that—

14 “(1) the activities of ARPA–I are coordinated
15 with, and do not duplicate the efforts of, programs
16 and laboratories within—

17 “(A) the Department; and

18 “(B) other relevant research agencies; and

19 “(2) no funding is provided by ARPA–I for a
20 project, unless the eligible entity proposing the
21 project—

22 “(A) demonstrates sufficient attempts to
23 secure private financing; or

24 “(B) indicates that the project is not inde-
25 pendently commercially viable.

1 “(j) FEDERAL DEMONSTRATION OF TECH-
2 NOLOGIES.—The Director shall seek opportunities to part-
3 ner with purchasing and procurement programs of Federal
4 agencies to demonstrate technologies resulting from activi-
5 ties funded through ARPA–I.

6 “(k) PARTNERSHIPS.—The Director shall seek op-
7 portunities to enter into contracts or partnerships with mi-
8 nority-serving institutions (as described in any of para-
9 graphs (1) through (7) of section 371(a) of the Higher
10 Education Act of 1965 (20 U.S.C. 1067q(a)))—

11 “(1) to accomplish the goals of ARPA–I;

12 “(2) to develop institutional capacity in ad-
13 vanced transportation infrastructure technologies
14 and materials;

15 “(3) to engage underserved populations in de-
16 veloping, demonstrating, and deploying those tech-
17 nologies and materials; and

18 “(4) to otherwise address the needs of ARPA–
19 I.

20 “(l) UNIVERSITY TRANSPORTATION CENTERS.—The
21 Director may—

22 “(1) partner with university transportation cen-
23 ters under section 5505 to accomplish the goals, and
24 address the needs, of ARPA–I; and

1 “(2) sponsor and select for funding, in accord-
2 ance with section 5505, competitively selected uni-
3 versity transportation center grants, in addition to
4 the assistance provided under section 5505, to ad-
5 dress targeted technology and material goals of
6 ARPA-I.

7 “(m) ADVICE.—

8 “(1) ADVISORY COMMITTEES.—The Director
9 may seek advice regarding any aspect of ARPA-I
10 from—

11 “(A) an existing advisory committee, of-
12 fice, or other group within the Department; and

13 “(B) a new advisory committee organized
14 to support the programs of ARPA-I by pro-
15 viding advice and assistance regarding—

16 “(i) specific program tasks; or

17 “(ii) the overall direction of ARPA-I.

18 “(2) ADDITIONAL SOURCES.—In carrying out
19 this section, the Director may seek advice and review
20 from—

21 “(A) the President’s Council of Advisors
22 on Science and Technology;

23 “(B) the Advanced Research Projects
24 Agency–Energy; and

1 “(C) any professional or scientific organi-
2 zation with expertise relating to specific proc-
3 esses or technologies under development by
4 ARPA–I.

5 “(n) EVALUATION.—

6 “(1) IN GENERAL.—Not later than December
7 27, 2024, the Secretary may enter into an arrange-
8 ment with the National Academy of Sciences under
9 which the National Academy shall conduct an eval-
10 uation of the achievement by ARPA–I of the goals
11 described in subsection (e)(1).

12 “(2) INCLUSIONS.—The evaluation under para-
13 graph (1) may include—

14 “(A) a recommendation regarding whether
15 ARPA–I should be continued;

16 “(B) a recommendation regarding whether
17 ARPA–I, or the Department generally, should
18 continue to allow entities to submit unsolicited
19 research proposals; and

20 “(C) a description of—

21 “(i) the lessons learned from the oper-
22 ation of ARPA–I; and

23 “(ii) the manner in which those les-
24 sons may apply to the operation of other
25 programs of the Department.

1 “(3) AVAILABILITY.—On completion of the
2 evaluation under paragraph (1), the evaluation shall
3 be made available to—

4 “(A) Congress; and

5 “(B) the public.

6 “(o) PROTECTION OF INFORMATION.—

7 “(1) IN GENERAL.—Each type of information
8 described in paragraph (2) that is collected by
9 ARPA–I from eligible entities shall be considered to
10 be—

11 “(A) commercial and financial information
12 obtained from a person;

13 “(B) privileged or confidential; and

14 “(C) not subject to disclosure under sec-
15 tion 552(b)(4) of title 5.

16 “(2) DESCRIPTION OF TYPES OF INFORMA-
17 TION.—The types of information referred to in para-
18 graph (1) are—

19 “(A) information relating to plans for com-
20 mercialization of technologies developed using
21 assistance provided under this section, including
22 business plans, technology-to-market plans,
23 market studies, and cost and performance mod-
24 els;

1 “(B) information relating to investments
2 provided to an eligible entity from a third party
3 (such as a venture capital firm, a hedge fund,
4 and a private equity firm), including any per-
5 centage of ownership of an eligible entity pro-
6 vided in return for such an investment;

7 “(C) information relating to additional fi-
8 nancial support that the eligible entity—

9 “(i) plans to invest, or has invested,
10 in the technology developed using assist-
11 ance provided under this section; or

12 “(ii) is seeking from a third party;

13 and

14 “(D) information relating to revenue from
15 the licensing or sale of a new product or service
16 resulting from research conducted using assist-
17 ance provided under this section.

18 “(p) EFFECT ON EXISTING AUTHORITIES.—The au-
19 thority provided by this section—

20 “(1) shall be in addition to any existing author-
21 ity provided to the Secretary; and

22 “(2) shall not supersede or modify any other
23 existing authority.

24 “(q) FUNDING.—

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
3 retary such sums as are necessary to carry out this
4 section.

5 “(2) SEPARATE BUDGET AND APPROPRIA-
6 TION.—

7 “(A) BUDGET REQUEST.—The budget re-
8 quest for ARPA–I shall be separate from the
9 budget request of the remainder of the Depart-
10 ment.

11 “(B) APPROPRIATIONS.—The funding ap-
12 propriated for ARPA–I shall be separate and
13 distinct from the funding appropriated for the
14 remainder of the Department.

15 “(3) ALLOCATION.—Of the amounts made
16 available for a fiscal year under paragraph (1)—

17 “(A) not less than 5 percent shall be used
18 for technology transfer and outreach activi-
19 ties—

20 “(i) in accordance with the goal de-
21 scribed in subsection (c)(2)(D); and

22 “(ii) within the responsibilities of the
23 program directors described in subsection
24 (e)(2)(B)(viii); and

1 “(B) none may be used for the construc-
2 tion of any new building or facility during the
3 5-year period beginning on the date of enact-
4 ment of the Surface Transportation Investment
5 Act of 2021.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 1 of title 49, United States Code (as amended by sec-
8 tion 21101(c)), is amended by adding at the end the fol-
9 lowing:

 “119. Advanced Research Projects Agency–Infrastructure.”.

10 **SEC. 25013. OPEN RESEARCH INITIATIVE.**

11 (a) IN GENERAL.—Subchapter I of chapter 55 of title
12 49, United States Code, is amended by adding at the end
13 the following:

14 **“§ 5506. Advanced transportation research initiative**

15 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
16 tion, the term ‘eligible entity’ means—

17 “(1) a State agency;

18 “(2) a local government agency;

19 “(3) an institution of higher education (as de-
20 fined in section 102 of the Higher Education Act of
21 1965 (20 U.S.C. 1002)), including a university
22 transportation center established under section
23 5505;

24 “(4) a nonprofit organization, including a non-
25 profit research organization; and

1 “(5) a private sector organization working in
2 collaboration with an entity described in any of
3 paragraphs (1) through (4).

4 “(b) PILOT PROGRAM.—The Secretary of Transpor-
5 tation (referred to in this section as the ‘Secretary’) shall
6 establish an advanced transportation research pilot pro-
7 gram under which the Secretary—

8 “(1) shall establish a process for eligible entities
9 to submit to the Secretary unsolicited research pro-
10 posals; and

11 “(2) may enter into arrangements with 1 or
12 more eligible entities to fund research proposed
13 under paragraph (1), in accordance with this sec-
14 tion.

15 “(c) ELIGIBLE RESEARCH.—The Secretary may
16 enter into an arrangement with an eligible entity under
17 this section to fund research that—

18 “(1) addresses—

19 “(A) a research need identified by—

20 “(i) the Secretary; or

21 “(ii) the Administrator of a modal ad-
22 ministration of the Department of Trans-
23 portation; or

24 “(B) an issue that the Secretary deter-
25 mines to be important; and

1 “(2) is not duplicative of—

2 “(A) any other Federal research project; or

3 “(B) any project for which funding is pro-
4 vided by another Federal agency.

5 “(d) PROJECT REVIEW.—The Secretary shall—

6 “(1) review each research proposal submitted
7 under the pilot program established under sub-
8 section (b); and

9 “(2)(A) if funding is denied for the research
10 proposal—

11 “(i) provide to the eligible entity that sub-
12 mitted the proposal a written notice of the de-
13 nial that, as applicable—

14 “(I) explains why the research pro-
15 posal was not selected, including whether
16 the research proposal fails to cover an area
17 of need; and

18 “(II) recommends that the research
19 proposal be submitted to another research
20 program; and

21 “(ii) if the Secretary recommends that the
22 research proposal be submitted to another re-
23 search program under clause (i)(II), provide
24 guidance and direction to—

25 “(I) the eligible entity; and

1 “(II) the proposed research program
2 office; or

3 “(B) if the research proposal is selected for
4 funding—

5 “(i) provide to the eligible entity that
6 submitted the proposal a written notice of
7 the selection; and

8 “(ii) seek to enter into an arrange-
9 ment with the eligible entity to provide
10 funding for the proposed research.

11 “(e) COORDINATION.—

12 “(1) IN GENERAL.—The Secretary shall ensure
13 that the activities carried out under subsection (c)
14 are coordinated with, and do not duplicate the ef-
15 forts of, programs of the Department of Transpor-
16 tation and other Federal agencies.

17 “(2) INTRAAGENCY COORDINATION.—The Sec-
18 retary shall coordinate the research carried out
19 under this section with—

20 “(A) the research, education, and tech-
21 nology transfer activities carried out by grant
22 recipients under section 5505; and

23 “(B) the research, development, dem-
24 onstration, and commercial application activities
25 of other relevant programs of the Department

1 of Transportation, including all modal adminis-
2 trations of the Department.

3 “(3) INTERAGENCY COLLABORATION.—The
4 Secretary shall coordinate, as appropriate, regarding
5 fundamental research with the potential for applica-
6 tion in the transportation sector with—

7 “(A) the Director of the Office of Science
8 and Technology Policy;

9 “(B) the Director of the National Science
10 Foundation;

11 “(C) the Secretary of Energy;

12 “(D) the Director of the National Institute
13 of Standards and Technology;

14 “(E) the Secretary of Homeland Security;

15 “(F) the Administrator of the National
16 Oceanic and Atmospheric Administration;

17 “(G) the Secretary of Defense; and

18 “(H) the heads of other appropriate Fed-
19 eral agencies, as determined by the Secretary.

20 “(f) REVIEW, EVALUATION, AND REPORT.—Not less
21 frequently than biennially, in accordance with the plan de-
22 veloped under section 6503, the Secretary shall—

23 “(1) review and evaluate the pilot program es-
24 tablished under subsection (b), including the re-
25 search carried out under that pilot program; and

1 “(2) make public on a website of the Depart-
2 ment of Transportation a report describing the re-
3 view and evaluation under paragraph (1).

4 “(g) FEDERAL SHARE.—

5 “(1) IN GENERAL.—The Federal share of the
6 cost of an activity carried out under this section
7 shall not exceed 80 percent.

8 “(2) NON-FEDERAL SHARE.—All costs directly
9 incurred by the non-Federal partners (including per-
10 sonnel, travel, facility, and hardware development
11 costs) shall be credited toward the non-Federal
12 share of the cost of an activity carried out under
13 this section.

14 “(h) LIMITATION ON CERTAIN EXPENSES.—Of any
15 amounts made available to carry out this section for a fis-
16 cal year, the Secretary may use not more than 1.5 percent
17 for coordination, evaluation, and oversight activities under
18 this section.

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section \$50,000,000 for each of fiscal years 2022
22 through 2026.”.

23 (b) CLERICAL AMENDMENT.—The analysis for sub-
24 chapter I of chapter 55 of title 49, United States Code,
25 is amended by adding at the end the following:

“5506. Advanced transportation research initiative.”.

1 **SEC. 25014. TRANSPORTATION RESEARCH AND DEVELOP-**
2 **MENT 5-YEAR STRATEGIC PLAN.**

3 Section 6503 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “The Sec-
6 retary” and inserting “Not later than 180 days after
7 the date of publication of the Department of Trans-
8 portation Strategic Plan and not less frequently
9 than once every 5 years thereafter, the Secretary”;

10 (2) in subsection (b), in the matter preceding
11 paragraph (1), by striking “The strategic” and in-
12 serting “Each strategic”;

13 (3) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “The strategic” and inserting
16 “Each strategic”; and

17 (B) in paragraph (1)—

18 (i) in subparagraph (E), by striking
19 “and” at the end;

20 (ii) in subparagraph (F), by adding
21 “and” after the semicolon at the end; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(G) reducing transportation cybersecurity
25 risks;”;

26 (4) in subsection (d)—

1 (A) in the matter preceding paragraph (1),
2 by striking “the strategic” and inserting “each
3 strategic”; and

4 (B) in paragraph (4), by striking “2016”
5 and inserting “2021, and not less frequently
6 than once every 5 years thereafter”; and

7 (5) by striking subsection (e).

8 **SEC. 25015. RESEARCH PLANNING MODIFICATIONS.**

9 (a) ANNUAL MODAL RESEARCH PLANS.—Section
10 6501 of title 49, United States Code, is amended—

11 (1) in subsection (a)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) IN GENERAL.—Not later than June 1 of
15 each year, the head of each modal administration
16 and joint program office of the Department of
17 Transportation shall prepare and submit to the As-
18 sistant Secretary for Research and Technology of
19 the Department of Transportation (referred to in
20 this chapter as the ‘Assistant Secretary’)—

21 “(A) a comprehensive annual modal re-
22 search plan for the following fiscal year; and

23 “(B) a detailed outlook for the fiscal year
24 thereafter.”;

1172

1 (B) in paragraph (2), by inserting “pre-
2 pared or” before “submitted”;

3 (C) by redesignating paragraph (2) as
4 paragraph (3); and

5 (D) by inserting after paragraph (1) the
6 following:

7 “(2) REQUIREMENTS.—Each plan under para-
8 graph (1) shall include—

9 “(A) a general description of the strategic
10 goals of the Department that are addressed by
11 the research programs being carried out by the
12 Assistant Secretary or modal administration, as
13 applicable;

14 “(B) a description of each proposed re-
15 search program, as described in the budget re-
16 quest submitted by the Secretary of Transpor-
17 tation to the President under section 1108 of
18 title 31 for the following fiscal year, including—

19 “(i) the major objectives of the pro-
20 gram; and

21 “(ii) the requested amount of funding
22 for each program and area;

23 “(C) a list of activities the Assistant Sec-
24 retary or modal administration plans to carry

1 out under the research programs described in
2 subparagraph (B);

3 “(D) an assessment of the potential impact
4 of the research programs described in subpara-
5 graph (B), including—

6 “(i) potential outputs, outcomes, and
7 impacts on technologies and practices used
8 by entities subject to the jurisdiction of the
9 modal administration;

10 “(ii) potential effects on applicable
11 regulations of the modal administration,
12 including the modification or moderniza-
13 tion of those regulations;

14 “(iii) potential economic or societal
15 impacts; and

16 “(iv) progress made toward achieving
17 strategic goals of—

18 “(I) the applicable modal admin-
19 istration; or

20 “(II) the Department of Trans-
21 portation;

22 “(E) a description of potential partner-
23 ships to be established to conduct the research
24 program, including partnerships with—

1174

1 “(i) institutions of higher education;

2 and

3 “(ii) private sector entities; and

4 “(F) such other requirements as the As-
5 sistant Secretary considers to be necessary.”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “by the head of a
10 modal administration or joint program of-
11 fice” after “submitted”; and

12 (ii) in subparagraph (B), by striking
13 clause (ii) and inserting the following:

14 “(ii) request that the plan and outlook
15 be—

16 “(I) revised in accordance with
17 such suggestions as the Assistant Sec-
18 retary shall include to ensure con-
19 formity with the criteria described in
20 paragraph (2); and

21 “(II) resubmitted to the Assist-
22 ant Secretary for approval.”;

23 (B) by redesignating paragraphs (2) and
24 (3) as paragraphs (3) and (4), respectively; and

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) CRITERIA.—In conducting a review under
4 paragraph (1)(A), the Assistant Secretary shall, with
5 respect to the modal research plan that is the sub-
6 ject of the review—

7 “(A) take into consideration whether—

8 “(i) the plan contains research objec-
9 tives that are consistent with the strategic
10 research and policy objectives of the De-
11 partment of Transportation included in the
12 strategic plan required under section 6503;
13 and

14 “(ii) the research programs described
15 in the plan have the potential to benefit
16 the safety, mobility, and efficiency of the
17 United States transportation system;

18 “(B) identify and evaluate any potential
19 opportunities for collaboration between or
20 among modal administrations with respect to
21 particular research programs described in the
22 plan;

23 “(C) identify and evaluate whether other
24 modal administrations may be better suited to

1176

1 carry out the research programs described in
2 the plan;

3 “(D) assess whether any projects described
4 in the plan are—

5 “(i) duplicative across modal adminis-
6 trations; or

7 “(ii) unnecessary; and

8 “(E) take into consideration such other
9 criteria as the Assistant Secretary determines
10 to be necessary.”; and

11 (D) by adding at the end the following:

12 “(5) SAVINGS CLAUSE.—Nothing in this sub-
13 section limits the ability of the head of a modal ad-
14 ministration to comply with applicable law.”; and

15 (3) in subsection (c), in the matter preceding
16 paragraph (1), by striking “subsection (b)(3)” and
17 inserting “subsection (b)(4).

18 (b) CONSOLIDATED RESEARCH DATABASE.—Section
19 6502(a) of title 49, United States Code, is amended by
20 striking the subsection designation and heading and all
21 that follows through subparagraph (B) of paragraph (2)
22 and inserting the following:

23 “(a) RESEARCH ABSTRACT DATABASE.—

24 “(1) SUBMISSION.—Not later than September 1
25 of each year, the head of each modal administration

1 and joint program office of the Department of
2 Transportation shall submit to the Assistant Sec-
3 retary, for review and public posting, a description
4 of each proposed research project to be carried out
5 during the following fiscal year, including—

6 “(A) proposed funding for any new
7 projects; and

8 “(B) proposed additional funding for any
9 existing projects.

10 “(2) PUBLICATION.—Not less frequently than
11 annually, after receiving the descriptions under para-
12 graph (1), the Assistant Secretary shall publish on
13 a public website a comprehensive database including
14 a description of all research projects conducted by
15 the Department of Transportation, including re-
16 search funded through university transportation cen-
17 ters under section 5505.

18 “(3) CONTENTS.—The database published
19 under paragraph (2) shall—

20 “(A) be delimited by research project; and

21 “(B) include a description of, with respect
22 to each research project—

23 “(i) research objectives;

1 “(ii) the progress made with respect
2 to the project, including whether the
3 project is ongoing or complete;

4 “(iii) any outcomes of the project, in-
5 cluding potential implications for policy,
6 regulations, or guidance issued by a modal
7 administration or the Department of
8 Transportation;

9 “(iv) any findings of the project;

10 “(v) the amount of funds allocated for
11 the project; and

12 “(vi) such other information as the
13 Assistant Secretary determines to be nec-
14 essary to address Departmental priorities
15 and statutory mandates;”.

16 **SEC. 25016. INCORPORATION OF DEPARTMENT OF TRANS-**
17 **PORTATION RESEARCH.**

18 (a) IN GENERAL.—Chapter 65 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 6504. Incorporation of Department of Transpor-**
22 **tation research**

23 “(a) REVIEW.—Not later than December 31, 2021,
24 and not less frequently than once every 5 years thereafter,

1 in concurrence with the applicable strategic plan under
2 section 6503, the Secretary of Transportation shall—

3 “(1) conduct a review of research conducted by
4 the Department of Transportation; and

5 “(2) to the maximum extent practicable and ap-
6 propriate, identify modifications to laws, regulations,
7 guidance, and other policy documents to incorporate
8 any innovations resulting from the research de-
9 scribed in paragraph (1) that have the potential to
10 improve the safety or efficiency of the United States
11 transportation system.

12 “(b) REQUIREMENTS.—In conducting a review under
13 subsection (a), the Secretary of Transportation shall—

14 “(1) identify any innovative practices, mate-
15 rials, or technologies that have demonstrable benefits
16 to the transportation system;

17 “(2) determine whether the practices, materials,
18 or technologies described in paragraph (1) require
19 any statutory or regulatory modifications for adop-
20 tion; and

21 “(3)(A) if modifications are determined to be
22 required under paragraph (2), develop—

23 “(i) a proposal for those modifications; and

24 “(ii) a description of the manner in which
25 any such regulatory modifications would be—

1 “(I) incorporated into the Unified
2 Regulatory Agenda; or

3 “(II) adopted into existing regulations
4 as soon as practicable; or

5 “(B) if modifications are determined not to be
6 required under paragraph (2), develop a description
7 of the means by which the practices, materials, or
8 technologies described in paragraph (1) will other-
9 wise be incorporated into Department of Transpor-
10 tation or modal administration policy or guidance,
11 including as part of the Technology Transfer Pro-
12 gram of the Office of the Assistant Secretary for Re-
13 search and Technology.

14 “(c) REPORT.—On completion of each review under
15 subsection (a), the Secretary of Transportation shall sub-
16 mit to the appropriate committees of Congress a report
17 describing, with respect to the period covered by the re-
18 port—

19 “(1) each new practice, material, or technology
20 identified under subsection (b)(1); and

21 “(2) any statutory or regulatory modification
22 for the adoption of such a practice, material, or
23 technology that—

24 “(A) is determined to be required under
25 subsection (b)(2); or

1 “(B) was otherwise made during that pe-
2 riod.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 65 of title 49, United States Code, is amended by add-
5 ing at the end the following:

 “6504. Incorporation of Department of Transportation research.”.

6 **SEC. 25017. UNIVERSITY TRANSPORTATION CENTERS PRO-**
7 **GRAM.**

8 Section 5505 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “of
12 Transportation, acting through the Assistant
13 Secretary for Research and Technology (re-
14 ferred to in this section as the ‘Secretary’),”
15 after “The Secretary”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (B), by inserting
18 “multimodal” after “critical”; and

19 (ii) in subparagraph (C), by inserting
20 “with respect to the matters described in
21 subparagraphs (A) through (G) of section
22 6503(c)(1)” after “transportation leaders”;

23 (2) in subsection (b)—

24 (A) in paragraph (2)(A), by striking “for
25 each of the transportation centers described

1 under paragraphs (2), (3), and (4) of sub-
2 section (c)” and inserting “as a lead institution
3 under this section, except as provided in sub-
4 paragraph (B)”;

5 (B) in paragraph (4)—

6 (i) in subparagraph (A), by striking
7 “identified in chapter 65” and inserting
8 “described in subparagraphs (A) through
9 (G) of section 6503(c)(1)”;

10 (ii) in subparagraph (B), in the mat-
11 ter preceding clause (i), by striking “the
12 Assistant Secretary” and all that follows
13 through “modal administrations” and in-
14 sserting “the heads of the modal adminis-
15 trations of the Department of Transpor-
16 tation,”;

17 (C) in paragraph (5)(B), in the matter
18 preceding clause (i), by striking “submit” and
19 all that follows through “of the Senate” and in-
20 sserting “make available to the public on a
21 website of the Department of Transportation”;

22 (3) in subsection (c)(3)(E)—

23 (A) by inserting “, including the cybersecu-
24 rity implications of technologies relating to con-
25 nected vehicles, connected infrastructure, and

1 autonomous vehicles” after “autonomous vehi-
2 cles”; and

3 (B) by striking “The Secretary” and in-
4 serting the following:

5 “(i) IN GENERAL.—A regional univer-
6 sity transportation center receiving a grant
7 under this paragraph shall carry out re-
8 search focusing on 1 or more of the mat-
9 ters described in subparagraphs (A)
10 through (G) of section 6503(c)(1).

11 “(ii) FOCUSED OBJECTIVES.—The
12 Secretary”; and

13 (4) in subsection (d)—

14 (A) in paragraph (2)—

15 (i) in the paragraph heading, by strik-
16 ing “ANNUAL REVIEW” and inserting “RE-
17 VIEW”;

18 (ii) in the matter preceding subpara-
19 graph (A), by striking “annually” and in-
20 serting “biennially”; and

21 (iii) in subparagraph (B), by striking
22 “submit” and all that follows through “of
23 the Senate” and inserting “make available
24 to the public on a website of the Depart-
25 ment of Transportation”; and

1 (B) in paragraph (3), by striking “2016
2 through 2020” and inserting “2022 through
3 2026”.

4 **SEC. 25018. NATIONAL TRAVEL AND TOURISM INFRASTRUC-**
5 **TURE STRATEGIC PLAN.**

6 (a) IN GENERAL.—Section 1431(e) of the FAST Act
7 (49 U.S.C. 301 note; Public Law 114–94) is amended—

8 (1) by redesignating paragraphs (1) through
9 (7) as subparagraphs (A) through (G), respectively,
10 and indenting appropriately;

11 (2) in the matter preceding subparagraph (A)
12 (as so redesignated)—

13 (A) by striking “Not later than 3 years
14 after the date of enactment of this Act” and in-
15 serting “Not later than 180 days after the date
16 of enactment of the Surface Transportation In-
17 vestment Act of 2021”; and

18 (B) by striking “plan that includes” and
19 inserting the following: “plan—

20 “(1) to develop an immediate-term and long-
21 term strategy, including policy recommendations
22 across all modes of transportation, for the Depart-
23 ment and other agencies to use infrastructure invest-
24 ments to revive the travel and tourism industry and
25 the overall travel and tourism economy in the wake

1 of the Coronavirus Disease 2019 (COVID–19) pan-
2 demic; and

3 “(2) that includes”; and

4 (3) in paragraph (2) (as so redesignated)—

5 (A) in subparagraph (A) (as so redesign-
6 ated), by inserting “, including consideration
7 of the impacts of the COVID–19 pandemic”
8 after “network”;

9 (B) in subparagraph (D) (as so redesign-
10 ated), by inserting “of regional significance”
11 after “corridors”;

12 (C) in subparagraph (F) (as so redesign-
13 ated), by striking “and” at the end;

14 (D) in subparagraph (G) (as so redesign-
15 ated), by striking the period at the end and in-
16 serting “; and”; and

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

18 “(H) an identification of possible infra-
19 structure investments that create recovery op-
20 portunities for small, underserved, minority,
21 and rural businesses in the travel and tourism
22 industry, including efforts to preserve and pro-
23 tect the scenic, but often less-traveled, roads
24 that promote tourism and economic develop-
25 ment throughout the United States.”.

1 (b) CHIEF TRAVEL AND TOURISM OFFICER.—Sec-
2 tion 102 of title 49, United States Code, is amended by
3 striking subsection (i) (as redesignated by section
4 25009(a)(3)) and inserting the following:

5 “(i) CHIEF TRAVEL AND TOURISM OFFICER.—

6 “(1) ESTABLISHMENT.—There is established in
7 the Office of the Secretary of Transportation a posi-
8 tion, to be known as the ‘Chief Travel and Tourism
9 Officer’.

10 “(2) DUTIES.—The Chief Travel and Tourism
11 Officer shall collaborate with the Assistant Secretary
12 for Aviation and International Affairs to carry out—

13 “(A) the National Travel and Tourism In-
14 frastructure Strategic Plan under section
15 1431(e) of Public Law 114–94 (49 U.S.C. 301
16 note); and

17 “(B) other travel- and tourism-related
18 matters involving the Department of Transpor-
19 tation.”.

20 **SEC. 25019. LOCAL HIRING PREFERENCE FOR CONSTRUC-**
21 **TION JOBS.**

22 (a) AUTHORIZATION.—

23 (1) IN GENERAL.—A recipient or subrecipient
24 of a grant provided by the Secretary under title 23
25 or 49, United States Code, may implement a local

1 or other geographical or economic hiring preference
2 relating to the use of labor for construction of a
3 project funded by the grant, including prehire agree-
4 ments, subject to any applicable State and local
5 laws, policies, and procedures.

6 (2) TREATMENT.—The use of a local or other
7 geographical or economic hiring preference pursuant
8 to paragraph (1) in any bid for a contract for the
9 construction of a project funded by a grant de-
10 scribed in paragraph (1) shall not be considered to
11 unduly limit competition.

12 (b) WORKFORCE DIVERSITY REPORT.—Not later
13 than 1 year after the date of enactment of this Act, the
14 Secretary shall submit to Congress a report describing
15 methods—

16 (1) to ensure preapprenticeship programs are
17 established and implemented to meet the needs of
18 employers in transportation and transportation in-
19 frastructure construction industries, including with
20 respect to the formal connection of the
21 preapprenticeship programs to registered apprentice-
22 ship programs;

23 (2) to address barriers to employment (within
24 the meaning of the Workforce Innovation and Op-
25 portunity Act (29 U.S.C. 3101 et seq.)) in transpor-

1 tation and transportation infrastructure construction
2 industries for—

3 (A) individuals who are former offenders
4 (as defined in section 3 of the Workforce Inno-
5 vation and Opportunity Act (29 U.S.C. 3102));

6 (B) individuals with a disability (as defined
7 in section 3 of the Americans with Disabilities
8 Act of 1990 (42 U.S.C. 12102)); and

9 (C) individuals that represent populations
10 that are traditionally underrepresented in the
11 workforce; and

12 (3) to encourage a recipient or subrecipient im-
13 plementing a local or other geographical or economic
14 hiring preference pursuant to subsection (a)(1) to
15 establish, in coordination with nonprofit organiza-
16 tions that represent employees, outreach and sup-
17 port programs that increase diversity within the
18 workforce, including expanded participation from in-
19 dividuals described in subparagraphs (A) through
20 (C) of paragraph (2).

21 (c) MODEL PLAN.—Not later than 1 year after the
22 date of submission of the report under subsection (b), the
23 Secretary shall establish, and publish on the website of
24 the Department, a model plan for use by States, units of

1 local government, and private sector entities to address
2 the issues described in that subsection.

3 **SEC. 25020. TRANSPORTATION WORKFORCE DEVELOP-**
4 **MENT.**

5 (a) ASSESSMENT.—The Secretary shall enter into an
6 arrangement with the National Academy of Sciences
7 under which the National Academy shall develop and sub-
8 mit to the Secretary a workforce needs assessment that—

9 (1) addresses—

10 (A) the education and recruitment of tech-
11 nical workers for the intelligent transportation
12 technologies and systems industry;

13 (B) the development of a workforce skilled
14 in various types of intelligent transportation
15 technologies, components, infrastructure, and
16 equipment, including with respect to—

17 (i) installation;

18 (ii) maintenance;

19 (iii) manufacturing;

20 (iv) operations, including data anal-
21 ysis and review; and

22 (v) cybersecurity; and

23 (C) barriers to employment in the intel-
24 ligent transportation technologies and systems
25 industry for—

1190

1 (i) individuals who are former offend-
2 ers (as defined in section 3 of the Work-
3 force Innovation and Opportunity Act (29
4 U.S.C. 3102));

5 (ii) individuals with a disability (as
6 defined in section 3 of the Americans with
7 Disabilities Act of 1990 (42 U.S.C.
8 12102)); and

9 (iii) individuals that represent popu-
10 lations that are traditionally underrep-
11 resented in the workforce; and

12 (2) includes recommendations relating to the
13 issues described in paragraph (1).

14 (b) WORKING GROUP.—

15 (1) ESTABLISHMENT.—The Secretary shall es-
16 tablish a working group, to be composed of—

17 (A) the Secretary of Energy;

18 (B) the Secretary of Labor; and

19 (C) the heads of such other Federal agen-
20 cies as the Secretary determines to be nec-
21 essary.

22 (2) IMPLEMENTATION PLAN.—

23 (A) IN GENERAL.—The working group es-
24 tablished under paragraph (1) shall develop an
25 intelligent transportation technologies and sys-

1 tems industry workforce development implanta-
2 tion plan.

3 (B) REQUIREMENTS.—The implementation
4 plan under subparagraph (A) shall address any
5 issues and recommendations included in the
6 needs assessment under subsection (a), taking
7 into consideration a whole-of-government ap-
8 proach with respect to—

9 (i) using registered apprenticeship and
10 preapprenticeship programs; and

11 (ii) re-skilling workers who may be in-
12 terested in working within the intelligent
13 transportation technologies and systems in-
14 dustry.

15 (3) SUBMISSION TO CONGRESS.—Not later than
16 1 year after the date of receipt of the needs assess-
17 ment under subsection (a), the Secretary shall sub-
18 mit to Congress the implementation plan developed
19 under paragraph (2).

20 (4) TERMINATION.—The working group estab-
21 lished under paragraph (1) shall terminate on the
22 date on which the implementation plan developed
23 under paragraph (2) is submitted to Congress under
24 paragraph (3).

1 (c) TRANSPORTATION WORKFORCE OUTREACH PRO-
2 GRAM.—

3 (1) IN GENERAL.—Subchapter I of chapter 55
4 of title 49, United States Code (as amended by sec-
5 tion 25013(a)), is amended by adding at the end the
6 following:

7 **“§ 5507. Transportation workforce outreach program**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 (referred to in this section as the ‘Secretary’) shall estab-
10 lish and administer a transportation workforce outreach
11 program, under which the Secretary shall carry out a se-
12 ries of public service announcement campaigns during
13 each of fiscal years 2022 through 2026.

14 “(b) PURPOSES.—The purpose of the campaigns car-
15 ried out under the program under this section shall be—

16 “(1) to increase awareness of career opportuni-
17 ties in the transportation sector, including aviation
18 pilots, safety inspectors, mechanics and technicians,
19 air traffic controllers, flight attendants, truck and
20 bus drivers, engineers, transit workers, railroad
21 workers, and other transportation professionals; and

22 “(2) to target awareness of professional oppor-
23 tunities in the transportation sector to diverse seg-
24 ments of the population, including with respect to
25 race, sex, ethnicity, ability (including physical and

1 mental ability), veteran status, and socioeconomic
2 status.

3 “(c) ADVERTISING.—The Secretary may use, or au-
4 thorize the use of, amounts made available to carry out
5 the program under this section for the development, pro-
6 duction, and use of broadcast, digital, and print media ad-
7 vertising and outreach in carrying out a campaign under
8 this section.

9 “(d) FUNDING.—The Secretary may use to carry out
10 this section any amounts otherwise made available to the
11 Secretary, not to exceed \$5,000,000, for each of fiscal
12 years 2022 through 2026.”.

13 (2) CLERICAL AMENDMENT.—The analysis for
14 subchapter I of chapter 55 of title 49, United States
15 Code (as amended by section 25013(b)), is amended
16 by adding at the end the following:

“5507. Transportation workforce outreach program.”.

17 **SEC. 25021. INTERMODAL TRANSPORTATION ADVISORY**
18 **BOARD REPEAL.**

19 (a) IN GENERAL.—Section 5502 of title 49, United
20 States Code, is repealed.

21 (b) CLERICAL AMENDMENT.—The analysis for sub-
22 chapter I of chapter 55 of title 49, United States Code,
23 is amended by striking the item relating to section 5502.

1 **SEC. 25022. GAO CYBERSECURITY RECOMMENDATIONS.**

2 (a) CYBERSECURITY RISK MANAGEMENT.—Not later
3 than 3 years after the date of enactment of this Act, the
4 Secretary shall implement the recommendation for the De-
5 partment made by the Comptroller General of the United
6 States in the report entitled “Cybersecurity: Agencies
7 Need to Fully Establish Risk Management Programs and
8 Address Challenges”, numbered GAO–19–384, and dated
9 July 2019—

10 (1) by developing a cybersecurity risk manage-
11 ment strategy for the systems and information of
12 the Department;

13 (2) by updating policies to address an organiza-
14 tion-wide risk assessment; and

15 (3) by updating the processes for coordination
16 between cybersecurity risk management functions
17 and enterprise risk management functions.

18 (b) WORK ROLES.—Not later than 3 years after the
19 date of enactment of this Act, the Secretary shall imple-
20 ment the recommendation of the Comptroller General of
21 the United States in the report entitled “Cybersecurity
22 Workforce: Agencies Need to Accurately Categorize Posi-
23 tions to Effectively Identify Critical Staffing Needs”,
24 numbered GAO–19–144, and dated March 2019, by—

25 (1) reviewing positions in the Department; and

1 respect to cybersecurity within the compo-
2 nents of the Department; and

3 (ii) hold managers accountable for cy-
4 bersecurity within the components of the
5 Department; and

6 (C) other aspects of cybersecurity, as the
7 Comptroller General of the United States deter-
8 mines to be appropriate.

9 **SEC. 25023. VOLPE OVERSIGHT.**

10 (a) FINANCIAL MANAGEMENT.—Not later than 1
11 year after the date of enactment of this Act, the Secretary
12 shall implement the recommendations of the Inspector
13 General of the Department included in the report entitled
14 “DOT Needs to Strengthen Its Oversight of IAAs With
15 Volpe” and dated September 30, 2019, to improve plan-
16 ning, financial management, and the sharing of perform-
17 ance information with respect to intraagency agreements
18 with the John A. Volpe National Transportation Systems
19 Center (referred to in this section as the “Volpe Center”).

20 (b) GAO REVIEW.—

21 (1) IN GENERAL.—Not later than 2 years after
22 the date of enactment of this Act, the Comptroller
23 General of the United States shall submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives a report that examines the surface
3 transportation activities at the Volpe Center.

4 (2) CONTENTS.—The report under paragraph
5 (1) shall include an evaluation of—

6 (A) the amount of Department funding
7 provided to the Volpe Center, as compared to
8 other Federal and non-Federal research part-
9 ners;

10 (B) the process used by the Department to
11 determine whether to work with the Volpe Cen-
12 ter, as compared to any other Federal or non-
13 Federal research partner;

14 (C) the extent to which the Department is
15 collaborating with the Volpe Center to address
16 research needs relating to emerging issues; and

17 (D) whether the operation of the Volpe
18 Center is duplicative of other public or private
19 sector efforts.

20 **SEC. 25024. MODIFICATIONS TO GRANT PROGRAM.**

21 Section 1906 of the SAFETEA-LU (23 U.S.C. 402
22 note; Public Law 109–59) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), by striking “and” at
25 the end;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; and”; and

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

4 “(3) developing and implementing programs,
5 public outreach, and training to reduce the impact
6 of traffic stops described in subsection (a)(1).”;

7 (2) by striking subsection (c) and inserting the
8 following:

9 “(c) MAXIMUM AMOUNT.—The total amount pro-
10 vided to a State under this section in any fiscal year may
11 not exceed—

12 “(1) for a State described in subsection (a)(1),
13 10 percent of the amount made available to carry
14 out this section in that fiscal year; and

15 “(2) for a State described in subsection (a)(2),
16 5 percent of the amount made available to carry out
17 this section in that fiscal year.”; and

18 (3) in subsection (d)—

19 (A) by striking “\$7,500,000 for each of
20 fiscal years 2017 through 2020” and inserting
21 “\$11,500,000 for each fiscal year”;

22 (B) by redesignating paragraph (3) as
23 paragraph (4); and

24 (C) by inserting after paragraph (2) the
25 following:

1 “(3) TECHNICAL ASSISTANCE.—The Secretary
2 may allocate not more than 10 percent of the
3 amount made available to carry out this section in
4 a fiscal year to provide technical assistance to States
5 to carry out activities under this section.”.

6 **SEC. 25025. DRUG-IMPAIRED DRIVING DATA COLLECTION.**

7 Not later than 2 years after the date of enactment
8 of this Act, the Secretary, in consultation with the heads
9 of appropriate Federal agencies, State highway safety of-
10 fices, State toxicologists, traffic safety advocates, and
11 other interested parties, shall submit to the Committee on
12 Commerce, Science, and Transportation of the Senate and
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives a report that, in accordance
15 with the document entitled “Recommendations for Toxi-
16 cological Investigations of Drug-Impaired Driving and
17 Motor Vehicle Fatalities—2017 Update” (and subsequent
18 updates to that document)—

19 (1) identifies any barriers that States encounter
20 in submitting alcohol and drug toxicology results to
21 the Fatality Analysis Reporting System;

22 (2) provides recommendations on how to ad-
23 dress the barriers identified pursuant to paragraph
24 (1); and

1200

1 (3) describes steps that the Secretary, acting
2 through the Administrator of the National Highway
3 Traffic Safety Administration, will take to assist
4 States in improving—

5 (A) toxicology testing in cases of motor ve-
6 hicle crashes; and

7 (B) the reporting of alcohol and drug toxi-
8 cology results in cases of motor vehicle crashes.

9 **SEC. 25026. REPORT ON MARIJUANA RESEARCH.**

10 (a) DEFINITION OF MARIJUANA.—In this section, the
11 term “marijuana” has the meaning given the term in sec-
12 tion 4008(d) of the FAST Act (Public Law 114–94; 129
13 Stat. 1511).

14 (b) REPORT.—Not later than 2 years after the date
15 of enactment of this Act, the Secretary, in consultation
16 with the Attorney General and the Secretary of Health
17 and Human Services, shall submit to the Committees on
18 Commerce, Science, and Transportation and the Judiciary
19 of the Senate and the Committees on Transportation and
20 Infrastructure and the Judiciary of the House of Rep-
21 resentatives, and make publicly available on the website
22 of the Department, a report that—

23 (1) describes methods for, and contains rec-
24 ommendations with respect to—

1201

1 (A) increasing and improving, for scientific
2 researchers studying impairment while driving
3 under the influence of marijuana, access to
4 samples and strains of marijuana and products
5 containing marijuana that are lawfully available
6 to patients or consumers in a State on a retail
7 basis;

8 (B) establishing a national clearinghouse
9 to collect and distribute samples and strains of
10 marijuana for scientific research that includes
11 marijuana and products containing marijuana
12 lawfully available to patients or consumers in a
13 State on a retail basis; and

14 (C) facilitating, for scientific researchers
15 located in States that have not legalized mari-
16 juana for medical or recreational use, access to
17 samples and strains of marijuana and products
18 containing marijuana from the clearinghouse
19 described in subparagraph (B) for purposes of
20 research on marijuana-impaired driving; and

21 (2) identifies, and contains recommendations
22 for addressing, Federal statutory and regulatory
23 barriers to—

24 (A) the conduct of scientific research on
25 marijuana-impaired driving; and

1202

1 (B) the establishment of a national clear-
2 inghouse for purposes of facilitating research on
3 marijuana-impaired driving.

4 **SEC. 25027. GAO STUDY ON IMPROVING THE EFFICIENCY**
5 **OF TRAFFIC SYSTEMS.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall carry out, and submit to Congress a report describ-
9 ing the results of, a study on the potential societal benefits
10 of improving the efficiency of traffic systems.

11 **TITLE VI—HAZARDOUS**
12 **MATERIALS**

13 **SEC. 26001. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 5128 of title 49, United States Code, is
15 amended to read as follows:

16 **“§ 5128. Authorization of appropriations**

17 “(a) IN GENERAL.—There are authorized to be ap-
18 propriated to the Secretary to carry out this chapter (ex-
19 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
20 5119)—

21 “(1) \$67,000,000 for fiscal year 2022;

22 “(2) \$68,000,000 for fiscal year 2023;

23 “(3) \$69,000,000 for fiscal year 2024;

24 “(4) \$70,000,000 for fiscal year 2025; and

25 “(5) \$71,000,000 for fiscal year 2026.

1 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
2 PAREDNESS FUND.—From the Hazardous Materials Pre-
3 paredness Fund established under section 5116(h), the
4 Secretary may expend, for each of fiscal years 2022
5 through 2026—

6 “(1) \$39,050,000 to carry out section 5116(a);

7 “(2) \$150,000 to carry out section 5116(e);

8 “(3) \$625,000 to publish and distribute the
9 Emergency Response Guidebook under section
10 5116(h)(3); and

11 “(4) \$2,000,000 to carry out section 5116(i).

12 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
13 From the Hazardous Materials Emergency Preparedness
14 Fund established pursuant to section 5116(h), the Sec-
15 retary may expend \$5,000,000 for each of fiscal years
16 2022 through 2026 to carry out section 5107(e).

17 “(d) COMMUNITY SAFETY GRANTS.—Of the amounts
18 made available under subsection (a) to carry out this chap-
19 ter, the Secretary shall withhold \$4,000,000 for each of
20 fiscal years 2022 through 2026 to carry out section
21 5107(i).

22 “(e) CREDITS TO APPROPRIATIONS.—

23 “(1) EXPENSES.—In addition to amounts oth-
24 erwise made available to carry out this chapter, the
25 Secretary may credit amounts received from a State,

1 Indian tribe, or other public authority or private en-
2 tity for expenses the Secretary incurs in providing
3 training to the State, Indian tribe, authority or enti-
4 ty.

5 “(2) AVAILABILITY OF AMOUNTS.—Amounts
6 made available under this section shall remain avail-
7 able until expended.”.

8 **SEC. 26002. ASSISTANCE FOR LOCAL EMERGENCY RE-**
9 **SPONSE TRAINING GRANT PROGRAM.**

10 Section 5116 of title 49, United States Code, is
11 amended—

12 (1) in subsection (j), in the second sentence of
13 the matter preceding paragraph (1), by striking
14 “subsection (i)” and inserting “subsections (i) and
15 (j)”;

16 (2) by redesignating subsection (j) as sub-
17 section (k); and

18 (3) by inserting after subsection (i) the fol-
19 lowing:

20 “(j) ALERT GRANT PROGRAM.—

21 “(1) ASSISTANCE FOR LOCAL EMERGENCY RE-
22 SPONSE TRAINING.—The Secretary shall establish a
23 grant program to make grants to eligible entities de-
24 scribed in paragraph (2)—

1 “(A) to develop a hazardous materials re-
2 sponse training curriculum for emergency re-
3 sponders, including response activities for the
4 transportation of crude oil, ethanol, and other
5 flammable liquids by rail, consistent with the
6 standards of the National Fire Protection Asso-
7 ciation; and

8 “(B) to make the training described in
9 subparagraph (A) available in an electronic for-
10 mat.

11 “(2) ELIGIBLE ENTITIES.—An eligible entity
12 referred to in paragraph (1) is a nonprofit organiza-
13 tion that—

14 “(A) represents first responders or public
15 officials responsible for coordinating disaster re-
16 sponse; and

17 “(B) is able to provide direct or web-based
18 training to individuals responsible for respond-
19 ing to accidents and incidents involving haz-
20 ardous materials.

21 “(3) FUNDING.—

22 “(A) IN GENERAL.—To carry out the
23 grant program under paragraph (1), the Sec-
24 retary may use, for each fiscal year, any
25 amounts recovered during such fiscal year from

1 grants awarded under this section during a
2 prior fiscal year.

3 “(B) OTHER HAZARDOUS MATERIAL
4 TRAINING ACTIVITIES.—For each fiscal year,
5 after providing grants under paragraph (1), if
6 funds remain available, the Secretary may use
7 the amounts described in subparagraph (A)—

8 “(i) to make grants under—

9 “(I) subsection (a)(1)(C);

10 “(II) subsection (i); and

11 “(III) section 5107(e);

12 “(ii) to conduct monitoring and pro-
13 vide technical assistance under subsection
14 (e);

15 “(iii) to publish and distribute the
16 emergency response guide referred to in
17 subsection (h)(3); and

18 “(iv) to pay administrative costs in
19 accordance with subsection (h)(4).

20 “(C) OBLIGATION LIMITATION.—Notwith-
21 standing any other provision of law, for each
22 fiscal year, amounts described in subparagraph
23 (A) shall not be included in the obligation limi-
24 tation for the Hazardous Materials Emergency

1207

1 Preparedness grant program for that fiscal
2 year.”.

3 **SEC. 26003. REAL-TIME EMERGENCY RESPONSE INFORMA-**
4 **TION.**

5 Section 7302 of the FAST Act (49 U.S.C. 20103
6 note; Public Law 114–94) is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),
9 by striking “1 year after the date of enactment
10 of this Act” and inserting “December 5, 2022”;

11 (B) in paragraph (1), by amending sub-
12 paragraph (B) to read as follows:

13 “(B) to provide the electronic train consist
14 information described in subparagraph (A) to
15 authorized State and local first responders,
16 emergency response officials, and law enforce-
17 ment personnel that are involved in the re-
18 sponse to, or investigation of, an accident, inci-
19 dent, or public health or safety emergency in-
20 volving the rail transportation of hazardous ma-
21 terials;”;

22 (C) by striking paragraph (2);

23 (D) by redesignating paragraphs (3), (4),
24 (5), (6), and (7) as paragraphs (2), (3), (4),
25 (5), and (6), respectively; and

1 (E) in paragraph (3), as redesignated, by
2 striking “paragraph (3)” and inserting “para-
3 graph (2)”;

4 (2) in subsection (b)—

5 (A) by striking paragraphs (1) and (4);
6 and

7 (B) by redesignating paragraphs (2), (3),
8 (5), (6), and (7) as paragraphs (1), (2), (3),
9 (4), and (5), respectively; and

10 (3) in subsection (c), by striking “, as described
11 in subsection (a)(1)(B),”.

12 **TITLE VII—GENERAL**
13 **PROVISIONS**

14 **SEC. 27001. PERFORMANCE MEASUREMENT, TRANS-**
15 **PARENCY, AND ACCOUNTABILITY.**

16 For each grant awarded under this Act, or an amend-
17 ment made by this Act, the Secretary may—

18 (1) develop metrics to assess the effectiveness of
19 the activities funded by the grant;

20 (2) establish standards for the performance of
21 the activities funded by the grant that are based on
22 the metrics developed under paragraph (1); and

23 (3) not later than the date that is 4 years after
24 the date of the initial award of the grant and every
25 2 years thereafter until the date on which Federal

1 financial assistance is discontinued for the applicable
2 activity, conduct an assessment of the activity fund-
3 ed by the grant to confirm whether the performance
4 is meeting the standards for performance established
5 under paragraph (2).

6 **SEC. 27002. COORDINATION REGARDING FORCED LABOR.**

7 The Secretary shall coordinate with the Commis-
8 sioner of U.S. Customs and Border Protection to ensure
9 that no illegal products or materials produced with forced
10 labor are procured with funding made available under this
11 Act.

12 **SEC. 27003. DEPARTMENT OF TRANSPORTATION SPEC-**
13 **TRUM AUDIT.**

14 (a) **AUDIT AND REPORT.**—Not later than 18 months
15 after the date of enactment of this Act, the Assistant Sec-
16 retary of Commerce for Communications and Information
17 and the Secretary shall jointly—

18 (1) conduct an audit of the electromagnetic
19 spectrum that is assigned or otherwise allocated to
20 the Department as of the date of the audit; and

21 (2) submit to Congress, and make available to
22 each Member of Congress upon request, a report
23 containing the results of the audit conducted under
24 paragraph (1).

1210

1 (b) CONTENTS OF REPORT.—The Assistant Sec-
2 retary of Commerce for Communications and Information
3 and the Secretary shall include in the report submitted
4 under subsection (a)(2), with respect to the electro-
5 magnetic spectrum that is assigned or otherwise allocated
6 to the Department as of the date of the audit—

7 (1) each particular band of spectrum being used
8 by the Department;

9 (2) a description of each purpose for which a
10 particular band described in paragraph (1) is being
11 used, and how much of the band is being used for
12 that purpose;

13 (3) the State or other geographic area in which
14 a particular band described in paragraph (1) is as-
15 signed or allocated for use;

16 (4) whether a particular band described in
17 paragraph (1) is used exclusively by the Department
18 or shared with another Federal entity or a non-Fed-
19 eral entity; and

20 (5) any portion of the spectrum that is not
21 being used by the Department.

22 (c) FORM OF REPORT.—The report required under
23 subsection (a)(2) shall be submitted in unclassified form
24 but may include a classified annex.

1 **SEC. 27004. STUDY AND REPORTS ON THE TRAVEL AND**
2 **TOURISM ACTIVITIES OF THE DEPARTMENT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary shall conduct
5 a study (referred to in this section as the “study”)
6 on the travel and tourism activities within the De-
7 partment.

8 (2) REQUIREMENT.—The study shall evaluate
9 how the Department evaluates travel and tourism
10 needs or criteria in considering applications for
11 grants under the grant programs of the Department.

12 (b) REPORT OF THE SECRETARY.—Not later than 1
13 year after the date of enactment of this Act, the Secretary
14 shall submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives a report on the results of the study, which
18 shall include—

19 (1) an identification of how the Department
20 currently evaluates travel and tourism needs or cri-
21 teria in considering applications for grants under the
22 grant programs of the Department;

23 (2) a description of any actions that the De-
24 partment will take to improve the evaluation of
25 tourism- and travel-related criteria in considering

1 applications for grants under those grant programs;
2 and

3 (3) recommendations as to any statutory or
4 regulatory changes that may be required to enhance
5 the consideration by the Department of travel and
6 tourism needs or criteria in considering applications
7 for grants under those grant programs.

8 (c) GAO ASSESSMENT AND REPORT.—

9 (1) ASSESSMENT.—The Comptroller General of
10 the United States shall conduct an assessment of the
11 existing resources of the Department used to con-
12 duct travel- and tourism-related activities, including
13 the consideration of travel and tourism needs or cri-
14 teria in considering applications for grants under the
15 grant programs of the Department, in order to iden-
16 tify—

17 (A) any resources needed by the Depart-
18 ment; and

19 (B) any barriers to carrying out those ac-
20 tivities.

21 (2) REPORT.—Not later than 18 months after
22 the date of enactment of this Act, the Comptroller
23 General of the United States shall submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives a report on the assessment conducted
3 under paragraph (1), which shall include—

4 (A) recommendations for improving the
5 evaluation and consideration by the Department
6 of travel and tourism with respect to the discre-
7 tionary grant programs of the Department;

8 (B) an assessment of the resources needed
9 to carry out the tourism- and travel-related ac-
10 tivities of the Department;

11 (C) an assessment of any barriers to car-
12 rying out activities relating to travel and tour-
13 ism; and

14 (D) recommendations for improving the
15 ability of the Department to carry out activities
16 relating to travel and tourism, which may in-
17 clude proposed statutory or regulatory changes
18 that may be needed to facilitate those activities.

19 **TITLE VIII—SPORT FISH RES-**
20 **TORATION AND REC-**
21 **REATIONAL BOATING SAFETY**

22 **SEC. 28001. SPORT FISH RESTORATION AND REC-**
23 **REATIONAL BOATING SAFETY.**

24 (a) DIVISION OF ANNUAL APPROPRIATIONS.—

1214

1 (1) IN GENERAL.—Section 4 of the Dingell-
2 Johnson Sport Fish Restoration Act (16 U.S.C.
3 777c) is amended—

4 (A) in subsection (a), by striking “2021”
5 and inserting “2026”;

6 (B) in subsection (b)—

7 (i) in paragraph (1)—

8 (I) in subparagraph (A), by strik-
9 ing “2021” and inserting “2026”;
10 and

11 (II) by striking subparagraph (B)
12 and inserting the following:

13 “(B) AVAILABLE AMOUNTS.—The available
14 amount referred to in subparagraph (A) is—

15 “(i) for the fiscal year that includes
16 the date of enactment of the Surface
17 Transportation Reauthorization Act of
18 2021, the sum obtained by adding—

19 “(I) the available amount speci-
20 fied in this subparagraph for the pre-
21 ceding fiscal year; and

22 “(II) \$979,500; and

23 “(ii) for each fiscal year thereafter,
24 the sum obtained by adding—

1215

1 “(I) the available amount speci-
2 fied in this subparagraph for the pre-
3 ceding fiscal year; and

4 “(II) the product obtained by
5 multiplying—

6 “(aa) the available amount
7 specified in this subparagraph for
8 the preceding fiscal year; and

9 “(bb) the change, relative to
10 the preceding fiscal year, in the
11 Consumer Price Index for All
12 Urban Consumers published by
13 the Department of Labor.”; and

14 (ii) in paragraph (2)—

15 (I) in subparagraph (A), by strik-
16 ing “2016 through 2021” and insert-
17 ing “2022 through 2026”; and

18 (II) by striking subparagraph (B)
19 and inserting the following:

20 “(B) AVAILABLE AMOUNTS.—The available
21 amount referred to in subparagraph (A) is—

22 “(i) for fiscal year 2022, \$12,786,434;

23 and

1216

1 “(ii) for fiscal year 2023 and each fis-
2 cal year thereafter, the sum obtained by
3 adding—

4 “(I) the available amount speci-
5 fied in this subparagraph for the pre-
6 ceding fiscal year; and

7 “(II) the product obtained by
8 multiplying—

9 “(aa) the available amount
10 specified in this subparagraph for
11 the preceding fiscal year; and

12 “(bb) the change, relative to
13 the preceding fiscal year, in the
14 Consumer Price Index for All
15 Urban Consumers published by
16 the Department of Labor.”; and

17 (C) in subsection (e)(2), by striking
18 “\$900,000” and inserting “\$1,300,000”.

19 (2) ADMINISTRATION.—Section 9(a) of the Din-
20 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
21 777h(a)) is amended—

22 (A) by striking paragraphs (1) and (2) and
23 inserting the following:

24 “(1) personnel costs of employees for the work
25 hours of each employee spent directly administering

1 this Act, as those hours are certified by the super-
2 visor of the employee;”;

3 (B) by redesignating paragraphs (3)
4 through (12) as paragraphs (2) through (11),
5 respectively;

6 (C) in paragraph (2) (as so redesignated),
7 by striking “paragraphs (1) and (2)” and in-
8 serting “paragraph (1)”;

9 (D) in paragraph (4)(B) (as so redesi-
10 gnated), by striking “full-time equivalent em-
11 ployee authorized under paragraphs (1) and
12 (2)” and inserting “employee authorized under
13 paragraph (1)”;

14 (E) in paragraph (8)(A) (as so redesi-
15 gnated), by striking “on a full-time basis”; and

16 (F) in paragraph (10) (as so redesi-
17 gnated)—

18 (i) by inserting “or part-time” after
19 “full-time”; and

20 (ii) by inserting “, subject to the con-
21 dition that the percentage of the relocation
22 expenses paid with funds made available
23 pursuant to this Act may not exceed the
24 percentage of the work hours of the em-

1 ployee that are spent administering this
2 Act” after “incurred”.

3 (3) OTHER ACTIVITIES.—Section 14(e) of the
4 Dingell-Johnson Sport Fish Restoration Act (16
5 U.S.C. 777m(e)) is amended by adding at the end
6 the following:

7 “(3) A portion, as determined by the Sport
8 Fishing and Boating Partnership Council, of funds
9 disbursed for the purposes described in paragraph
10 (2) but remaining unobligated as of October 1,
11 2021, shall be used to study the impact of derelict
12 vessels and identify recyclable solutions for rec-
13 reational vessels.”.

14 (4) RECREATIONAL BOATING SAFETY.—Section
15 13107(c)(2) of title 46, United States Code, is
16 amended by striking “No funds available” and in-
17 serting “On or after October 1, 2024, no funds
18 available”.

19 (b) WILDLIFE RESTORATION FUND ADMINISTRA-
20 TION.—

21 (1) ALLOCATION AND APPORTIONMENT OF
22 AVAILABLE AMOUNTS.—Section 4(a) of the Pittman-
23 Robertson Wildlife Restoration Act (16 U.S.C.
24 669c(a)) is amended—

1219

1 (A) in paragraph (1), by striking subpara-
2 graph (B) and inserting the following:

3 “(B) AVAILABLE AMOUNTS.—The available
4 amount referred to in subparagraph (A) is—

5 “(i) for the fiscal year that includes
6 the date of enactment of the Surface
7 Transportation Reauthorization Act of
8 2021, the sum obtained by adding—

9 “(I) the available amount speci-
10 fied in this subparagraph for the pre-
11 ceding fiscal year; and

12 “(II) \$979,500; and

13 “(ii) for each fiscal year thereafter,
14 the sum obtained by adding—

15 “(I) the available amount speci-
16 fied in this subparagraph for the pre-
17 ceding fiscal year; and

18 “(II) the product obtained by
19 multiplying—

20 “(aa) the available amount
21 specified in this subparagraph for
22 the preceding fiscal year; and

23 “(bb) the change, relative to
24 the preceding fiscal year, in the
25 Consumer Price Index for All

1220

1 Urban Consumers published by
2 the Department of Labor.”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by inserting
5 “subsequent” before “fiscal year.”; and

6 (ii) by striking subparagraph (B) and
7 inserting the following:

8 “(B) APPORTIONMENT OF UNOBLIGATED
9 AMOUNTS.—

10 “(i) IN GENERAL.—Not later than 60
11 days after the end of a fiscal year, the Sec-
12 retary of the Interior shall apportion
13 among the States any of the available
14 amount under paragraph (1) that re-
15 mained available for obligation pursuant to
16 subparagraph (A) during that fiscal year
17 and remains unobligated at the end of that
18 fiscal year.

19 “(ii) REQUIREMENT.—The available
20 amount apportioned under clause (i) shall
21 be apportioned on the same basis and in
22 the same manner as other amounts made
23 available under this Act were apportioned
24 among the States for the fiscal year in

1 which the amount was originally made
2 available.”.

3 (2) AUTHORIZED EXPENSES FOR ADMINISTRA-
4 TION.—Section 9(a) of the Pittman-Robertson Wild-
5 life Restoration Act (16 U.S.C. 669h(a)) is amend-
6 ed—

7 (A) by striking paragraphs (1) and (2) and
8 inserting the following:

9 “(1) personnel costs of employees for the work
10 hours of each employee spent directly administering
11 this Act, as those hours are certified by the super-
12 visor of the employee;”;

13 (B) by redesignating paragraphs (3)
14 through (12) as paragraphs (2) through (11),
15 respectively;

16 (C) in paragraph (2) (as so redesignated),
17 by striking “paragraphs (1) and (2)” and in-
18 serting “paragraph (1)”;

19 (D) in paragraph (4)(B) (as so redesign-
20 ated), by striking “full-time equivalent em-
21 ployee authorized under paragraphs (1) and
22 (2)” and inserting “employee authorized under
23 paragraph (1)”;

24 (E) in paragraph (8)(A) (as so redesign-
25 ated), by striking “on a full-time basis”; and

1 (F) in paragraph (10) (as so redesignated)—
2

3 (i) by inserting “or part-time” after
4 “full-time”; and

5 (ii) by inserting “, subject to the condition that the percentage of the relocation
6 expenses paid with funds made available
7 pursuant to this Act may not exceed the
8 percentage of the work hours of the employee that are spent administering this
9 Act” after “incurred”.
10
11

12 (c) RECREATIONAL BOATING ACCESS.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Comptroller
15 General of the United States shall submit to the
16 Sport Fishing and Boating Partnership Council, the
17 Committee on Natural Resources and the Committee
18 on Transportation and Infrastructure of the House
19 of Representatives, and the Committee on Commerce,
20 Science, and Transportation and the Committee on
21 Environment and Public Works of the
22 Senate a report that, to the extent practicable, given
23 available data, shall document—

24 (A) the use of nonmotorized vessels in each
25 State and how the increased use of non-

1 motorized vessels is impacting motorized and
2 nonmotorized vessel access;

3 (B) user conflicts at waterway access
4 points; and

5 (C) the use of—

6 (i) Sport Fish Restoration Program
7 funds to improve nonmotorized access at
8 waterway entry points and the reasons for
9 providing that access; and

10 (ii) Recreational Boating Safety Pro-
11 gram funds for nonmotorized boating safe-
12 ty programs.

13 (2) CONSULTATION.—The Comptroller General
14 of the United States shall consult with the Sport
15 Fishing and Boating Partnership Council and the
16 National Boating Safety Advisory Council on study
17 design, scope, and priorities for the report under
18 paragraph (1).

19 (d) SPORT FISHING AND BOATING PARTNERSHIP
20 COUNCIL.—

21 (1) IN GENERAL.—The Sport Fishing and
22 Boating Partnership Council established by the Sec-
23 retary of the Interior shall be an advisory committee
24 of the Department of the Interior and the Depart-

1 ment of Commerce subject to the Federal Advisory
2 Committee Act (5 U.S.C. App.).

3 (2) FACA.— The Secretary of the Interior and
4 the Secretary of Commerce shall jointly carry out
5 the requirements of the Federal Advisory Committee
6 Act (5 U.S.C. App.) with respect to the Sport Fish-
7 ing and Boating Partnership Council described in
8 paragraph (1).

9 (3) EFFECTIVE DATE.—This subsection shall
10 take effect on January 1, 2023.

11 **DIVISION C—TRANSIT**

12 **SEC. 30001. DEFINITIONS.**

13 (a) IN GENERAL.—Section 5302 of title 49, United
14 States Code, is amended—

15 (1) by redesignating paragraphs (1) through
16 (24) as paragraphs (2), (3), (4), (5), (6), (7), (8),
17 (9), (10), (11), (12), (13), (14), (15), (16), (17),
18 (18), (19), (20), (21), (22), (23), (24), and (25), re-
19 spectively; and

20 (2) by inserting before paragraph (2) (as so re-
21 designated) the following:

22 “(1) ASSAULT ON A TRANSIT WORKER.—The
23 term ‘assault on a transit worker’ means a cir-
24 cumstance in which an individual knowingly, without
25 lawful authority or permission, and with intent to

1 endanger the safety of any individual, or with a
2 reckless disregard for the safety of human life, inter-
3 feres with, disables, or incapacitates a transit worker
4 while the transit worker is performing the duties of
5 the transit worker.”; and

6 (3) in subparagraph (G) of paragraph (4) (as
7 so redesignated)—

8 (A) by redesignating clauses (iv) and (v) as
9 clauses (v) and (vi), respectively;

10 (B) by inserting after clause (iii) the fol-
11 lowing:

12 “(iv) provides that if equipment to
13 fuel privately owned zero-emission pas-
14 senger vehicles is installed, the recipient of
15 assistance under this chapter shall collect
16 fees from users of the equipment in order
17 to recover the costs of construction, main-
18 tenance, and operation of the equipment;”;

19 (C) in clause (vi) (as so redesignated)—

20 (i) in subclause (XIII), by striking
21 “and” at the end;

22 (ii) in subclause (XIV), by adding
23 “and” after the semicolon; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(XV) technology to fuel a zero-
2 emission vehicle;”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 601(a)(12)(E) of title 23, United
5 States Code, is amended by striking “section
6 5302(3)(G)(v)” and inserting “section
7 5302(4)(G)(v)”.

8 (2) Section 5323(e)(3) of title 49, United
9 States Code, is amended by striking “section
10 5302(3)(J)” and inserting “section 5302(4)(J)”.

11 (3) Section 5336(e) of title 49, United States
12 Code, is amended by striking “, as defined in section
13 5302(4)”.

14 (4) Section 28501(4) of title 49, United States
15 Code, is amended by striking “section 5302(a)(6)”
16 and inserting “section 5302”.

17 **SEC. 30002. METROPOLITAN TRANSPORTATION PLANNING.**

18 (a) IN GENERAL.—Section 5303 of title 49, United
19 States Code, is amended—

20 (1) in subsection (a)(1), by inserting “and bet-
21 ter connect housing and employment” after “urban-
22 ized areas”;

23 (2) in subsection (g)(3)(A), by inserting “hous-
24 ing,” after “economic development,”;

1227

1 (3) in subsection (h)(1)(E), by inserting “,
2 housing,” after “growth”;

3 (4) in subsection (i)—

4 (A) in paragraph (4)(B)—

5 (i) by redesignating clauses (iii)
6 through (vi) as clauses (iv) through (vii),
7 respectively; and

8 (ii) by inserting after clause (ii) the
9 following:

10 “(iii) assumed distribution of popu-
11 lation and housing;”; and

12 (B) in paragraph (6)(A), by inserting “af-
13 fordable housing organizations,” after “dis-
14 abled,”; and

15 (5) in subsection (k)—

16 (A) by redesignating paragraphs (4) and
17 (5) as paragraphs (5) and (6), respectively; and

18 (B) by inserting after paragraph (3) the
19 following:

20 “(4) HOUSING COORDINATION PROCESS.—

21 “(A) IN GENERAL.—Within a metropolitan
22 planning area serving a transportation manage-
23 ment area, the transportation planning process
24 under this section may address the integration
25 of housing, transportation, and economic devel-

1 tional Affordable Housing Act (42 U.S.C.
2 12705) and plans developed under section
3 5A of the United States Housing Act of
4 1937 (42 U.S.C. 1437c-1).

5 “(C) HOUSING COORDINATION PLAN.—

6 “(i) IN GENERAL.—A metropolitan
7 planning organization serving a transpor-
8 tation management area may develop a
9 housing coordination plan that includes
10 projects and strategies that may be consid-
11 ered in the metropolitan transportation
12 plan of the metropolitan planning organi-
13 zation.

14 “(ii) CONTENTS.—A plan described in
15 clause (i) may—

16 “(I) develop regional goals for
17 the integration of housing, transpor-
18 tation, and economic development
19 strategies to—

20 “(aa) better connect housing
21 and employment while mitigating
22 commuting times;

23 “(bb) align transportation
24 improvements with housing
25 needs, such as housing supply

1230

1 shortages, and proposed housing
2 development;

3 “(cc) align planning for
4 housing and transportation to ad-
5 dress needs in relationship to
6 household incomes within the
7 metropolitan planning area;

8 “(dd) expand housing and
9 economic development within the
10 catchment areas of existing
11 transportation facilities and pub-
12 lic transportation services when
13 appropriate, including higher-
14 density development, as locally
15 determined;

16 “(ee) manage effects of
17 growth of vehicle miles traveled
18 experienced in the metropolitan
19 planning area related to housing
20 development and economic devel-
21 opment;

22 “(ff) increase share of
23 households with sufficient and af-
24 fordable access to the transpor-

1231

1 tation networks of the metropoli-
2 tan planning area;

3 “(II) identify the location of ex-
4 isting and planned housing and em-
5 ployment, and transportation options
6 that connect housing and employment;
7 and

8 “(III) include a comparison of
9 transportation plans to land use man-
10 agement plans, including zoning
11 plans, that may affect road use, public
12 transportation ridership and housing
13 development.”.

14 (b) ADDITIONAL CONSIDERATION AND COORDINA-
15 TION.—Section 5303 of title 49, United States Code, is
16 amended—

17 (1) in subsection (d)—

18 (A) in paragraph (3), by adding at the end
19 the following:

20 “(D) CONSIDERATIONS.—In designating
21 officials or representatives under paragraph (2)
22 for the first time, subject to the bylaws or ena-
23 bling statute of the metropolitan planning orga-
24 nization, the metropolitan planning organization
25 shall consider the equitable and proportional

1 representation of the population of the metro-
2 politan planning area.”; and

3 (B) in paragraph (7)—

4 (i) by striking “an existing metropoli-
5 tan planning area” and inserting “an ex-
6 isting urbanized area (as defined by the
7 Bureau of the Census)”; and

8 (ii) by striking “the existing metro-
9 politan planning area” and inserting “the
10 area”;

11 (2) in subsection (g)—

12 (A) in paragraph (1), by striking “a met-
13 ropolitan area” and inserting “an urbanized
14 area (as defined by the Bureau of the Census)”;
15 and

16 (B) by adding at the end the following:

17 “(4) COORDINATION BETWEEN MPOS.—If more
18 than 1 metropolitan planning organization is des-
19 igned within an urbanized area (as defined by the
20 Bureau of the Census) under subsection (d)(7), the
21 metropolitan planning organizations designated with-
22 in the area shall ensure, to the maximum extent
23 practicable, the consistency of any data used in the
24 planning process, including information used in fore-
25 casting travel demand.

1 “(5) SAVINGS CLAUSE.—Nothing in this sub-
2 section requires metropolitan planning organizations
3 designated within a single urbanized area to jointly
4 develop planning documents, including a unified
5 long-range transportation plan or unified TIP.”;

6 (3) in subsection (i)(6), by adding at the end
7 the following:

8 “(D) USE OF TECHNOLOGY.—A metropoli-
9 tan planning organization may use social media
10 and other web-based tools—

11 “(i) to further encourage public par-
12 ticipation; and

13 “(ii) to solicit public feedback during
14 the transportation planning process.”; and

15 (4) in subsection (p), by striking “section
16 104(b)(5)” and inserting “section 104(b)(6)”.

17 **SEC. 30003. STATEWIDE AND NONMETROPOLITAN TRANS-**
18 **PORTATION PLANNING.**

19 (a) TECHNICAL AMENDMENTS.—Section 5304 of
20 title 49, United States Code, is amended—

21 (1) in subsection (e), in the matter preceding
22 paragraph (1), by striking the quotation marks be-
23 fore “In”; and

24 (2) in subsection (i), by striking “this this” and
25 inserting “this”.

1 (b) USE OF TECHNOLOGY.—Section 5304(f)(3) of
2 title 49, United States Code, is amended by adding at the
3 end the following:

4 “(C) USE OF TECHNOLOGY.—A State may
5 use social media and other web-based tools—

6 “(i) to further encourage public par-
7 ticipation; and

8 “(ii) to solicit public feedback during
9 the transportation planning process.”.

10 **SEC. 30004. PLANNING PROGRAMS.**

11 Section 5305 of title 49, United States Code, is
12 amended—

13 (1) in subsection (e)(1)(A), in the matter pre-
14 ceding clause (i), by striking “this section and sec-
15 tion” and inserting “this section and sections”; and

16 (2) by striking subsection (f) and inserting the
17 following:

18 “(f) GOVERNMENT SHARE OF COSTS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), the Government share of the cost of an
21 activity funded using amounts made available under
22 this section may not exceed 80 percent of the cost
23 of the activity unless the Secretary determines that
24 it is in the interests of the Government—

1 “(A) not to require a State or local match;

2 or

3 “(B) to allow a Government share greater
4 than 80 percent.

5 “(2) CERTAIN ACTIVITIES.—

6 “(A) IN GENERAL.—The Government
7 share of the cost of an activity funded using
8 amounts made available under this section shall
9 be not less than 90 percent for an activity that
10 assists parts of an urbanized area or rural area
11 with lower population density or lower average
12 income levels compared to—

13 “(i) the applicable urbanized area;

14 “(ii) the applicable rural area;

15 “(iii) an adjoining urbanized area; or

16 “(iv) an adjoining rural area.

17 “(B) REPORT.—A State or metropolitan
18 planning organization that carries out an activ-
19 ity described in subparagraph (A) with an in-
20 creased Government share described in that
21 subparagraph shall report to the Secretary, in
22 a form as determined by the Secretary, how the
23 increased Government share for transportation
24 planning activities benefits commuting and
25 other essential travel in parts of the applicable

1 urbanized area or rural area described in sub-
2 paragraph (A) with lower population density or
3 lower average income levels.”.

4 **SEC. 30005. FIXED GUIDEWAY CAPITAL INVESTMENT**
5 **GRANTS.**

6 (a) IN GENERAL.—Section 5309 of title 49, United
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking paragraph (6);

10 (B) by redesignating paragraph (7) as
11 paragraph (6); and

12 (C) in paragraph (6) (as so redesign-
13 nated)—

14 (i) in subparagraph (A), by striking
15 “\$100,000,000” and inserting
16 “\$150,000,000”; and

17 (ii) in subparagraph (B), by striking
18 “\$300,000,000” and inserting
19 “\$400,000,000”;

20 (2) in subsection (c)(1)—

21 (A) in subparagraph (A), by striking
22 “and” at the end;

23 (B) in subparagraph (B)(iii), by striking
24 the period at the end and inserting “; and”;
25 and

1237

1 (C) by adding at the end the following:

2 “(C) the applicant has made progress to-
3 ward meeting the performance targets in sec-
4 tion 5326(c)(2).”;

5 (3) in subsection (e)(2)(A)(iii)(II), by striking
6 “the next 5 years” and inserting “the next 10 years,
7 without regard to any temporary measures employed
8 by the applicant expected to increase short-term ca-
9 pacity within the next 10 years”;

10 (4) in subsection (g)—

11 (A) in paragraph (3)(A), by striking “ex-
12 ceed” and all that follows through “50 percent”
13 and inserting “exceed 50 percent”;

14 (B) by redesignating paragraph (7) as
15 paragraph (8); and

16 (C) by inserting after paragraph (6) the
17 following:

18 “(7) PROJECT RE-ENTRY.—In carrying out rat-
19 ings and evaluations under this subsection, the Sec-
20 retary shall provide full and fair consideration to
21 projects that seek an updated rating after a period
22 of inactivity following an earlier rating and evalua-
23 tion.”;

24 (5) in subsection (i), by striking paragraphs (1)
25 through (8) and inserting the following:

1 “(1) FUTURE BUNDLING.—

2 “(A) DEFINITION.—In this paragraph, the
3 term ‘future bundling request’ means a letter
4 described in subparagraph (B) that requests fu-
5 ture funding for additional projects.

6 “(B) REQUEST.—When an applicant sub-
7 mits a letter to the Secretary requesting entry
8 of a project into the project development phase
9 under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I),
10 or (h)(2)(A)(i)(I), the applicant may include a
11 description of other projects for consideration
12 for future funding under this section. An appli-
13 cant shall include in the request the amount of
14 funding requested under this section for each
15 additional project and the estimated capital cost
16 of each project.

17 “(C) READINESS.—Other projects included
18 in the request shall be ready to enter the
19 project development phase under subsection
20 (d)(1)(A), (e)(1)(A), or (h)(2)(A), within 5
21 years of the initial project submitted as part of
22 the request.

23 “(D) PLANNING.—Projects in the future
24 bundling request shall be included in the metro-

1 politan transportation plan in accordance with
2 section 5303(i).

3 “(E) PROJECT SPONSOR.—The applicant
4 that submits a future bundling request shall be
5 the project sponsor for each project included in
6 the request.

7 “(F) PROGRAM AND PROJECT SHARE.—A
8 future bundling request submitted under this
9 paragraph shall include a proposed share of
10 each of the request’s projects that is consistent
11 with the requirements of subsections
12 (k)(2)(C)(ii) or (h)(7), as applicable.

13 “(G) BENEFITS.—The bundling of projects
14 under this subsection—

15 “(i) shall enhance, or increase the ca-
16 pacity of—

17 “(I) the total transportation sys-
18 tem of the applicant; or

19 “(II) the transportation system
20 of the region the applicant serves
21 (which, in the case of a State whose
22 request addresses a single region,
23 means that region); and

24 “(ii) shall—

1240

1 “(I) streamline procurements for
2 the applicant; or

3 “(II) enable time or cost savings
4 for the projects.

5 “(H) EVALUATION.—Each project sub-
6 mitted for consideration for funding in a future
7 bundling request shall be subject to the applica-
8 ble evaluation criteria under this section for the
9 project type, including demonstrating the avail-
10 ability of local resources to recapitalize, main-
11 tain, and operate the overall existing and pro-
12 posed public transportation system pursuant to
13 subsection (f)(1)(C).

14 “(I) LETTER OF INTENT.—

15 “(i) IN GENERAL.—Upon entering
16 into a grant agreement for the initial
17 project for which an applicant submits a
18 future bundling request, the Secretary may
19 issue a letter of intent to the applicant
20 that announces an intention to obligate,
21 for 1 or more additional projects included
22 in the request, an amount from future
23 available budget authority specified in law
24 that is not more than the amount stipu-
25 lated as the financial participation of the

1241

1 Secretary in the additional project or
2 projects in the future bundling. Such letter
3 may include a condition that the project or
4 projects must meet the evaluation criteria
5 in this subsection before a grant agreement
6 can be executed.

7 “(ii) AMOUNT.—The amount that the
8 Secretary announces an intention to obli-
9 gate for an additional project in the future
10 bundling request through a letter of intent
11 issued under clause (i) shall be sufficient
12 to complete at least an operable segment of
13 the project.

14 “(iii) TREATMENT.—The issuance of
15 a letter of intent under clause (i) shall not
16 be deemed to be an obligation under sec-
17 tions 1108(c), 1501, and 1502(a) of title
18 31 or an administrative commitment.

19 “(2) IMMEDIATE BUNDLING.—

20 “(A) DEFINITION.—In this paragraph, the
21 term ‘immediate bundling request’ means a let-
22 ter described in subparagraph (B) that requests
23 immediate funding for multiple projects.

24 “(B) REQUEST.—An applicant may submit
25 a letter to the Secretary requesting entry of

1 multiple projects into the project development
2 phase under subsection (d)(1)(A)(i)(I),
3 (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), for consider-
4 ation for funding under this section. An appli-
5 cant shall include in the request the amount of
6 funding requested under this section for each
7 additional project and the estimated capital cost
8 of each project.

9 “(C) READINESS.—Projects included in
10 the request must be ready to enter the project
11 development phase under subsection (d)(1)(A),
12 (e)(1)(A), or (h)(2)(A) at the same time.

13 “(D) PLANNING.—Projects in the bundle
14 shall be included in the metropolitan transpor-
15 tation plan in accordance with section 5303(i).

16 “(E) PROJECT SPONSOR.—The applicant
17 that submits an immediate bundling request
18 shall be the project sponsor for each project in-
19 cluded in the request.

20 “(F) PROGRAM AND PROJECT SHARE.—An
21 immediate bundling request submitted under
22 this subsection shall include a proposed share of
23 each of the request’s projects that is consistent
24 with the requirements of subsections
25 (k)(2)(C)(ii) or (h)(7), as applicable.

1 “(G) BENEFITS.—The bundling of projects
2 under this subsection—

3 “(i) shall enhance, or increase the ca-
4 pacity of—

5 “(I) the total transportation sys-
6 tem of the applicant; or

7 “(II) the transportation system
8 of the region the applicant serves
9 (which, in the case of a State whose
10 request addresses a single region,
11 means that region); and

12 “(ii) shall—

13 “(I) streamline procurements for
14 the applicant; or

15 “(II) enable time or cost savings
16 for the projects.

17 “(H) EVALUATION.—A project submitted
18 for consideration for immediate funding in an
19 immediate bundling request shall be subject to
20 the applicable evaluation criteria under this sec-
21 tion for the project type, including dem-
22 onstrating the availability of local resources to
23 recapitalize, maintain, and operate the overall
24 existing and proposed public transportation sys-
25 tem pursuant to subsection (f)(1)(C).

1244

1 “(I) LETTER OF INTENT OR SINGLE
2 GRANT AGREEMENT.—

3 “(i) IN GENERAL.—Upon entering
4 into a grant agreement for the initial
5 project for which an applicant submits a
6 request, the Secretary may issue a letter of
7 intent or single, combined grant agreement
8 to the applicant.

9 “(ii) LETTER OF INTENT.—

10 “(I) IN GENERAL.—A letter of
11 intent announces an intention to obli-
12 gate, for 1 or more additional projects
13 included in the request, an amount
14 from future available budget authority
15 specified in law that is not more than
16 the amount stipulated as the financial
17 participation of the Secretary in the
18 additional project or projects. Such
19 letter may include a condition that the
20 project or projects must meet the
21 evaluation criteria in this subsection
22 before a grant agreement can be exe-
23 cuted.

24 “(II) AMOUNT.—The amount
25 that the Secretary announces an in-

1245

1 tention to obligate for an additional
2 project in a letter of intent issued
3 under clause (i) shall be sufficient to
4 complete at least an operable segment
5 of the project.

6 “(III) TREATMENT.—The
7 issuance of a letter of intent under
8 clause (i) shall not be deemed to be an
9 obligation under sections 1108(e),
10 1501, and 1502(a) of title 31 or an
11 administrative commitment.

12 “(3) EVALUATION CRITERIA.—When the Sec-
13 retary issues rules or policy guidance under this sec-
14 tion, the Secretary may request comment from the
15 public regarding potential changes to the evaluation
16 criteria for project justification and local financial
17 commitment under subsections (d), (e), (f), and (h)
18 for the purposes of streamlining the evaluation proc-
19 ess for projects included in a future bundling re-
20 quest or an immediate bundling request, including
21 changes to enable simultaneous evaluation of mul-
22 tiple projects under 1 or more evaluation criteria.
23 Notwithstanding paragraphs (1)(H) and (2)(H),
24 such criteria may be utilized for projects included in
25 a future bundling request or an immediate bundling

1 request under this subsection upon promulgation of
2 the applicable rule or policy guidance.

3 “(4) GRANT AGREEMENTS.—

4 “(A) NEW START AND CORE CAPACITY IM-
5 PROVEMENT PROJECTS.—A new start project or
6 core capacity improvement project in an imme-
7 diate bundling request or future bundling re-
8 quest shall be carried out through a full fund-
9 ing grant agreement or expedited grant agree-
10 ment pursuant to subsection (k)(2).

11 “(B) SMALL START.—A small start project
12 shall be carried out through a grant agreement
13 pursuant to subsection (h)(7).

14 “(C) REQUIREMENT.—A combined grant
15 agreement described in paragraph (2)(I)(i)
16 shall—

17 “(i) include only projects in an imme-
18 diate future bundling request that are
19 ready to receive a grant agreement under
20 this section,

21 “(ii) be carried out through a full
22 funding grant agreement or expedited
23 grant agreement pursuant to subsection
24 (k)(2) for the included projects, if a project
25 seeking assistance under the combined

1247

1 grant agreement is a new start project or
2 core capacity improvement project; and

3 “(iii) be carried out through a grant
4 agreement pursuant to subsection (h)(7)
5 for the included projects, if the projects
6 seeking assistance under the combined
7 grant agreement consist entirely of small
8 start projects.

9 “(D) SAVINGS PROVISION.—The use of a
10 combined grant agreement shall not waive or
11 amend applicable evaluation criteria under this
12 section for projects included in the combined
13 grant agreement.”;

14 (6) in subsection (k)—

15 (A) in paragraph (2)(E)—

16 (i) by striking “(E) BEFORE AND
17 AFTER STUDY.—” and all that follows
18 through “(I) SUBMISSION OF PLAN.—”
19 and inserting the following: “(E) INFOR-
20 MATION COLLECTION AND ANALYSIS
21 PLAN.—

22 “(i) SUBMISSION OF PLAN.—”;

23 (ii) by redesignating subclause (II) of
24 clause (i) (as so designated) as clause (ii),
25 and adjusting the margin accordingly; and

1 (iii) in clause (ii) (as so redesignated)—
2 nated)—

3 (I) by redesignating items (aa)
4 through (dd) as subclauses (I)
5 through (IV), respectively, and adjust-
6 ing the margins accordingly; and

7 (II) in the matter preceding sub-
8 clause (I) (as so redesignated), by
9 striking “subclause (I)” and inserting
10 “clause (i)”; and

11 (B) in paragraph (5), by striking “At least
12 30” and inserting “Not later than 15”;

13 (7) in subsection (o)—

14 (A) by striking paragraph (2);

15 (B) by redesignating paragraph (3) as
16 paragraph (2); and

17 (C) in paragraph (2) (as so redesignated)—
18 nated)—

19 (i) in subparagraph (A)—

20 (I) in the matter preceding clause
21 (i), by striking “of” and inserting
22 “that”;

23 (II) by redesignating clauses (i)
24 and (ii) as subclauses (I) and (II), re-

1249

1 spectively, and adjusting the margins
2 accordingly;

3 (III) by inserting before sub-
4 clause (I) (as so redesignated), the
5 following:

6 “(i) assesses—”;

7 (IV) in clause (i) (as so des-
8 ignated)—

9 (aa) in subclause (I) (as so
10 redesignated), by striking “new
11 fixed guideway capital projects
12 and core capacity improvement
13 projects” and inserting “all new
14 fixed guideway capital projects
15 and core capacity improvement
16 projects for grant agreements
17 under this section and section
18 3005(b) of the Federal Public
19 Transportation Act of 2015 (49
20 U.S.C. 5309 note; Public Law
21 114–94)”; and

22 (bb) in subclause (II) (as so
23 redesignated), by striking “and”
24 at the end; and

1250

1 (V) by adding at the end the fol-
2 lowing:

3 “(ii) includes, with respect to projects
4 that entered into revenue service since the
5 previous biennial review—

6 “(I) a description and analysis of
7 the impacts of the projects on public
8 transportation services and public
9 transportation ridership;

10 “(II) a description and analysis
11 of the consistency of predicted and ac-
12 tual benefits and costs of the innova-
13 tive project development and delivery
14 methods of, or innovative financing
15 for, the projects; and

16 “(III) an identification of the
17 reasons for any differences between
18 predicted and actual outcomes for the
19 projects; and

20 “(iii) in conducting the review under
21 clause (ii), incorporates information from
22 the plans submitted by applicants under
23 subsection (k)(2)(E)(i); and”;

1251

1 (ii) in subparagraph (B), by striking
2 “each year” and inserting “the applicable
3 year”; and

4 (8) by adding at the end the following:

5 “(r) CAPITAL INVESTMENT GRANT DASHBOARD.—

6 “(1) IN GENERAL.—The Secretary shall make
7 publicly available in an easily identifiable location on
8 the website of the Department of Transportation a
9 dashboard containing the following information for
10 each project seeking a grant agreement under this
11 section:

12 “(A) Project name.

13 “(B) Project sponsor.

14 “(C) City or urbanized area and State in
15 which the project will be located.

16 “(D) Project type.

17 “(E) Project mode.

18 “(F) Project length and number of stops,
19 including length of exclusive bus rapid transit
20 lanes, if applicable.

21 “(G) Anticipated total project cost.

22 “(H) Anticipated share of project costs to
23 be sought under this section.

1 “(I) Date of compliance with the National
2 Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 “(J) Date on which the project entered the
5 project development phase.

6 “(K) Date on which the project entered
7 the engineering phase, if applicable.

8 “(L) Date on which a Letter of No Preju-
9 dice was requested, and date on which a Letter
10 of No Prejudice was issued or denied, if appli-
11 cable.

12 “(M) Date of the applicant’s most recent
13 project ratings, including date of request for
14 updated ratings, if applicable.

15 “(N) Status of the project sponsor in se-
16 curing non-Federal matching funds.

17 “(O) Date on which a project grant agree-
18 ment is anticipated to be executed.

19 “(2) UPDATES.—The Secretary shall update
20 the information provided under paragraph (1) not
21 less frequently than monthly.

22 “(3) PROJECT PROFILES.—The Secretary shall
23 continue to make profiles for projects that have ap-
24 plied for or are receiving assistance under this sec-
25 tion publicly available in an easily identifiable loca-

1 tion on the website of the Department of Transpor-
2 tation, in the same manner as the Secretary did as
3 of the day before the date of enactment of this sub-
4 section.”.

5 (b) **EXPEDITED PROJECT DELIVERY FOR CAPITAL**
6 **INVESTMENT GRANTS PILOT PROGRAM.**—Section
7 3005(b) of the Federal Public Transportation Act of 2015
8 (49 U.S.C. 5309 note; Public Law 114–94) is amended—

9 (1) in paragraph (1)(I)—

10 (A) in clause (i), by striking
11 “\$75,000,000” and inserting “\$150,000,000”;
12 and

13 (B) in clause (ii), by striking
14 “\$300,000,000” and inserting “\$400,000,000”;

15 (2) in paragraph (8)(D)(i), by striking “30
16 days” and inserting “15 days”;

17 (3) by striking paragraph (12); and

18 (4) by redesignating paragraph (13) as para-
19 graph (12).

20 **SEC. 30006. FORMULA GRANTS FOR RURAL AREAS.**

21 Section 5311 of title 49, United States Code, is
22 amended—

23 (1) in subsection (c)—

24 (A) by redesignating paragraphs (2) and

25 (3) as paragraphs (3) and (4), respectively;

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) IN GENERAL.—Of the amounts made
4 available or appropriated for each fiscal year pursu-
5 ant to section 5338(a)(2)(F) to carry out this sec-
6 tion—

7 “(A) an amount equal to 5 percent shall be
8 available to carry out paragraph (2); and

9 “(B) 3 percent shall be available to carry
10 out paragraph (3).

11 “(2) PUBLIC TRANSPORTATION ON INDIAN RES-
12 ERVATIONS.—For each fiscal year, the amounts
13 made available under paragraph (1)(A) shall be ap-
14 portioned for grants to Indian tribes for any purpose
15 eligible under this section, under such terms and
16 conditions as may be established by the Secretary, of
17 which—

18 “(A) 20 percent shall be distributed by the
19 Secretary on a competitive basis; and

20 “(B) 80 percent shall be apportioned as
21 formula grants as provided in subsection (j).”;
22 and

23 (2) in subsection (j)(1)(A), in the matter pre-
24 ceding clause (i), by striking “subsection (c)(1)(B)”
25 and inserting “subsection (c)(2)(B)”.

1 **SEC. 30007. PUBLIC TRANSPORTATION INNOVATION.**

2 (a) IN GENERAL.—Section 5312 of title 49, United
3 States Code, is amended—

4 (1) by striking the first subsection designated
5 as subsection (g), relating to annual reports on re-
6 search, as so designated by section 3008(a)(6)(A) of
7 the FAST Act (Public Law 114–94; 129 Stat. 1468)
8 and inserting the following:

9 “(f) ANNUAL REPORT ON RESEARCH.—

10 “(1) IN GENERAL.—Not later than the first
11 Monday in February of each year, the Secretary
12 shall make available to the public on the Web site
13 of the Department of Transportation, a report that
14 includes—

15 “(A) a description of each project that re-
16 ceived assistance under this section during the
17 preceding fiscal year;

18 “(B) an evaluation of each project de-
19 scribed in paragraph (1), including any evalua-
20 tion conducted under subsection (e)(4) for the
21 preceding fiscal year; and

22 “(C) a strategic research roadmap proposal
23 for allocations of amounts for assistance under
24 this section for the current and subsequent fis-
25 cal year, including anticipated work areas, pro-

1 posed demonstrations and strategic partnership
2 opportunities;

3 “(2) UPDATES.—Not less than every 3 months,
4 the Secretary shall update on the Web site of the
5 Department of Transportation the information de-
6 scribed in paragraph (1)(C) to reflect any changes
7 to the Secretary’s plans to make assistance available
8 under this section.

9 “(3) LONG-TERM RESEARCH PLANS.—The Sec-
10 retary is encouraged to develop long-term research
11 plans and shall identify in the annual report under
12 paragraph (1) and in updates under paragraph (2)
13 allocations of amounts for assistance and notices of
14 funding opportunities to execute long-term strategic
15 research roadmap plans.”;

16 (2) in paragraph (1) of subsection (g), relating
17 to Government share of costs, by striking the period
18 at the end and inserting “, except that if there is
19 substantial public interest or benefit, the Secretary
20 may approve a greater Federal share.”; and

21 (3) in subsection (h)—

22 (A) in paragraph (2)—

23 (i) by striking subparagraph (A) and
24 inserting the following:

1 “(A) IN GENERAL.—The Secretary shall
2 competitively select at least 1 facility—

3 “(i) to conduct testing, evaluation,
4 and analysis of low or no emission vehicle
5 components intended for use in low or no
6 emission vehicles; and

7 “(ii) to conduct directed technology
8 research.”;

9 (ii) by striking subparagraph (B) and
10 inserting the following:

11 “(B) TESTING, EVALUATION, AND ANAL-
12 YSIS.—

13 “(i) IN GENERAL.—The Secretary
14 shall enter into a contract or cooperative
15 agreement with, or make a grant to, at
16 least 1 institution of higher education to
17 operate and maintain a facility to conduct
18 testing, evaluation, and analysis of low or
19 no emission vehicle components, and new
20 and emerging technology components, in-
21 tended for use in low or no emission vehi-
22 cles.

23 “(ii) REQUIREMENTS.—An institution
24 of higher education described in clause (i)
25 shall have—

1258

1 “(I) capacity to carry out trans-
2 portation-related advanced component
3 and vehicle evaluation;

4 “(II) laboratories capable of test-
5 ing and evaluation; and

6 “(III) direct access to or a part-
7 nership with a testing facility capable
8 of emulating real-world circumstances
9 in order to test low or no emission ve-
10 hicle components installed on the in-
11 tended vehicle.”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(H) CAPITAL EQUIPMENT AND DIRECTED
15 RESEARCH.—A facility operated and maintained
16 under subparagraph (A) may use funds made
17 available under this subsection for—

18 “(i) acquisition of equipment and cap-
19 ital projects related to testing low or no
20 emission vehicle components; or

21 “(ii) research related to advanced ve-
22 hicle technologies that provides advance-
23 ments to the entire public transportation
24 industry.

1 “(I) COST SHARE.—The cost share for ac-
2 tivities described in subparagraph (H) shall be
3 subject to the terms in subsection (g).”; and

4 (B) in paragraph (3), by inserting “, as
5 applicable” before the period at the end.

6 (b) LOW OR NO EMISSION VEHICLE COMPONENT AS-
7 SESSMENT.—

8 (1) IN GENERAL.—Institutions of higher edu-
9 cation selected to operate and maintain a facility to
10 conduct testing, evaluation, and analysis of low or
11 no emission vehicle components pursuant to section
12 5312(h) of title 49, United States Code, shall not
13 carry out testing for a new bus model under section
14 5318 of that title.

15 (2) USE OF FUNDS.—Funds made available to
16 institutions of higher education described in para-
17 graph (1) for testing under section 5318 of title 49,
18 United States Code, may be used for eligible activi-
19 ties under section 5312(h) of that title.

20 (c) ACCELERATED IMPLEMENTATION AND DEPLOY-
21 MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-
22 MENT SYSTEMS.—Section 5312(b) of title 49, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1261

1 “(III) manage complexity;

2 “(IV) reduce project delays and
3 cost overruns;

4 “(V) enhance safety and quality;
5 and

6 “(VI) reduce total costs for the
7 entire lifecycle of transportation infra-
8 structure assets;

9 “(ii) more timely and productive infor-
10 mation-sharing among stakeholders
11 through reduced reliance on paper to man-
12 age construction processes and deliverables
13 such as blueprints, design drawings, pro-
14 curement and supply-chain orders, equip-
15 ment logs, daily progress reports, and
16 punch lists;

17 “(iii) deployment of digital manage-
18 ment systems that enable and leverage the
19 use of digital technologies on construction
20 sites by contractors, such as state-of-the-
21 art automated and connected machinery
22 and optimized routing software that allows
23 construction workers to perform tasks fast-
24 er, safer, more accurately, and with mini-
25 mal supervision;

1 “(iv) the development and deployment
2 of best practices for use in digital con-
3 struction management;

4 “(v) increased technology adoption
5 and deployment by States, local govern-
6 mental authorities, and designated recipi-
7 ents that enables project sponsors—

8 “(I) to integrate the adoption of
9 digital management systems and tech-
10 nologies in contracts; and

11 “(II) to weigh the cost of
12 digitization and technology in setting
13 project budgets;

14 “(vi) technology training and work-
15 force development to build the capabilities
16 of project managers and sponsors that en-
17 ables States, local governmental authori-
18 ties, or designated recipients—

19 “(I) to better manage projects
20 using advanced construction manage-
21 ment technologies; and

22 “(II) to properly measure and re-
23 ward technology adoption across
24 projects;

1 under section 503(c)(5) of title 23 shall include
2 data and analysis collected under this section.”.

3 **SEC. 30008. BUS TESTING FACILITIES.**

4 Section 5318 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(f) CAPITAL EQUIPMENT.—A facility operated and
7 maintained under this section may use funds made avail-
8 able under this section for the acquisition of equipment
9 and capital projects related to testing new bus models.”.

10 **SEC. 30009. TRANSIT-ORIENTED DEVELOPMENT.**

11 Section 20005(b) of MAP–21 (49 U.S.C. 5303 note;
12 Public Law 112–141) is amended—

13 (1) in paragraph (2), in the matter preceding
14 subparagraph (A), by inserting “or site-specific”
15 after “comprehensive”; and

16 (2) in paragraph (3)—

17 (A) in subparagraph (B), by inserting “or
18 a site-specific plan” after “comprehensive
19 plan”;

20 (B) in subparagraph (C), by inserting “or
21 the proposed site-specific plan” after “proposed
22 comprehensive plan”;

23 (C) in subparagraph (D), by inserting “or
24 the site-specific plan” after “comprehensive
25 plan”; and

1 (D) in subparagraph (E)(iii), by inserting
2 “or the site-specific plan” after “comprehensive
3 plan”.

4 **SEC. 30010. GENERAL PROVISIONS.**

5 Section 5323(u) of title 49, United States Code, is
6 amended by striking paragraph (2) and inserting the fol-
7 lowing:

8 “(2) EXCEPTION.—For purposes of paragraph
9 (1), the term ‘otherwise related legally or financially’
10 does not include—

11 “(A) a minority relationship or investment;
12 or

13 “(B) relationship with or investment in a
14 subsidiary, joint venture, or other entity based
15 in a country described in paragraph (1)(B) that
16 does not export rolling stock or components of
17 rolling stock for use in the United States.”.

18 **SEC. 30011. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
19 **PROGRAM.**

20 Section 5324 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(f) INSURANCE.—Before receiving a grant under
23 this section following an emergency, an applicant shall—

24 “(1) submit to the Secretary documentation
25 demonstrating proof of insurance required under

1 Federal law for all structures related to the grant
2 application; and

3 “(2) certify to the Secretary that the applicant
4 has insurance required under State law for all struc-
5 tures related to the grant application.”.

6 **SEC. 30012. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

7 (a) IN GENERAL.—Section 5329 of title 49, United
8 States Code, is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A), by inserting
12 “, or, in the case of a recipient receiving
13 assistance under section 5307 that is serv-
14 ing an urbanized area with a population of
15 200,000 or more, safety performance
16 measures, including measures related to
17 the risk reduction program under sub-
18 section (d)(1)(I), for all modes of public
19 transportation” after “public transpor-
20 tation”;

21 (ii) in subparagraph (C)(ii)—

22 (I) in subclause (I), by striking
23 “and” at the end;

24 (II) in subclause (II), by adding
25 “and” at the end; and

1267

1 (III) by adding at the end the
2 following:

3 “(III) innovations in driver as-
4 sistance technologies and driver pro-
5 tection infrastructure, where appro-
6 priate, and a reduction in visibility
7 impairments that contribute to pedes-
8 trian fatalities;”;

9 (iii) in subparagraph (D)(ii)(V), by
10 striking “and” at the end;

11 (iv) in subparagraph (E), by striking
12 the period at the end and inserting “;
13 and”;

14 (v) by redesignating subparagraphs
15 (D) and (E) as subparagraphs (E) and
16 (F), respectively;

17 (vi) by inserting after subparagraph
18 (C) the following:

19 “(D) in consultation with the Secretary of
20 Health and Human Services, precautionary and
21 reactive actions required to ensure public and
22 personnel safety and health during an emer-
23 gency (as defined in section 5324(a));” and

24 (vii) by adding at the end the fol-
25 lowing:

1 “(G) consideration, where appropriate, of
2 performance-based and risk-based methodolo-
3 gies.”; and

4 (B) by adding at the end the following:

5 “(3) PLAN UPDATES.—The Secretary shall up-
6 date the national public transportation safety plan
7 under paragraph (1) as necessary with respect to re-
8 cipients receiving assistance under section 5307 that
9 serve an urbanized area with a population of
10 200,000 or more.”;

11 (2) in subsection (c)—

12 (A) by striking paragraph (2); and

13 (B) by striking the subsection designation
14 and heading and all that follows through “The
15 Secretary” in paragraph (1) and inserting the
16 following:

17 “(c) PUBLIC TRANSPORTATION SAFETY CERTIFI-
18 CATION TRAINING PROGRAM.—The Secretary”;

19 (3) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “Effective 1 year”
23 and all that follows through “each recipi-
24 ent” and inserting “Each recipient”;

1 (ii) in subparagraph (A), by inserting
2 “, or, in the case of a recipient receiving
3 assistance under section 5307 that is serv-
4 ing an urbanized area with a population of
5 200,000 or more, the safety committee of
6 the entity established under paragraph (5),
7 followed by the board of directors (or
8 equivalent entity) of the recipient ap-
9 prove,” after “approve”;

10 (iii) by redesignating subparagraphs
11 (B) through (G) as subparagraphs (C)
12 through (H), respectively;

13 (iv) by inserting after subparagraph
14 (A) the following:

15 “(B) for each recipient serving an urban-
16 ized area with a population of fewer than
17 200,000, a requirement that the agency safety
18 plan be developed in cooperation with frontline
19 employee representatives;”;

20 (v) in subparagraph (D) (as so redesi-
21 gnated), by inserting “, and consistent
22 with guidelines of the Centers for Disease
23 Control and Prevention or a State health
24 authority, minimize exposure to infectious
25 diseases” after “public, personnel, and

1 property to hazards and unsafe condi-
2 tions”;

3 (vi) by striking subparagraph (F) (as
4 so redesignated) and inserting the fol-
5 lowing:

6 “(F) performance targets based on—

7 “(i) the safety performance criteria
8 and state of good repair standards estab-
9 lished under subparagraphs (A) and (B),
10 respectively, of subsection (b)(2); or

11 “(ii) in the case of a recipient receiv-
12 ing assistance under section 5307 that is
13 serving an urbanized area with a popu-
14 lation of 200,000 or more, safety perform-
15 ance measures established under the na-
16 tional public transportation safety plan, as
17 described in subsection (b)(2)(A);”;

18 (vii) in subparagraph (G) (as so re-
19 designated), by striking “and” at the end;
20 and

21 (viii) by striking subparagraph (H)
22 (as so redesignated) and inserting the fol-
23 lowing:

24 “(H) a comprehensive staff training pro-
25 gram for—

1271

1 “(i) the operations personnel and per-
2 sonnel directly responsible for safety of the
3 recipient that includes—

4 “(I) the completion of a safety
5 training program; and

6 “(II) continuing safety education
7 and training; or

8 “(ii) in the case of a recipient receiv-
9 ing assistance under section 5307 that is
10 serving an urbanized area with a popu-
11 lation of 200,000 or more, the operations
12 and maintenance personnel and personnel
13 directly responsible for safety of the recipi-
14 ent that includes—

15 “(I) the completion of a safety
16 training program;

17 “(II) continuing safety education
18 and training; and

19 “(III) de-escalation training; and

20 “(I) in the case of a recipient receiving as-
21 sistance under section 5307 that is serving an
22 urbanized area with a population of 200,000 or
23 more, a risk reduction program for transit oper-
24 ations to improve safety by reducing the num-
25 ber and rates of accidents, injuries, and as-

1 assaults on transit workers based on data sub-
2 mitted to the national transit database under
3 section 5335, including—

4 “(i) a reduction of vehicular and pe-
5 destrian accidents involving buses that in-
6 cludes measures to reduce visibility impair-
7 ments for bus operators that contribute to
8 accidents, including retrofits to buses in
9 revenue service and specifications for fu-
10 ture procurements that reduce visibility
11 impairments; and

12 “(ii) the mitigation of assaults on
13 transit workers, including the deployment
14 of assault mitigation infrastructure and
15 technology on buses, including barriers to
16 restrict the unwanted entry of individuals
17 and objects into the workstations of bus
18 operators when a risk analysis performed
19 by the safety committee of the recipient es-
20 tablished under paragraph (5) determines
21 that such barriers or other measures would
22 reduce assaults on transit workers and in-
23 juries to transit workers.”; and

24 (B) by adding at the end the following:

1273

1 “(4) RISK REDUCTION PERFORMANCE TAR-
2 GETS.—

3 “(A) IN GENERAL.—The safety committee
4 of a recipient receiving assistance under section
5 5307 that is serving an urbanized area with a
6 population of 200,000 or more established
7 under paragraph (5) shall establish perform-
8 ance targets for the risk reduction program re-
9 quired under paragraph (1)(I) using a 3-year
10 rolling average of the data submitted by the re-
11 cipient to the national transit database under
12 section 5335.

13 “(B) SAFETY SET ASIDE.—A recipient re-
14 ceiving assistance under section 5307 that is
15 serving an urbanized area with a population of
16 200,000 or more shall allocate not less than
17 0.75 percent of those funds to safety-related
18 projects eligible under section 5307.

19 “(C) FAILURE TO MEET PERFORMANCE
20 TARGETS.—A recipient receiving assistance
21 under section 5307 that is serving an urbanized
22 area with a population of 200,000 or more that
23 does not meet the performance targets estab-
24 lished under subparagraph (A) shall allocate the
25 amount made available in subparagraph (B) in

1 the following fiscal year to projects described in
2 subparagraph (D).

3 “(D) ELIGIBLE PROJECTS.—Funds set
4 aside under subparagraph (C) shall be used for
5 projects that are reasonably likely to assist the
6 recipient in meeting the performance targets es-
7 tablished in subparagraph (A), including modi-
8 fications to rolling stock and de-escalation
9 training.

10 “(5) SAFETY COMMITTEE.—

11 “(A) IN GENERAL.—For purposes of this
12 subsection, the safety committee of a recipient
13 shall—

14 “(i) be convened by a joint labor-man-
15 agement process;

16 “(ii) consist of an equal number of—

17 “(I) frontline employee represent-
18 atives, selected by a labor organization
19 representing the plurality of the front-
20 line workforce employed by the recipi-
21 ent or, if applicable, a contractor to
22 the recipient, to the extent frontline
23 employees are represented by labor or-
24 ganizations; and

1275

1 “(II) management representa-
2 tives; and

3 “(iii) have, at a minimum, responsi-
4 bility for—

5 “(I) identifying and recom-
6 mending risk-based mitigations or
7 strategies necessary to reduce the
8 likelihood and severity of con-
9 sequences identified through the agen-
10 cy’s safety risk assessment;

11 “(II) identifying mitigations or
12 strategies that may be ineffective, in-
13 appropriate, or were not implemented
14 as intended; and

15 “(III) identifying safety defi-
16 ciencies for purposes of continuous
17 improvement.

18 “(B) APPLICABILITY.—This paragraph ap-
19 plies only to a recipient receiving assistance
20 under section 5307 that is serving an urbanized
21 area with a population of 200,000 or more.”;

22 (4) in subsection (e)—

23 (A) in paragraph (4)(A)(v), by inserting “,
24 inspection,” after “investigative”; and

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

1 “(11) EFFECTIVENESS OF ENFORCEMENT AU-
2 THORITIES AND PRACTICES.—The Secretary shall
3 develop and disseminate to State safety oversight
4 agencies the process and methodology that the Sec-
5 retary will use to monitor the effectiveness of the en-
6 forcement authorities and practices of State safety
7 oversight agencies.”; and

8 (5) by striking subsection (k) and inserting the
9 following:

10 “(k) INSPECTIONS.—

11 “(1) INSPECTION ACCESS.—

12 “(A) IN GENERAL.—A State safety over-
13 sight program shall provide the State safety
14 oversight agency established by the program
15 with the authority and capability to enter the
16 facilities of each rail fixed guideway public
17 transportation system that the State safety
18 oversight agency oversees to inspect infrastruc-
19 ture, equipment, records, personnel, and data,
20 including the data that the rail fixed guideway
21 public transportation agency collects when iden-
22 tifying and evaluating safety risks.

23 “(B) POLICIES AND PROCEDURES.—A
24 State safety oversight agency, in consultation
25 with each rail fixed guideway public transpor-

1 tation agency that the State safety oversight
2 agency oversees, shall establish policies and pro-
3 cedures regarding the access of the State safety
4 oversight agency to conduct inspections of the
5 rail fixed guideway public transportation sys-
6 tem, including access for inspections that occur
7 without advance notice to the rail fixed guide-
8 way public transportation agency.

9 “(2) DATA COLLECTION.—

10 “(A) IN GENERAL.—A rail fixed guideway
11 public transportation agency shall provide the
12 applicable State safety oversight agency with
13 the data that the rail fixed guideway public
14 transportation agency collects when identifying
15 and evaluating safety risks, in accordance with
16 subparagraph (B).

17 “(B) POLICIES AND PROCEDURES.—A
18 State safety oversight agency, in consultation
19 with each rail fixed guideway public transpor-
20 tation agency that the State safety oversight
21 agency oversees, shall establish policies and pro-
22 cedures for collecting data described in sub-
23 paragraph (A) from a rail fixed guideway public
24 transportation agency, including with respect to
25 frequency of collection, that is commensurate

1 with the size and complexity of the rail fixed
2 guideway public transportation system.

3 “(3) INCORPORATION.—Policies and procedures
4 established under this subsection shall be incor-
5 porated into—

6 “(A) the State safety oversight program
7 standard adopted by a State safety oversight
8 agency under section 674.27 of title 49, Code of
9 Federal Regulations (or any successor regula-
10 tion); and

11 “(B) the public transportation agency safe-
12 ty plan established by a rail fixed guideway
13 public transportation agency under subsection
14 (d).

15 “(4) ASSESSMENT BY SECRETARY.—In assess-
16 ing the capability of a State safety oversight agency
17 to conduct inspections as required under paragraph
18 (1), the Secretary shall ensure that—

19 “(A) the inspection practices of the State
20 safety oversight agency are commensurate with
21 the number, size, and complexity of the rail
22 fixed guideway public transportation systems
23 that the State safety oversight agency oversees;

24 “(B) the inspection program of the State
25 safety oversight agency is risk-based; and

1 “(C) the State safety oversight agency has
2 sufficient resources to conduct the inspections.

3 “(5) SPECIAL DIRECTIVE.—The Secretary shall
4 issue a special directive to each State safety over-
5 sight agency on the development and implementation
6 of risk-based inspection programs under this sub-
7 section.

8 “(6) ENFORCEMENT.—The Secretary may use
9 any authority under this section, including any en-
10 forcement action authorized under subsection (g), to
11 ensure the compliance of a State safety oversight
12 agency or State safety oversight program with this
13 subsection.”.

14 (b) DEADLINE; EFFECTIVE DATE.—

15 (1) SPECIAL DIRECTIVE ON RISK-BASED IN-
16 SPECTION PROGRAMS.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary of
18 Transportation shall issue each special directive re-
19 quired under section 5329(k)(5) of title 49, United
20 States Code (as added by subsection (a)).

21 (2) INSPECTION REQUIREMENTS.—Section
22 5329(k) of title 49, United States Code (as amended
23 by subsection (a)), shall apply with respect to a
24 State safety oversight agency on and after the date
25 that is 2 years after the date on which the Secretary

1 of Transportation issues the special directive to the
2 State safety oversight agency under paragraph (5)
3 of that section 5329(k).

4 (c) NO EFFECT ON INITIAL CERTIFICATION PROC-
5 ESS.—Nothing in this section or the amendments made
6 by this section affects the requirements for initial approval
7 of a State safety oversight program, including the initial
8 deadline, under section 5329(e)(3) of title 49, United
9 States Code.

10 **SEC. 30013. ADMINISTRATIVE PROVISIONS.**

11 Section 5334(h)(4) of title 49, United States Code,
12 is amended—

13 (1) by redesignating subparagraphs (B) and
14 (C) as subparagraphs (C) and (D), respectively; and

15 (2) by inserting after subparagraph (A) the fol-
16 lowing:

17 “(B) REIMBURSEMENT.—

18 “(i) FAIR MARKET VALUE OF LESS
19 THAN \$5,000.—With respect to rolling stock
20 and equipment with a unit fair market
21 value of \$5,000 or less per unit and un-
22 used supplies with a total aggregate fair
23 market value of \$5,000 or less that was
24 purchased using Federal financial assist-
25 ance under this chapter, the rolling stock,

1281

1 equipment, and supplies may be retained,
2 sold, or otherwise disposed of at the end of
3 the service life of the rolling stock, equip-
4 ment, or supplies without any obligation to
5 reimburse the Federal Transit Administra-
6 tion.

7 “(ii) FAIR MARKET VALUE OF MORE
8 THAN \$5,000.—

9 “(I) IN GENERAL.—With respect
10 to rolling stock and equipment with a
11 unit fair market value of more than
12 \$5,000 per unit and unused supplies
13 with a total aggregate fair market
14 value of more than \$5,000 that was
15 purchased using Federal financial as-
16 sistance under this chapter, the roll-
17 ing stock, equipment, and supplies
18 may be retained or sold at the end of
19 the service life of the rolling stock,
20 equipment, or supplies.

21 “(II) REIMBURSEMENT RE-
22 QUIRED.—If rolling stock, equipment,
23 or supplies described in subclause (I)
24 is sold, of the proceeds from the
25 sale—

1282

1 “(aa) the recipient shall re-
2 tain an amount equal to the sum
3 of—

4 “(AA) \$5,000; and
5 “(BB) of the remaining
6 proceeds, a percentage of
7 the amount equal to the
8 non-Federal share expended
9 by the recipient in making
10 the original purchase; and

11 “(bb) any amounts remain-
12 ing after application of item (aa)
13 shall be returned to the Federal
14 Transit Administration.

15 “(iii) ROLLING STOCK AND EQUIP-
16 MENT RETAINED.—Rolling stock, equip-
17 ment, or supplies described in clause (i) or
18 (ii) that is retained by a recipient under
19 those clauses may be used by the recipient
20 for other public transportation projects or
21 programs with no obligation to reimburse
22 the Federal Transit Administration, and
23 no approval of the Secretary to retain that
24 rolling stock, equipment, or supplies is re-
25 quired.”.

1 **SEC. 30014. NATIONAL TRANSIT DATABASE.**

2 Section 5335 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a), in the first sentence, by
5 inserting “geographic service area coverage,” after
6 “operating,”; and

7 (2) by striking subsection (c) and inserting the
8 following:

9 “(c) DATA REQUIRED TO BE REPORTED.—Each re-
10 cipient of a grant under this chapter shall report to the
11 Secretary, for inclusion in the national transit database
12 under this section—

13 “(1) any information relating to a transit asset
14 inventory or condition assessment conducted by the
15 recipient;

16 “(2) any data on assaults on transit workers of
17 the recipients; and

18 “(3) any data on fatalities that result from an
19 impact with a bus.”.

20 **SEC. 30015. APPORTIONMENT OF APPROPRIATIONS FOR**
21 **FORMULA GRANTS.**

22 (a) SMALL URBANIZED AREAS.—Section 5336(h)(3)
23 of title 49, United States Code, is amended by striking
24 “paragraphs (1) and (2)” and all that follows through “2
25 percent” in subparagraph (B) and inserting “paragraphs
26 (1) and (2), 3 percent”.

1 (b) FUNDING FOR STATE SAFETY OVERSIGHT PRO-
2 GRAM GRANTS.—

3 (1) IN GENERAL.—Section 5336(h)(4) of title
4 49, United States Code, is amended by striking “0.5
5 percent” and inserting “0.75 percent”.

6 (2) APPLICABILITY.—The amendment made by
7 paragraph (1) shall apply with respect to fiscal year
8 2022 and each fiscal year thereafter.

9 **SEC. 30016. STATE OF GOOD REPAIR GRANTS.**

10 Section 5337 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(f) COMPETITIVE GRANTS FOR RAIL VEHICLE RE-
13 PLACEMENT.—

14 “(1) IN GENERAL.—The Secretary may make
15 grants under this subsection to assist State and local
16 governmental authorities in financing capital
17 projects for the replacement of rail rolling stock.

18 “(2) GRANT REQUIREMENTS.—Except as other-
19 wise provided in this subsection, a grant under this
20 subsection shall be subject to the same terms and
21 conditions as a grant under subsection (b).

22 “(3) COMPETITIVE PROCESS.—The Secretary
23 shall solicit grant applications and make not more
24 than 3 new awards to eligible projects under this
25 subsection on a competitive basis each fiscal year.

1 “(4) CONSIDERATION.—In awarding grants
2 under this subsection, the Secretary shall consider—

3 “(A) the size of the rail system of the ap-
4 plicant;

5 “(B) the amount of funds available to the
6 applicant under this subsection;

7 “(C) the age and condition of the rail roll-
8 ing stock of the applicant that has exceeded or
9 will exceed the useful service life of the rail roll-
10 ing stock in the 5-year period following the
11 grant; and

12 “(D) whether the applicant has identified
13 replacement of the rail vehicles as a priority in
14 the investment prioritization portion of the
15 transit asset management plan of the recipient
16 pursuant to part 625 of title 49, Code of Fed-
17 eral Regulations (or successor regulations).

18 “(5) MAXIMUM SHARE OF COMPETITIVE GRANT
19 ASSISTANCE.—The amount of grant assistance pro-
20 vided by the Secretary under this subsection, as a
21 share of eligible project costs, shall be not more than
22 50 percent.

23 “(6) GOVERNMENT SHARE OF COST.—The Gov-
24 ernment share of the cost of an eligible project car-

1 ried out under this subsection shall not exceed 80
2 percent.

3 “(7) MULTI-YEAR GRANT AGREEMENTS.—

4 “(A) IN GENERAL.—An eligible project for
5 which a grant is provided under this subsection
6 may be carried out through a multi-year grant
7 agreement in accordance with this paragraph.

8 “(B) REQUIREMENTS.—A multi-year grant
9 agreement under this paragraph shall—

10 “(i) establish the terms of participa-
11 tion by the Federal Government in the
12 project; and

13 “(ii) establish the maximum amount
14 of Federal financial assistance for the
15 project that may be provided through
16 grant payments to be provided in not more
17 than 3 consecutive fiscal years.

18 “(C) FINANCIAL RULES.—A multi-year
19 grant agreement under this paragraph—

20 “(i) shall obligate an amount of avail-
21 able budget authority specified in law; and

22 “(ii) may include a commitment, con-
23 tingent on amounts to be specified in law
24 in advance for commitments under this
25 paragraph, to obligate an additional

1 amount from future available budget au-
2 thority specified in law.

3 “(D) STATEMENT OF CONTINGENT COM-
4 MITMENT.—A multi-year agreement under this
5 paragraph shall state that the contingent com-
6 mitment is not an obligation of the Federal
7 Government.”.

8 **SEC. 30017. AUTHORIZATIONS.**

9 Section 5338 of title 49, United States Code, is
10 amended to read as follows:

11 **“§ 5338. Authorizations**

12 “(a) GRANTS.—

13 “(1) IN GENERAL.—There shall be available
14 from the Mass Transit Account of the Highway
15 Trust Fund to carry out sections 5305, 5307, 5310,
16 5311, 5312, 5314, 5318, 5335, 5337, 5339, and
17 5340, section 20005(b) of the Federal Public Trans-
18 portation Act of 2012 (49 U.S.C. 5303 note; Public
19 Law 112–141), and section 3006(b) of the Federal
20 Public Transportation Act of 2015 (49 U.S.C. 5310
21 note; Public Law 114–94)—

22 “(A) \$13,355,000,000 for fiscal year 2022;

23 “(B) \$13,634,000,000 for fiscal year 2023;

24 “(C) \$13,990,000,000 for fiscal year 2024;

1288

1 “(D) \$14,279,000,000 for fiscal year
2 2025; and

3 “(E) \$14,642,000,000 for fiscal year 2026.

4 “(2) ALLOCATION OF FUNDS.—Of the amounts
5 made available under paragraph (1)—

6 “(A) \$184,647,343 for fiscal year 2022,
7 \$188,504,820 for fiscal year 2023,
8 \$193,426,906 for fiscal year 2024,
9 \$197,422,644 for fiscal year 2025, and
10 \$202,441,512 for fiscal year 2026 shall be
11 available to carry out section 5305;

12 “(B) \$13,157,184 for fiscal year 2022,
13 \$13,432,051 for fiscal year 2023, \$13,782,778
14 for fiscal year 2024, \$14,067,497 for fiscal year
15 2025, and \$14,425,121 for fiscal year 2026
16 shall be available to carry out section 20005(b)
17 of the Federal Public Transportation Act of
18 2012 (49 U.S.C. 5303 note; Public Law 112–
19 141);

20 “(C) \$6,408,288,249 for fiscal year 2022,
21 \$6,542,164,133 for fiscal year 2023,
22 \$6,712,987,840 for fiscal year 2024,
23 \$6,851,662,142 for fiscal year 2025, and
24 \$7,025,844,743 for fiscal year 2026 shall be al-
25 located in accordance with section 5336 to pro-

1 vide financial assistance for urbanized areas
2 under section 5307;

3 “(D) \$371,247,094 for fiscal year 2022,
4 \$379,002,836 for fiscal year 2023,
5 \$388,899,052 for fiscal year 2024,
6 \$396,932,778 for fiscal year 2025, and
7 \$407,023,583 for fiscal year 2026 shall be
8 available to provide financial assistance for
9 services for the enhanced mobility of seniors
10 and individuals with disabilities under section
11 5310;

12 “(E) \$4,605,014 for fiscal year 2022,
13 \$4,701,218 for fiscal year 2023, \$4,823,972 for
14 fiscal year 2024, \$4,923,624 for fiscal year
15 2025, and \$5,048,792 for fiscal year 2026 shall
16 be available for the pilot program for innovative
17 coordinated access and mobility under section
18 3006(b) of the Federal Public Transportation
19 Act of 2015 (49 U.S.C. 5310 note; Public Law
20 114–94);

21 “(F) \$875,289,555 for fiscal year 2022,
22 \$893,575,275 for fiscal year 2023,
23 \$916,907,591 for fiscal year 2024,
24 \$935,848,712 for fiscal year 2025, and
25 \$959,639,810 for fiscal year 2026 shall be

1290

1 available to provide financial assistance for
2 rural areas under section 5311;

3 “(G) \$36,840,115 for fiscal year 2022,
4 \$37,609,743 for fiscal year 2023, \$38,591,779
5 for fiscal year 2024, \$39,388,993 for fiscal year
6 2025, and \$40,390,337 for fiscal year 2026
7 shall be available to carry out section 5312, of
8 which—

9 “(i) \$5,000,000 for fiscal year 2022,
10 \$5,104,455 for fiscal year 2023,
11 \$5,237,739 for fiscal year 2024,
12 \$5,345,938 for fiscal year 2025, and
13 \$5,481,842 for fiscal year 2026 shall be
14 available to carry out section 5312(h); and

15 “(ii) \$6,578,592 for fiscal year 2022,
16 \$6,716,026 for fiscal year 2023,
17 \$6,891,389 for fiscal year 2024,
18 \$7,033,749 for fiscal year 2025, and
19 \$7,212,560 for fiscal year 2026 shall be
20 available to carry out section 5312(i);

21 “(H) \$11,841,465 for fiscal year 2022,
22 \$12,088,846 for fiscal year 2023, \$12,404,500
23 for fiscal year 2024, \$12,660,748 for fiscal year
24 2025, and \$12,982,608 for fiscal year 2026
25 shall be available to carry out section 5314, of

1291

1 which \$6,578,592 for fiscal year 2022,
2 \$6,716,026 for fiscal year 2023, \$6,891,389 for
3 fiscal year 2024, \$7,033,749 for fiscal year
4 2025, and \$7,212,560 for fiscal year 2026 shall
5 be available for the national transit institute
6 under section 5314(c);

7 “(I) \$5,000,000 for fiscal year 2022,
8 \$5,104,455 for fiscal year 2023, \$5,237,739 for
9 fiscal year 2024, \$5,345,938 for fiscal year
10 2025, and \$5,481,842 for fiscal year 2026 shall
11 be available for bus testing under section 5318;

12 “(J) \$131,000,000 for fiscal year 2022,
13 \$134,930,000 for fiscal year 2023,
14 \$138,977,900 for fiscal year 2024,
15 \$143,147,237 for fiscal year 2025, and
16 \$147,441,654 for fiscal year 2026 shall be
17 available to carry out section 5334;

18 “(K) \$5,262,874 for fiscal year 2022,
19 \$5,372,820 for fiscal year 2023, \$5,513,111 for
20 fiscal year 2024, \$5,626,999 for fiscal year
21 2025, and \$5,770,048 for fiscal year 2026 shall
22 be available to carry out section 5335;

23 “(L) \$3,515,528,226 for fiscal year 2022,
24 \$3,587,778,037 for fiscal year 2023,
25 \$3,680,934,484 for fiscal year 2024,

1292

1 \$3,755,675,417 for fiscal year 2025, and
2 \$3,850,496,668 for fiscal year 2026 shall be
3 available to carry out section 5337, of which
4 \$300,000,000 for each of fiscal years 2022
5 through 2026 shall be available to carry out
6 section 5337(f);

7 “(M) \$603,992,657 for fiscal year 2022,
8 \$616,610,699 for fiscal year 2023,
9 \$632,711,140 for fiscal year 2024,
10 \$645,781,441 for fiscal year 2025, and
11 \$662,198,464 for fiscal year 2026 shall be
12 available for the bus and buses facilities pro-
13 gram under section 5339(a);

14 “(N) \$447,257,433 for fiscal year 2022,
15 \$456,601,111 for fiscal year 2023,
16 \$468,523,511 for fiscal year 2024,
17 \$478,202,088 for fiscal year 2025, and
18 \$490,358,916 for fiscal year 2026 shall be
19 available for buses and bus facilities competitive
20 grants under section 5339(b) and no or low
21 emission grants under section 5339(c), of which
22 \$71,561,189 for fiscal year 2022, \$73,056,178
23 for fiscal year 2023, \$74,963,762 for fiscal year
24 2024, \$76,512,334 for fiscal year 2025, and

1293

1 \$78,457,427 for fiscal year 2026 shall be avail-
2 able to carry out section 5339(c); and

3 “(O) \$741,042,792 for fiscal year 2022,
4 \$756,523,956 for fiscal year 2023,
5 \$776,277,698 for fiscal year 2024,
6 \$792,313,742 for fiscal year 2025, and
7 \$812,455,901 for fiscal year 2026, to carry out
8 section 5340 to provide financial assistance for
9 urbanized areas under section 5307 and rural
10 areas under section 5311, of which—

11 “(i) \$392,752,680 for fiscal year
12 2022, \$400,957,696 for fiscal year 2023,
13 \$411,427,180 for fiscal year 2024,
14 \$419,926,283 for fiscal year 2025, and
15 \$430,601,628 for fiscal year 2026 shall be
16 for growing States under section 5340(c);
17 and

18 “(ii) \$348,290,112 for fiscal year
19 2022, \$355,566,259 for fiscal year 2023,
20 \$364,850,518 for fiscal year 2024,
21 \$372,387,459 for fiscal year 2025, and
22 \$381,854,274 for fiscal year 2026 shall be
23 for high density States under section
24 5340(d).

1 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
2 thORIZED to be appropriated to carry out section 5309 of
3 this title and section 3005(b) of the Federal Public Trans-
4 portation Act of 2015 (49 U.S.C. 5309 note; Public Law
5 114–94), \$3,000,000,000 for each of fiscal years 2022
6 through 2026.

7 “(c) OVERSIGHT.—

8 “(1) IN GENERAL.—Of the amounts made
9 available to carry out this chapter for a fiscal year,
10 the Secretary may use not more than the following
11 amounts for the activities described in paragraph
12 (2):

13 “(A) 0.5 percent of amounts made avail-
14 able to carry out section 5305.

15 “(B) 0.75 percent of amounts made avail-
16 able to carry out section 5307.

17 “(C) 1 percent of amounts made available
18 to carry out section 5309.

19 “(D) 1 percent of amounts made available
20 to carry out section 601 of the Passenger Rail
21 Investment and Improvement Act of 2008
22 (Public Law 110–432; 126 Stat. 4968).

23 “(E) 0.5 percent of amounts made avail-
24 able to carry out section 5310.

1 “(F) 0.5 percent of amounts made avail-
2 able to carry out section 5311.

3 “(G) 1 percent of amounts made available
4 to carry out section 5337, of which not less
5 than 0.25 percent of amounts made available
6 for this subparagraph shall be available to carry
7 out section 5329.

8 “(H) 0.75 percent of amounts made avail-
9 able to carry out section 5339.

10 “(2) ACTIVITIES.—The activities described in
11 this paragraph are as follows:

12 “(A) Activities to oversee the construction
13 of a major capital project.

14 “(B) Activities to review and audit the
15 safety and security, procurement, management,
16 and financial compliance of a recipient or sub-
17 recipient of funds under this chapter.

18 “(C) Activities to provide technical assist-
19 ance generally, and to provide technical assist-
20 ance to correct deficiencies identified in compli-
21 ance reviews and audits carried out under this
22 section.

23 “(D) Activities to carry out section 5334.

1296

1 “(3) GOVERNMENT SHARE OF COSTS.—The
2 Government shall pay the entire cost of carrying out
3 a contract under this subsection.

4 “(4) AVAILABILITY OF CERTAIN FUNDS.—
5 Funds made available under paragraph (1)(C) shall
6 be made available to the Secretary before allocating
7 the funds appropriated to carry out any project
8 under a full funding grant agreement.

9 “(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—

10 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
11 FUND.—A grant or contract that is approved by the
12 Secretary and financed with amounts made available
13 from the Mass Transit Account of the Highway
14 Trust Fund pursuant to this section is a contractual
15 obligation of the Government to pay the Government
16 share of the cost of the project.

17 “(2) GRANTS FINANCED FROM GENERAL
18 FUND.—A grant or contract that is approved by the
19 Secretary and financed with amounts appropriated
20 in advance from the General Fund of the Treasury
21 pursuant to this section is a contractual obligation
22 of the Government to pay the Government share of
23 the cost of the project only to the extent that
24 amounts are appropriated for such purpose by an
25 Act of Congress.

1 “(e) AVAILABILITY OF AMOUNTS.—Amounts made
2 available by or appropriated under this section shall re-
3 main available until expended.”.

4 **SEC. 30018. GRANTS FOR BUSES AND BUS FACILITIES.**

5 Section 5339 of title 49, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (5)(A)—

9 (i) by striking “\$90,500,000 for each
10 of fiscal years 2016 through 2020” and in-
11 sserting “\$206,000,000 each fiscal year”;

12 (ii) by striking “\$1,750,000” and in-
13 sserting “\$4,000,000”; and

14 (iii) by striking “\$500,000” and in-
15 sserting “\$1,000,000”; and

16 (B) by adding at the end the following:

17 “(10) MAXIMIZING USE OF FUNDS.—

18 “(A) IN GENERAL.—Eligible recipients and
19 subrecipients under this subsection should, to
20 the extent practicable, seek to utilize the pro-
21 curement tools authorized under section 3019
22 of the FAST Act (49 U.S.C. 5325 note; Public
23 Law 114–94).

24 “(B) WRITTEN EXPLANATION.—If an eligi-
25 ble recipient or subrecipient under this sub-

1 section purchases less than 5 buses through a
2 standalone procurement, the eligible recipient or
3 subrecipient shall provide to the Secretary a
4 written explanation regarding why the tools au-
5 thorized under section 3019 of the FAST Act
6 (49 U.S.C. 5325 note; Public Law 114–94)
7 were not utilized.”;

8 (2) in subsection (b)—

9 (A) by striking paragraph (5) and insert-
10 ing the following:

11 “(5) RURAL PROJECTS.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), not less than 15 percent of the
14 amounts made available under this subsection
15 in a fiscal year shall be distributed to projects
16 in rural areas.

17 “(B) UNUTILIZED AMOUNTS.—The Sec-
18 retary may use less than 15 percent of the
19 amounts made available under this subsection
20 in a fiscal year for the projects described in
21 subparagraph (A) if the Secretary cannot meet
22 the requirement of that subparagraph due to
23 insufficient eligible applications.”; and

24 (B) by adding at the end the following:

1 “(9) COMPETITIVE PROCESS.—The Secretary
2 shall—

3 “(A) not later than 30 days after the date
4 on which amounts are made available for obli-
5 gation under this subsection for a full fiscal
6 year, solicit grant applications for eligible
7 projects on a competitive basis; and

8 “(B) award a grant under this subsection
9 based on the solicitation under subparagraph
10 (A) not later than the earlier of—

11 “(i) 75 days after the date on which
12 the solicitation expires; or

13 “(ii) the end of the fiscal year in
14 which the Secretary solicited the grant ap-
15 plications.

16 “(10) CONTINUED USE OF PARTNERSHIPS.—

17 “(A) IN GENERAL.—An eligible recipient
18 of a grant under this subsection may submit an
19 application in partnership with other entities,
20 including a transit vehicle manufacturer that
21 intends to participate in the implementation of
22 a project under this subsection and subsection
23 (c).

24 “(B) COMPETITIVE PROCUREMENT.—
25 Projects awarded with partnerships under this

1 subsection shall be considered to satisfy the re-
2 quirement for a competitive procurement under
3 section 5325.

4 “(11) MAXIMIZING USE OF FUNDS.—

5 “(A) IN GENERAL.—Eligible recipients
6 under this subsection should, to the extent
7 practicable, seek to utilize the procurement
8 tools authorized under section 3019 of the
9 FAST Act (49 U.S.C. 5325 note; Public Law
10 114–94).

11 “(B) WRITTEN EXPLANATION.—If an eligi-
12 ble recipient under this subsection purchases
13 less than 5 buses through a standalone procure-
14 ment, the eligible recipient shall provide to the
15 Secretary a written explanation regarding why
16 the tools authorized under section 3019 of the
17 FAST Act (49 U.S.C. 5325 note; Public Law
18 114–94) were not utilized.”;

19 (3) in subsection (c)—

20 (A) in paragraph (3)—

21 (i) by amending subparagraph (A) to
22 read as follows:

23 “(A) IN GENERAL.—A grant under this
24 subsection shall be subject to—

1301

1 “(i) with respect to eligible recipients
2 in urbanized areas, section 5307; and

3 “(ii) with respect to eligible recipients
4 in rural areas, section 5311.”; and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(D) FLEET TRANSITION PLAN.—In
8 awarding grants under this subsection or under
9 subsection (b) for projects related to zero emis-
10 sion vehicles, the Secretary shall require the ap-
11 plicant to submit a zero emission transition
12 plan, which, at a minimum—

13 “(i) demonstrates a long-term fleet
14 management plan with a strategy for how
15 the applicant intends to use the current
16 application and future acquisitions;

17 “(ii) addresses the availability of cur-
18 rent and future resources to meet costs;

19 “(iii) considers policy and legislation
20 impacting technologies;

21 “(iv) includes an evaluation of existing
22 and future facilities and their relationship
23 to the technology transition;

1 “(v) describes the partnership of the
2 applicant with the utility or alternative fuel
3 provider of the applicant; and

4 “(vi) examines the impact of the tran-
5 sition on the applicant’s current workforce
6 by identifying skill gaps, training needs,
7 and retraining needs of the existing work-
8 ers of the applicant to operate and main-
9 tain zero emission vehicles and related in-
10 frastructure and avoids the displacement of
11 the existing workforce.”;

12 (B) by striking paragraph (5) and insert-
13 ing the following:

14 “(5) CONSIDERATION.—In awarding grants
15 under this subsection, the Secretary—

16 “(A) shall consider eligible projects relat-
17 ing to the acquisition or leasing of low or no
18 emission buses or bus facilities that make
19 greater reductions in energy consumption and
20 harmful emissions, including direct carbon
21 emissions, than comparable standard buses or
22 other low or no emission buses; and

23 “(B) shall, for no less than 25 percent of
24 the funds made available to carry out this sub-
25 section, only consider eligible projects related to

1303

1 the acquisition of low or no emission buses or
2 bus facilities other than zero emission vehicles
3 and related facilities.”; and

4 (C) by adding at the end the following:

5 “(8) CONTINUED USE OF PARTNERSHIPS.—

6 “(A) IN GENERAL.—A recipient of a grant
7 under this subsection may submit an applica-
8 tion in partnership with other entities, including
9 a transit vehicle manufacturer, that intends to
10 participate in the implementation of an eligible
11 project under this subsection.

12 “(B) COMPETITIVE PROCUREMENT.—Eligi-
13 ble projects awarded with partnerships under
14 this subsection shall be considered to satisfy the
15 requirement for a competitive procurement
16 under section 5325.”; and

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

18 “(d) WORKFORCE DEVELOPMENT TRAINING ACTIVI-
19 TIES.—5 percent of grants related to zero emissions vehi-
20 cles (as defined in subsection (c)(1)) or related infrastruc-
21 ture under subsection (b) or (c) shall be used by recipients
22 to fund workforce development training, as described in
23 section 5314(b)(2) (including registered apprenticeships
24 and other labor-management training programs) under
25 the recipient’s plan to address the impact of the transition

1 to zero emission vehicles on the applicant’s current work-
2 force under subsection (c)(3)(D), unless the recipient cer-
3 tifies a smaller percentage is necessary to carry out that
4 plan.”.

5 **SEC. 30019. WASHINGTON METROPOLITAN AREA TRANSIT**
6 **AUTHORITY SAFETY, ACCOUNTABILITY, AND**
7 **INVESTMENT.**

8 (a) DEFINITIONS.—In this section:

9 (1) BOARD.—The term “Board” means the
10 Board of Directors of the Transit Authority.

11 (2) COMPACT.—The term “Compact” means
12 the Washington Metropolitan Area Transit Author-
13 ity Compact consented to by Congress under Public
14 Law 89–774 (80 Stat. 1324).

15 (3) COVERED RECIPIENT.—The term “covered
16 recipient” means—

17 (A)(i) the Committee on Banking, Hous-
18 ing, and Urban Affairs of the Senate;

19 (ii) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 (iii) the Committee on Transportation and
22 Infrastructure of the House of Representatives;
23 and

24 (iv) the Committee on Oversight and Re-
25 form of the House of Representatives;

- 1 (B)(i) the Governor of Maryland;
2 (ii) the President of the Maryland Senate;
3 and
4 (iii) the Speaker of the Maryland House of
5 Delegates;
- 6 (C)(i) the Governor of Virginia;
7 (ii) the President of the Virginia Senate;
8 and
9 (iii) the Speaker of the Virginia House of
10 Delegates;
- 11 (D)(i) the Mayor of the District of Colum-
12 bia; and
13 (ii) the Chairman of the Council of the
14 District of Columbia; and
- 15 (E) the Chairman of the Northern Virginia
16 Transportation Commission.

17 (4) INSPECTOR GENERAL; OFFICE OF THE IN-
18 SPECTOR GENERAL.—The terms “Inspector Gen-
19 eral” and “Office of Inspector General” mean the
20 Inspector General and the Office of Inspector Gen-
21 eral, respectively, of the Transit Authority.

22 (5) TRANSIT AUTHORITY.—The term “Transit
23 Authority” means the Washington Metropolitan
24 Area Transit Authority established under Article III
25 of the Compact.

1 (b) REAUTHORIZATION OF CAPITAL AND PREVEN-
2 TIVE MAINTENANCE GRANTS TO WASHINGTON METRO-
3 POLITAN AREA TRANSIT AUTHORITY.—Section 601(f) of
4 the Passenger Rail Investment and Improvement Act of
5 2008 (division B of Public Law 110–432; 122 Stat. 4970)
6 is amended by striking “an aggregate amount” and all
7 that follows through the period at the end and inserting
8 “\$150,000,000 for each of fiscal years 2022 through
9 2030.”.

10 (c) FUNDS FOR WASHINGTON METROPOLITAN AREA
11 TRANSIT AUTHORITY’S INSPECTOR GENERAL.—Title VI
12 of the Passenger Rail Investment and Improvement Act
13 of 2008 (division B of Public Law 110–432; 122 Stat.
14 4968) is amended by adding at the end the following:

15 **“SEC. 602. FUNDING FOR INSPECTOR GENERAL.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COMPACT.—The term ‘Compact’ means
18 the Washington Metropolitan Area Transit Author-
19 ity Compact consented to by Congress under Public
20 Law 89–774 (80 Stat. 1324).

21 “(2) SECRETARY.—The term ‘Secretary’ means
22 the Secretary of Transportation.

23 “(3) TRANSIT AUTHORITY.—The term ‘Transit
24 Authority’ has the meaning given the term in section
25 601(a)(2).

1 “(b) FUNDING FOR OFFICE OF INSPECTOR GENERAL
2 OF THE WASHINGTON METROPOLITAN AREA TRANSIT
3 AUTHORITY.—Subject to subsection (c), of the amounts
4 authorized to be appropriated for a fiscal year under sec-
5 tion 601(f), the Secretary shall use \$5,000,000 for grants
6 to the Transit Authority for use exclusively by the Office
7 of Inspector General of the Transit Authority for the oper-
8 ations of the Office in accordance with Section 9 of Article
9 III of the Compact, to remain available until expended.

10 “(c) MATCHING INSPECTOR GENERAL FUNDS RE-
11 QUIRED FROM TRANSIT AUTHORITY.—The Secretary may
12 not provide any amounts to the Transit Authority for a
13 fiscal year under subsection (b) until the Transit Author-
14 ity notifies the Secretary that the Transit Authority has
15 made available \$5,000,000 in non-Federal funds for that
16 fiscal year for use exclusively by the Office of Inspector
17 General of the Transit Authority for the operations of the
18 Office in accordance with Section 9 of Article III of the
19 Compact.”.

20 (d) REFORMS TO OFFICE OF INSPECTOR GEN-
21 ERAL.—

22 (1) SENSE OF CONGRESS.—Congress recognizes
23 the importance of the Transit Authority having a
24 strong and independent Office of Inspector General,

1 as codified in subsections (a) and (d) of Section 9
2 of Article III of the Compact.

3 (2) REFORMS.—The Secretary of Transpor-
4 tation may not provide any amounts to the Transit
5 Authority under section 601(f) of the Passenger Rail
6 Investment and Improvement Act of 2008 (division
7 B of Public Law 110–432; 122 Stat. 4968) (as
8 amended by subsection (b)), until the Secretary of
9 Transportation certifies that the Board has passed
10 a resolution that—

11 (A) provides that, for each fiscal year, the
12 Office of Inspector General shall transmit a
13 budget estimate and request to the Board speci-
14 fying the aggregate amount of funds requested
15 for the fiscal year for the operations of the Of-
16 fice of Inspector General;

17 (B) delegates to the Inspector General, to
18 the extent possible under the Compact and in
19 accordance with each applicable Federal law or
20 regulation, contracting officer authority, subject
21 to the requirement that the Inspector General
22 exercise that authority—

23 (i) in accordance with Section 73 of
24 Article XVI of the Compact, after working
25 with the Transit Authority to amend pro-

1 curement policies and procedures to give
2 the Inspector General approving authority
3 for exceptions to those policies and proce-
4 dures; and

5 (ii) only as is necessary to carry out
6 the duties of the Office of Inspector Gen-
7 eral;

8 (C) delegates to the Inspector General, to
9 the extent possible under the Compact and in
10 accordance with each applicable Federal law or
11 regulation—

12 (i) the authority to select, appoint,
13 and employ such officers and employees as
14 may be necessary for carrying out the du-
15 ties of the Office of Inspector General,
16 subject to the requirement that the Inspec-
17 tor General exercise that authority in ac-
18 cordance with—

19 (I) subsections (g) and (h) of
20 Section 12 of Article V of the Com-
21 pact; and

22 (II) personnel policies and proce-
23 dures of the Transit Authority; and

24 (ii) approving authority, subject to the
25 approval of the Board, for exceptions to

1 policies that impact the independence of
2 the Office of Inspector General, but those
3 exceptions may not include the use of em-
4 ployee benefits and pension plans other
5 than the employee benefits and pension
6 plans of the Transit Authority;

7 (D)(i) ensures that the Inspector General
8 obtains legal advice from a counsel reporting di-
9 rectly to the Inspector General; and

10 (ii) prohibits the counsel described in
11 clause (i) from—

12 (I) providing legal advice for or on be-
13 half of the Transit Authority;

14 (II) issuing a legal opinion on behalf
15 of the Transit Authority or making a
16 statement about a legal position of the
17 Transit Authority; or

18 (III) waiving any privilege or protec-
19 tion from disclosure on any matter under
20 the jurisdiction of the Transit Authority;
21 and

22 (E) requires the Inspector General to—

23 (i) post any report containing a rec-
24 ommendation for corrective action to the
25 website of the Office of Inspector General

1311

1 not later than 3 days after the report is
2 submitted in final form to the Board, ex-
3 cept that—

4 (I) the Inspector General shall, if
5 required by law or otherwise appro-
6 priate, redact—

7 (aa) personally identifiable
8 information;

9 (bb) legally privileged infor-
10 mation;

11 (cc) information legally pro-
12 hibited from disclosure; and

13 (dd) information that, in the
14 determination of the Inspector
15 General, would pose a security
16 risk to the systems of the Transit
17 Authority; and

18 (II) with respect to any investiga-
19 tive findings in a case involving ad-
20 ministrative misconduct, whether in-
21 cluded in a recommendation or other-
22 wise, the Inspector General shall pub-
23 lish only a summary of the findings,
24 which summary shall be redacted in

1312

1 accordance with the procedures set
2 forth in subclause (I);

3 (ii) submit a semiannual report con-
4 taining recommendations of corrective ac-
5 tion to the Board, which the Board shall
6 transmit not later than 30 days after re-
7 ceipt of the report, together with any com-
8 ments the Board determines appropriate,
9 to—

10 (I) each covered recipient de-
11 scribed in subsection (a)(3)(A); and

12 (II) any other recipients that the
13 Board determines appropriate; and

14 (iii) not later than 2 years after the
15 date of enactment of this Act and 5 years
16 after the date of enactment of this Act,
17 submit to each covered recipient a report
18 that—

19 (I) describes the implementation
20 by the Transit Authority of the re-
21 forms required under, and the use by
22 the Transit Authority of the funding
23 authorized under—

24 (aa) chapter 34 of title 33.2
25 of the Code of Virginia;

1313

1 (bb) section 10–205 of the
2 Transportation Article of the
3 Code of Maryland; and

4 (cc) section 6002 of the
5 Dedicated WMATA Funding and
6 Tax Changes Affecting Real
7 Property and Sales Amendment
8 Act of 2018 (1–325.401, D.C.
9 Official Code); and

10 (II) contains—

11 (aa) an assessment of the
12 effective use of the funding de-
13 scribed in subclause (I) to ad-
14 dress major capital improvement
15 projects;

16 (bb) a discussion of compli-
17 ance with strategic plan dead-
18 lines;

19 (cc) an examination of com-
20 pliance with the reform require-
21 ments under the laws described
22 in subclause (I), including identi-
23 fying any challenges to compli-
24 ance or implementation; and

1314

1 (dd) recommendations to the
2 Transit Authority to improve im-
3 plementation.

4 (e) CAPITAL PROGRAM AND PLANNING.—

5 (1) CAPITAL PLANNING PROCEDURES.—The
6 Transit Authority may not expend any amounts re-
7 ceived under section 602(b) of the Passenger Rail
8 Investment and Improvement Act of 2008 (division
9 B of Public Law 110–432; 122 Stat. 4968), (as
10 added by subsection (c)), until the General Manager
11 of the Transit Authority certifies to the Secretary of
12 Transportation that the Transit Authority has im-
13 plemented—

14 (A) documented policies and procedures for
15 the capital planning process that include—

16 (i) a process that aligns projects to
17 the strategic goals of the Transit Author-
18 ity; and

19 (ii) a process to develop total project
20 costs and alternatives for all major capital
21 projects (as defined in section 633.5 of
22 title 49, Code of Federal Regulations (or
23 successor regulations));

24 (B) a transit asset management planning
25 process that includes —

1315

1 (i) asset inventory and condition as-
2 sessment procedures; and

3 (ii) procedures to develop a data set of
4 track, guideway, and infrastructure sys-
5 tems, including tunnels, bridges, and com-
6 munications assets, that complies with the
7 transit asset management regulations of
8 the Secretary of Transportation under part
9 625 of title 49, Code of Federal Regula-
10 tions (or successor regulations); and

11 (C) performance measures, aligned with
12 the strategic goals of the Transit Authority, to
13 assess the effectiveness and outcomes of major
14 capital projects.

15 (2) ANNUAL REPORT.—As a condition of receiv-
16 ing amounts under section 602(b) of the Passenger
17 Rail Investment and Improvement Act of 2008 (divi-
18 sion B of Public Law 110–432; 122 Stat. 4968) (as
19 added by subsection (c)), the Transit Authority shall
20 submit an annual report detailing the Capital Im-
21 provement Program of the Transit Agency approved
22 by the Board and compliance with the transit asset
23 management regulations of the Secretary of Trans-
24 portation under part 625 of title 49, Code of Fed-
25 eral Regulations (or successor regulations), to—

1 (A) each covered recipient; and

2 (B) any other recipient that the Board de-
3 termines appropriate.

4 (f) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the Transit Authority should—

6 (1) continue to prioritize the implementation of
7 new technological systems that include robust cyber-
8 security protections; and

9 (2) prioritize continued integration of new wire-
10 less services and emergency communications net-
11 works, while also leveraging partnerships with mobil-
12 ity services to improve the competitiveness of the
13 core business.

14 (g) ADDITIONAL REPORTING.—

15 (1) IN GENERAL.—Not later than 3 years after
16 the date of enactment of this Act, the Comptroller
17 General of the United States shall submit to the
18 congressional committees described in paragraph (2)
19 a report that—

20 (A) assesses whether the reforms required
21 under subsection (d) (relating to strengthening
22 the independence of the Office of Inspector
23 General) have been implemented; and

24 (B) assesses—

1317

1 (i) whether the reforms required
2 under subsection (g) have been imple-
3 mented; and

4 (ii) the impact of those reforms on the
5 capital planning process of the Transit Au-
6 thority.

7 (2) CONGRESSIONAL COMMITTEES.—The con-
8 gressional committees described in this paragraph
9 are—

10 (A) the Committee on Banking, Housing,
11 and Urban Affairs of the Senate;

12 (B) the Committee on Homeland Security
13 and Governmental Affairs of the Senate;

14 (C) the Committee on Transportation and
15 Infrastructure of the House of Representatives;
16 and

17 (D) the Committee on Oversight and Re-
18 form of the House of Representatives.

19 **DIVISION D—ENERGY**

20 **SEC. 40001. DEFINITIONS.**

21 In this division:

22 (1) DEPARTMENT.—The term “Department”
23 means the Department of Energy.

24 (2) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 **TITLE I—GRID INFRASTRUC-**
6 **TURE AND RESILIENCY**

7 **Subtitle A—Grid Infrastructure**
8 **Resilience and Reliability**

9 **SEC. 40101. PREVENTING OUTAGES AND ENHANCING THE**
10 **RESILIENCE OF THE ELECTRIC GRID.**

11 (a) DEFINITIONS.—In this section:

12 (1) DISRUPTIVE EVENT.—The term “disruptive
13 event” means an event in which operations of the
14 electric grid are disrupted, preventively shut off, or
15 cannot operate safely due to extreme weather, wild-
16 fire, or a natural disaster.

17 (2) ELIGIBLE ENTITY.—The term “eligible enti-
18 ty” means—

19 (A) an electric grid operator;

20 (B) an electricity storage operator;

21 (C) an electricity generator;

22 (D) a transmission owner or operator;

23 (E) a distribution provider;

24 (F) a fuel supplier; and

1 (G) any other relevant entity, as deter-
2 mined by the Secretary.

3 (3) NATURAL DISASTER.—The term “natural
4 disaster” has the meaning given the term in section
5 602(a) of the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5195a(a)).

7 (4) POWER LINE.—The term “power line” in-
8 cludes a transmission line or a distribution line, as
9 applicable.

10 (5) PROGRAM.—The term “program” means
11 the program established under subsection (b).

12 (b) ESTABLISHMENT OF PROGRAM.—Not later than
13 180 days after the date of enactment of this Act, the Sec-
14 retary shall establish a program under which the Secretary
15 shall make grants to eligible entities, States, and Indian
16 Tribes in accordance with this section.

17 (c) GRANTS TO ELIGIBLE ENTITIES.—

18 (1) IN GENERAL.—The Secretary may make a
19 grant under the program to an eligible entity to
20 carry out activities that—

21 (A) are supplemental to existing hardening
22 efforts of the eligible entity planned for any
23 given year; and

1320

1 (B)(i) reduce the risk of any power lines
2 owned or operated by the eligible entity causing
3 a wildfire; or

4 (ii) increase the ability of the eligible entity
5 to reduce the likelihood and consequences of
6 disruptive events.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—An eligible entity desir-
9 ing a grant under the program shall submit to
10 the Secretary an application at such time, in
11 such manner, and containing such information
12 as the Secretary may require.

13 (B) REQUIREMENT.—As a condition of re-
14 ceiving a grant under the program, an eligible
15 entity shall submit to the Secretary, as part of
16 the application of the eligible entity submitted
17 under subparagraph (A), a report detailing
18 past, current, and future efforts by the eligible
19 entity to reduce the likelihood and consequences
20 of disruptive events.

21 (3) LIMITATION.—The Secretary may not
22 award a grant to an eligible entity in an amount
23 that is greater than the total amount that the eligi-
24 ble entity has spent in the previous 3 years on ef-

1 forts to reduce the likelihood and consequences of
2 disruptive events.

3 (4) PRIORITY.—In making grants to eligible en-
4 tities under the program, the Secretary shall give
5 priority to projects that, in the determination of the
6 Secretary, will generate the greatest community ben-
7 efit (whether rural or urban) in reducing the likeli-
8 hood and consequences of disruptive events.

9 (5) SMALL UTILITIES SET ASIDE.—The Sec-
10 retary shall ensure that not less than 30 percent of
11 the amounts made available to eligible entities under
12 the program are made available to eligible entities
13 that sell not more than 4,000,000 megawatt hours
14 of electricity per year.

15 (d) GRANTS TO STATES AND INDIAN TRIBES.—

16 (1) IN GENERAL.—The Secretary, in accord-
17 ance with this subsection, may make grants under
18 the program to States and Indian Tribes, which
19 each State or Indian Tribe may use to award grants
20 to eligible entities.

21 (2) ANNUAL APPLICATION.—

22 (A) IN GENERAL.—For each fiscal year, to
23 be eligible to receive a grant under this sub-
24 section, a State or Indian Tribe shall submit to

1 the Secretary an application that includes a
2 plan described in subparagraph (B).

3 (B) PLAN REQUIRED.—A plan prepared by
4 a State or Indian Tribe for purposes of an ap-
5 plication described in subparagraph (A) shall—

6 (i) describe the criteria and methods
7 that will be used by the State or Indian
8 Tribe to award grants to eligible entities;

9 (ii) be adopted after notice and a pub-
10 lic hearing; and

11 (iii) describe the proposed funding
12 distributions and recipients of the grants
13 to be provided by the State or Indian
14 Tribe.

15 (3) DISTRIBUTION OF FUNDS.—

16 (A) IN GENERAL.—The Secretary shall
17 provide grants to States and Indian Tribes
18 under this subsection based on a formula deter-
19 mined by the Secretary, in accordance with sub-
20 paragraph (B).

21 (B) REQUIREMENT.—The formula referred
22 to in subparagraph (A) shall be based on the
23 following factors:

24 (i) The total population of the State
25 or Indian Tribe.

1323

1 (ii)(I) The total area of the State or
2 the land of the Indian Tribe; or

3 (II) the areas in the State or on the
4 land of the Indian Tribe with a low ratio
5 of electricity customers per mileage of
6 power lines.

7 (iii) The probability of disruptive
8 events in the State or on the land of the
9 Indian Tribe during the previous 10 years,
10 as determined based on the number of fed-
11 erally declared disasters or emergencies in
12 the State or on the land of the Indian
13 Tribe, as applicable, including—

14 (I) disasters for which Fire Man-
15 agement Assistance Grants are pro-
16 vided under section 420 of the Robert
17 T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C.
19 5187);

20 (II) major disasters declared by
21 the President under section 401 of
22 that Act (42 U.S.C. 5170);

23 (III) emergencies declared by the
24 President under section 501 of that
25 Act (42 U.S.C. 5191); and

1324

1 (IV) any other federally declared
2 disaster or emergency in the State or
3 on the land of the Indian Tribe.

4 (iv) The number and severity, meas-
5 ured by population and economic impacts,
6 of disruptive events experienced by the
7 State or Indian Tribe on or after January
8 1, 2011.

9 (v) The total amount, on a per capita
10 basis, of public and private expenditures
11 during the previous 10 years to carry out
12 mitigation efforts to reduce the likelihood
13 and consequences of disruptive events in
14 the State or on the land of the Indian
15 Tribe, with States or Indian Tribes with
16 higher per capita expenditures receiving
17 additional weight or consideration as com-
18 pared to States or Indian Tribes with
19 lower per capita expenditures.

20 (C) ANNUAL UPDATE OF DATA USED IN
21 DISTRIBUTION OF FUNDS.—Beginning 1 year
22 after the date of enactment of this Act, the Sec-
23 retary shall annually update—

24 (i) all data relating to the factors de-
25 scribed in subparagraph (B); and

1 (ii) all other data used in distributing
2 grants to States and Indian Tribes under
3 this subsection.

4 (4) OVERSIGHT.—The Secretary shall ensure
5 that each grant provided to a State or Indian Tribe
6 under the program is allocated, pursuant to the ap-
7 plicable plan of the State or Indian Tribe, to eligible
8 entities for projects within the State or on the land
9 of the Indian Tribe.

10 (5) PRIORITY.—In making grants to eligible en-
11 tities using funds made available to the applicable
12 State or Indian Tribe under the program, the State
13 or Indian Tribe shall give priority to projects that,
14 in the determination of the State or Indian Tribe,
15 will generate the greatest community benefit (wheth-
16 er rural or urban) in reducing the likelihood and
17 consequences of disruptive events.

18 (6) SMALL UTILITIES SET ASIDE.—A State or
19 Indian Tribe receiving a grant under the program
20 shall ensure that, of the amounts made available to
21 eligible entities from funds made available to the
22 State or Indian Tribe under the program, the per-
23 centage made available to eligible entities that sell
24 not more than 4,000,000 megawatt hours of elec-
25 tricity per year is not less than the percentage of all

1 customers in the State or Indian Tribe that are
2 served by those eligible entities.

3 (7) TECHNICAL ASSISTANCE AND ADMINISTRA-
4 TIVE EXPENSES.—Of the amounts made available to
5 a State or Indian Tribe under the program each fis-
6 cal year, the State or Indian Tribe may use not
7 more than 5 percent for—

8 (A) providing technical assistance under
9 subsection (g)(1)(A); and

10 (B) administrative expenses associated
11 with the program.

12 (8) MATCHING REQUIREMENT.—Each State
13 and Indian Tribe shall be required to match 15 per-
14 cent of the amount of each grant provided to the
15 State or Indian Tribe under the program.

16 (e) USE OF GRANTS.—

17 (1) IN GENERAL.—A grant awarded to an eligi-
18 ble entity under the program may be used for activi-
19 ties, technologies, equipment, and hardening meas-
20 ures to reduce the likelihood and consequences of
21 disruptive events, including—

22 (A) weatherization technologies and equip-
23 ment;

24 (B) fire-resistant technologies and fire pre-
25 vention systems;

- 1 (C) monitoring and control technologies;
- 2 (D) the undergrounding of electrical equip-
- 3 ment;
- 4 (E) utility pole management;
- 5 (F) the relocation of power lines or the
- 6 reconductoring of power lines with low-sag, ad-
- 7 vanced conductors;
- 8 (G) vegetation and fuel-load management;
- 9 (H) the use or construction of distributed
- 10 energy resources for enhancing system adaptive
- 11 capacity during disruptive events, including—
- 12 (i) microgrids; and
- 13 (ii) battery-storage subcomponents;
- 14 (I) adaptive protection technologies;
- 15 (J) advanced modeling technologies;
- 16 (K) hardening of power lines, facilities,
- 17 substations, of other systems; and
- 18 (L) the replacement of old overhead con-
- 19 ductors and underground cables.

20 (2) PROHIBITIONS AND LIMITATIONS.—

21 (A) IN GENERAL.—A grant awarded to an

22 eligible entity under the program may not be

23 used for—

- 24 (i) construction of a new—
- 25 (I) electric generating facility; or

1328

1 (II) large-scale battery-storage
2 facility that is not used for enhancing
3 system adaptive capacity during dis-
4 ruptive events; or
5 (ii) cybersecurity.

6 (B) CERTAIN INVESTMENTS ELIGIBLE FOR
7 RECOVERY.—

8 (i) IN GENERAL.—An eligible entity
9 may not seek cost recovery for the portion
10 of the cost of any system, technology, or
11 equipment that is funded through a grant
12 awarded under the program.

13 (ii) SAVINGS PROVISION.—Nothing in
14 this subparagraph prohibits an eligible en-
15 tity from recovering through traditional or
16 incentive-based ratemaking any portion of
17 an investment in a system, technology, or
18 equipment that is not funded by a grant
19 awarded under the program.

20 (C) APPLICATION LIMITATIONS.—An eligi-
21 ble entity may not submit an application for a
22 grant provided by the Secretary under sub-
23 section (c) and a grant provided by a State or
24 Indian Tribe pursuant to subsection (d) during
25 the same application cycle.

1 (f) DISTRIBUTION OF FUNDING.—Of the amounts
2 made available to carry out the program for a fiscal year,
3 the Secretary shall ensure that—

4 (1) 50 percent is used to award grants to eligi-
5 ble entities under subsection (c); and

6 (2) 50 percent is used to make grants to States
7 and Indian Tribes under subsection (d).

8 (g) TECHNICAL AND OTHER ASSISTANCE.—

9 (1) IN GENERAL.—The Secretary, States, and
10 Indian Tribes may—

11 (A) provide technical assistance and facili-
12 tate the distribution and sharing of information
13 to reduce the likelihood and consequences of
14 disruptive events; and

15 (B) promulgate consumer-facing informa-
16 tion and resources to inform the public of best
17 practices and resources relating to reducing the
18 likelihood and consequences of disruptive
19 events.

20 (2) USE OF FUNDS BY THE SECRETARY.—Of
21 the amounts made available to the Secretary to
22 carry out the program each fiscal year, the Secretary
23 may use not more than 5 percent for—

24 (A) providing technical assistance under
25 paragraph (1)(A); and

1330

1 (B) administrative expenses associated
2 with the program.

3 (h) MATCHING REQUIREMENT.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), an eligible entity that receives a grant
6 under this section shall be required to match 100
7 percent of the amount of the grant.

8 (2) EXCEPTION FOR SMALL UTILITIES.—An eli-
9 gible entity that sells not more than 4,000,000
10 megawatt hours of electricity per year shall be re-
11 quired to match $\frac{1}{3}$ of the amount of the grant.

12 (i) BIENNIAL REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, and every 2 years
15 thereafter through 2026, the Secretary shall submit
16 to the Committee on Energy and Natural Resources
17 of the Senate and the Committee on Energy and
18 Commerce of the House of Representatives a report
19 describing the program.

20 (2) REQUIREMENTS.—The report under para-
21 graph (1) shall include information and data on—

22 (A) the costs of the projects for which
23 grants are awarded to eligible entities;

1331

1 (B) the types of activities, technologies,
2 equipment, and hardening measures funded by
3 those grants; and

4 (C) the extent to which the ability of the
5 power grid to withstand disruptive events has
6 increased.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary to carry
9 out the program \$5,000,000,000 for the period of fiscal
10 years 2022 through 2026.

11 **SEC. 40102. HAZARD MITIGATION USING DISASTER ASSIST-**
12 **ANCE.**

13 Section 404(f)(12) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5170c(f)(12)) is amended—

16 (1) by inserting “and wildfire” after “wind-
17 storm”;

18 (2) by striking “including replacing” and in-
19 serting the following: “including—

20 “(A) replacing”;

21 (3) in subparagraph (A) (as so designated)—

22 (A) by inserting “, wildfire,” after “ex-
23 treme wind”; and

24 (B) by adding “and” after the semicolon
25 at the end; and

1 (4) by adding at the end the following:

2 “(B) the installation of fire-resistant wires
3 and infrastructure and the undergrounding of
4 wires;”.

5 **SEC. 40103. ELECTRIC GRID RELIABILITY AND RESILIENCE**
6 **RESEARCH, DEVELOPMENT, AND DEM-**
7 **ONSTRATION.**

8 (a) DEFINITION OF FEDERAL FINANCIAL ASSIST-
9 ANCE.—In this section, the term “Federal financial assist-
10 ance” has the meaning given the term in section 200.1
11 of title 2, Code of Federal Regulations.

12 (b) ENERGY INFRASTRUCTURE FEDERAL FINANCIAL
13 ASSISTANCE PROGRAM.—

14 (1) DEFINITIONS.—In this subsection:

15 (A) ELIGIBLE ENTITY.—The term “eligible
16 entity” means each of—

17 (i) a State;

18 (ii) a combination of 2 or more
19 States;

20 (iii) an Indian Tribe;

21 (iv) a unit of local government; and

22 (v) a public utility commission.

23 (B) PROGRAM.—The term “program”
24 means the competitive Federal financial assist-
25 ance program established under paragraph (2).

1 (2) ESTABLISHMENT.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish a program, to be known as the
4 “Program Upgrading Our Electric Grid and Ensur-
5 ing Reliability and Resiliency”, to provide, on a com-
6 petitive basis, Federal financial assistance to eligible
7 entities to carry out the purpose described in para-
8 graph (3).

9 (3) PURPOSE.—The purpose of the program is
10 to coordinate and collaborate with electric sector
11 owners and operators—

12 (A) to demonstrate innovative approaches
13 to transmission, storage, and distribution infra-
14 structure to harden and enhance resilience and
15 reliability; and

16 (B) to demonstrate new approaches to en-
17 hance regional grid resilience, implemented
18 through States by public and rural electric co-
19 operative entities on a cost-shared basis.

20 (4) APPLICATIONS.—To be eligible to receive
21 Federal financial assistance under the program, an
22 eligible entity shall submit to the Secretary an appli-
23 cation at such time, in such manner, and containing
24 such information as the Secretary may require, in-
25 cluding a description of—

1 (A) how the Federal financial assistance
2 would be used;

3 (B) the expected beneficiaries, and

4 (C) in the case of a proposal from an eligi-
5 ble entity described in paragraph (1)(A)(ii),
6 how the proposal would improve regional energy
7 infrastructure.

8 (5) SELECTION.—The Secretary shall select eli-
9 gible entities to receive Federal financial assistance
10 under the program on a competitive basis.

11 (6) COST SHARE.—Section 988 of the Energy
12 Policy Act of 2005 (42 U.S.C. 16352) shall apply to
13 Federal financial assistance provided under the pro-
14 gram.

15 (7) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Sec-
17 retary to carry out this subsection, \$5,000,000,000
18 for the period of fiscal years 2022 through 2026.

19 (c) ENERGY IMPROVEMENT IN RURAL OR REMOTE
20 AREAS.—

21 (1) DEFINITION OF RURAL OR REMOTE
22 AREA.—In this subsection, the term “rural or re-
23 mote area” means a city, town, or unincorporated
24 area that has a population of not more than 10,000
25 inhabitants.

1 (2) REQUIRED ACTIVITIES.—The Secretary
2 shall carry out activities to improve in rural or re-
3 mote areas of the United States—

4 (A) the resilience, safety, reliability, and
5 availability of energy; and

6 (B) environmental protection from adverse
7 impacts of energy generation.

8 (3) FEDERAL FINANCIAL ASSISTANCE.—The
9 Secretary, in consultation with the Secretary of the
10 Interior, may provide Federal financial assistance to
11 rural or remote areas for the purpose of—

12 (A) overall cost-effectiveness of energy gen-
13 eration, transmission, or distribution systems;

14 (B) siting or upgrading transmission and
15 distribution lines;

16 (C) reducing greenhouse gas emissions
17 from energy generation by rural or remote
18 areas;

19 (D) providing or modernizing electric gen-
20 eration facilities;

21 (E) developing microgrids; and

22 (F) increasing energy efficiency.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Sec-

1 retary to carry out this subsection, \$1,000,000,000
2 for the period of fiscal years 2022 through 2026.

3 (d) ENERGY INFRASTRUCTURE RESILIENCE FRAME-
4 WORK.—

5 (1) IN GENERAL.—The Secretary, in collabora-
6 tion with the Secretary of Homeland Security, the
7 Federal Energy Regulatory Commission, the North
8 American Electric Reliability Corporation, and inter-
9 ested energy infrastructure stakeholders, shall de-
10 velop common analytical frameworks, tools, metrics,
11 and data to assess the resilience, reliability, safety,
12 and security of energy infrastructure in the United
13 States, including by developing and storing an inven-
14 tory of easily transported high-voltage recovery
15 transformers and other required equipment.

16 (2) ASSESSMENT AND REPORT.—

17 (A) ASSESSMENT.—The Secretary shall
18 carry out an assessment of—

19 (i) with respect to the inventory of
20 high-voltage recovery transformers, new
21 transformers, and other equipment pro-
22 posed to be developed and stored under
23 paragraph (1)—

24 (I) the policies, technical speci-
25 fications, and logistical and program

1337

1 structures necessary to mitigate the
2 risks associated with the loss of high-
3 voltage recovery transformers;

4 (II) the technical specifications
5 for high-voltage recovery trans-
6 formers;

7 (III) where inventory of high-
8 voltage recovery transformers should
9 be stored;

10 (IV) the quantity of high-voltage
11 recovery transformers necessary for
12 the inventory;

13 (V) how the stored inventory of
14 high-voltage recovery transformers
15 would be secured and maintained;

16 (VI) how the high-voltage recov-
17 ery transformers may be transported;

18 (VII) opportunities for developing
19 new flexible advanced transformer de-
20 signs; and

21 (VIII) whether new Federal regu-
22 lations or cost-sharing requirements
23 are necessary to carry out the storage
24 of high-voltage recovery transformers;
25 and

1338

1 (ii) any efforts carried out by industry
2 as of the date of the assessment—

3 (I) to share transformers and
4 equipment;

5 (II) to develop plans for next
6 generation transformers; and

7 (III) to plan for surge and long-
8 term manufacturing of, and long-term
9 standardization of, transformer de-
10 signs.

11 (B) PROTECTION OF INFORMATION.—In-
12 formation that is provided to, generated by, or
13 collected by the Secretary under subparagraph
14 (A) shall be considered to be critical electric in-
15 frastructure information under section 215A of
16 the Federal Power Act (16 U.S.C. 824o–1).

17 (C) REPORT.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall submit to Congress a report de-
20 scribing the results of the assessment carried
21 out under subparagraph (A).

22 **SEC. 40104. UTILITY DEMAND RESPONSE.**

23 (a) CONSIDERATION OF DEMAND-RESPONSE STAND-
24 ARD.—

1 (1) IN GENERAL.—Section 111(d) of the Public
2 Utility Regulatory Policies Act of 1978 (16 U.S.C.
3 2621(d)) is amended by adding at the end the fol-
4 lowing:

5 “(20) DEMAND-RESPONSE PRACTICES.—

6 “(A) IN GENERAL.—Each electric utility
7 shall promote the use of demand-response and
8 demand flexibility practices by commercial, resi-
9 dential, and industrial consumers to reduce
10 electricity consumption during periods of un-
11 usually high demand.

12 “(B) RATE RECOVERY.—

13 “(i) IN GENERAL.—Each State regu-
14 latory authority shall consider establishing
15 rate mechanisms allowing an electric utility
16 with respect to which the State regulatory
17 authority has ratemaking authority to
18 timely recover the costs of promoting de-
19 mand-response and demand flexibility
20 practices in accordance with subparagraph
21 (A).

22 “(ii) NONREGULATED ELECTRIC UTIL-
23 ITIES.—A nonregulated electric utility may
24 establish rate mechanisms for the timely
25 recovery of the costs of promoting demand-

1 response and demand flexibility practices
2 in accordance with subparagraph (A).”.

3 (2) COMPLIANCE.—

4 (A) TIME LIMITATIONS.—Section 112(b)
5 of the Public Utility Regulatory Policies Act of
6 1978 (16 U.S.C. 2622(b)) is amended by add-
7 ing at the end the following:

8 “(7)(A) Not later than 1 year after the date of
9 enactment of this paragraph, each State regulatory
10 authority (with respect to each electric utility for
11 which the State has ratemaking authority) and each
12 nonregulated electric utility shall commence consid-
13 eration under section 111, or set a hearing date for
14 consideration, with respect to the standard estab-
15 lished by paragraph (20) of section 111(d).

16 “(B) Not later than 2 years after the date of
17 enactment of this paragraph, each State regulatory
18 authority (with respect to each electric utility for
19 which the State has ratemaking authority), and each
20 nonregulated electric utility shall complete the con-
21 sideration and make the determination under section
22 111 with respect to the standard established by
23 paragraph (20) of section 111(d).”.

24 (B) FAILURE TO COMPLY.—

1341

1 (i) IN GENERAL.—Section 112(c) of
2 the Public Utility Regulatory Policies Act
3 of 1978 (16 U.S.C. 2622(c)) is amended—

4 (I) by striking “such paragraph
5 (14)” and all that follows through
6 “paragraphs (16)” and inserting
7 “such paragraph (14). In the case of
8 the standard established by paragraph
9 (15) of section 111(d), the reference
10 contained in this subsection to the
11 date of enactment of this Act shall be
12 deemed to be a reference to the date
13 of enactment of that paragraph (15).
14 In the case of the standards estab-
15 lished by paragraphs (16)”; and

16 (II) by adding at the end the fol-
17 lowing: “In the case of the standard
18 established by paragraph (20) of sec-
19 tion 111(d), the reference contained in
20 this subsection to the date of enact-
21 ment of this Act shall be deemed to be
22 a reference to the date of enactment
23 of that paragraph (20).”.

24 (ii) TECHNICAL CORRECTION.—Para-
25 graph (2) of section 1254(b) of the Energy

1 Policy Act of 2005 (Public Law 109–58;
2 119 Stat. 971) is repealed and the amend-
3 ment made by that paragraph (as in effect
4 on the day before the date of enactment of
5 this Act) is void, and section 112(d) of the
6 Public Utility Regulatory Policies Act of
7 1978 (16 U.S.C. 2622(d)) shall be in ef-
8 fect as if that amendment had not been en-
9 acted.

10 (C) PRIOR STATE ACTIONS.—

11 (i) IN GENERAL.—Section 112 of the
12 Public Utility Regulatory Policies Act of
13 1978 (16 U.S.C. 2622) is amended by add-
14 ing at the end the following:

15 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
16 (c) shall not apply to the standard established by para-
17 graph (20) of section 111(d) in the case of any electric
18 utility in a State if, before the date of enactment of this
19 subsection—

20 “(1) the State has implemented for the electric
21 utility the standard (or a comparable standard);

22 “(2) the State regulatory authority for the
23 State or the relevant nonregulated electric utility has
24 conducted a proceeding to consider implementation

1 of the standard (or a comparable standard) for the
2 electric utility; or

3 “(3) the State legislature has voted on the im-
4 plementation of the standard (or a comparable
5 standard) for the electric utility.”.

6 (ii) CROSS-REFERENCE.—Section 124
7 of the Public Utility Regulatory Policies
8 Act of 1978 (16 U.S.C. 2634) is amend-
9 ed—

10 (I) by striking “this subsection”
11 each place it appears and inserting
12 “this section”; and

13 (II) by adding at the end the fol-
14 lowing: “In the case of the standard
15 established by paragraph (20) of sec-
16 tion 111(d), the reference contained in
17 this section to the date of enactment
18 of this Act shall be deemed to be a
19 reference to the date of enactment of
20 that paragraph (20).”.

21 (b) OPTIONAL FEATURES OF STATE ENERGY CON-
22 SERVATION PLANS.—Section 362(d) of the Energy Policy
23 and Conservation Act (42 U.S.C. 6322(d)) is amended—

24 (1) in paragraph (16), by striking “and” at the
25 end;

1 (2) by redesignating paragraph (17) as para-
2 graph (18); and

3 (3) by inserting after paragraph (16) the fol-
4 lowing:

5 “(17) programs that promote the installation
6 and use of demand-response technology and de-
7 mand-response practices; and”.

8 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—
9 Section 543(i) of the National Energy Conservation Policy
10 Act (42 U.S.C. 8253(i)) is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (A), by striking
13 “and” at the end;

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(C) to reduce energy consumption during
18 periods of unusually high electricity or natural
19 gas demand.”; and

20 (2) in paragraph (3)(A)—

21 (A) in clause (v), by striking “and” at the
22 end;

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

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

1345

1 “(vii) promote the installation of de-
2 mand-response technology and the use of
3 demand-response practices in Federal
4 buildings.”.

5 (d) COMPONENTS OF ZERO-NET-ENERGY COMMER-
6 CIAL BUILDINGS INITIATIVE.—Section 422(d)(3) of the
7 Energy Independence and Security Act of 2007 (42
8 U.S.C. 17082(d)) is amended by inserting “(including de-
9 mand-response technologies, practices, and policies)” after
10 “policies”.

11 **SEC. 40105. SITING OF INTERSTATE ELECTRIC TRANS-**
12 **MISSION FACILITIES.**

13 (a) DESIGNATION OF NATIONAL INTEREST ELEC-
14 TRIC TRANSMISSION CORRIDORS.—Section 216(a) of the
15 Federal Power Act (16 U.S.C. 824p(a)) is amended—

16 (1) in paragraph (1)—

17 (A) by inserting “and Indian Tribes” after
18 “affected States”; and

19 (B) by inserting “capacity constraints
20 and” before “congestion”;

21 (2) in paragraph (2)—

22 (A) by striking “After” and inserting “Not
23 less frequently than once every 3 years, the Sec-
24 retary, after”; and

1346

1 (B) by striking “affected States” and all
2 that follows through the period at the end and
3 inserting the following: “affected States and In-
4 dian Tribes), shall issue a report, based on the
5 study under paragraph (1) or other information
6 relating to electric transmission capacity con-
7 straints and congestion, which may designate as
8 a national interest electric transmission corridor
9 any geographic area that—

10 “(i) is experiencing electric energy
11 transmission capacity constraints or con-
12 gestion that adversely affects consumers;
13 or

14 “(ii) is expected to experience such
15 energy transmission capacity constraints or
16 congestion.”;

17 (3) in paragraph (3)—

18 (A) by striking “The Secretary shall con-
19 duct the study and issue the report in consulta-
20 tion” and inserting “Not less frequently than
21 once every 3 years, the Secretary, in conducting
22 the study under paragraph (1) and issuing the
23 report under paragraph (2), shall consult”; and
24 (4) in paragraph (4)—

1347

1 (A) in subparagraph (C), by inserting “or
2 energy security” after “independence”;

3 (B) in subparagraph (D), by striking
4 “and” at the end;

5 (C) in subparagraph (E), by striking the
6 period at the end and inserting a semicolon;
7 and

8 (D) by adding at the end the following:

9 “(F) the designation would enhance the ability
10 of facilities that generate or transmit firm or inter-
11 mittent energy to connect to the electric grid;

12 “(G) the designation—

13 “(i) maximizes existing rights-of-way; and

14 “(ii) avoids and minimizes, to the max-
15 imum extent practicable, and offsets to the ex-
16 tent appropriate and practicable, sensitive envi-
17 ronmental areas and cultural heritage sites; and

18 “(H) the designation would result in a reduc-
19 tion in the cost to purchase electric energy for con-
20 sumers.”.

21 (b) CONSTRUCTION PERMIT.—Section 216(b) of the
22 Federal Power Act (16 U.S.C. 824p(b)) is amended—

23 (1) in paragraph (1)—

1 (A) in subparagraph (A)(ii), by inserting
2 “or interregional benefits” after “interstate
3 benefits”; and

4 (B) by striking subparagraph (C) and in-
5 serting the following:

6 “(C) a State commission or other entity that
7 has authority to approve the siting of the facilities—

8 “(i) has not made a determination on an
9 application seeking approval pursuant to appli-
10 cable law by the date that is 1 year after the
11 later of—

12 “(I) the date on which the application
13 was filed; and

14 “(II) the date on which the relevant
15 national interest electric transmission cor-
16 ridor was designated by the Secretary
17 under subsection (a);

18 “(ii) has conditioned its approval in such a
19 manner that the proposed construction or modi-
20 fication will not significantly reduce trans-
21 mission capacity constraints or congestion in
22 interstate commerce or is not economically fea-
23 sible; or

24 “(iii) has denied an application seeking ap-
25 proval pursuant to applicable law;”.

1 (c) RIGHTS-OF-WAY.—Section 216(e)(1) of the Fed-
2 eral Power Act (16 U.S.C. 824p(e)(1)) is amended by
3 striking “modify the transmission facilities, the” and in-
4 serting “modify, and operate and maintain, the trans-
5 mission facilities and, in the determination of the Commis-
6 sion, the permit holder has made good faith efforts to en-
7 gage with landowners and other stakeholders early in the
8 applicable permitting process, the”.

9 (d) INTERSTATE COMPACTS.—Section 216(i) of the
10 Federal Power Act (16 U.S.C. 824p(i)) is amended—

11 (1) in paragraph (2), by striking “may” and in-
12 serting “shall”; and

13 (2) in paragraph (4), by striking “the mem-
14 bers” and all that follows through the period at the
15 end and inserting the following: “the Secretary de-
16 termines that the members of the compact are in
17 disagreement after the later of—

18 “(A) the date that is 1 year after the date
19 on which the relevant application for the facility
20 was filed; and

21 “(B) the date that is 1 year after the date
22 on which the relevant national interest electric
23 transmission corridor was designated by the
24 Secretary under subsection (a).”.

1 **SEC. 40106. TRANSMISSION FACILITATION PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) CAPACITY CONTRACT.—The term “capacity
4 contract” means a contract entered into by the Sec-
5 retary and an eligible entity under subsection
6 (e)(1)(A) for the right to the use of the transmission
7 capacity of an eligible project.

8 (2) ELIGIBLE ELECTRIC POWER TRANSMISSION
9 LINE.—The term “eligible electric power trans-
10 mission line” means an electric power transmission
11 line that is capable of transmitting not less than—

12 (A) 1,000 megawatts; or

13 (B) in the case of a project that consists
14 of upgrading an existing transmission line or
15 constructing a new transmission line in an ex-
16 isting transmission, transportation, or tele-
17 communications infrastructure corridor, 500
18 megawatts.

19 (3) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means an entity seeking to carry out an eligible
21 project.

22 (4) ELIGIBLE PROJECT.—The term “eligible
23 project” means a project (including any related facil-
24 ity)—

25 (A) to construct a new or replace an exist-
26 ing eligible electric power transmission line;

1 (B) to increase the transmission capacity
2 of an existing eligible electric power trans-
3 mission line; or

4 (C) to connect an isolated microgrid to an
5 existing transmission, transportation, or tele-
6 communications infrastructure corridor located
7 in Alaska, Hawaii, or a territory of the United
8 States.

9 (5) FUND.—The term “Fund” means the
10 Transmission Facilitation Fund established by sub-
11 section (d)(1).

12 (6) PROGRAM.—The term “program” means
13 the Transmission Facilitation Program established
14 by subsection (b).

15 (7) RELATED FACILITY.—

16 (A) IN GENERAL.—The term “related fa-
17 cility” means a facility related to an eligible
18 project described in paragraph (4).

19 (B) EXCLUSIONS.—The term “related fa-
20 cility” does not include—

21 (i) facilities used primarily to generate
22 electric energy; or

23 (ii) facilities used in the local distribu-
24 tion of electric energy.

1 (b) ESTABLISHMENT.—There is established a pro-
2 gram, to be known as the “Transmission Facilitation Pro-
3 gram”, under which the Secretary shall facilitate the con-
4 struction of electric power transmission lines and related
5 facilities in accordance with subsection (e).

6 (c) APPLICATIONS.—

7 (1) IN GENERAL.—To be eligible for assistance
8 under this section, an eligible entity shall submit to
9 the Secretary an application at such time, in such
10 manner, and containing such information as the Sec-
11 retary may require.

12 (2) PROCEDURES.—The Secretary shall estab-
13 lish procedures for the solicitation and review of ap-
14 plications from eligible entities.

15 (d) FUNDING.—

16 (1) TRANSMISSION FACILITATION FUND.—
17 There is established in the Treasury a fund, to be
18 known as the “Transmission Facilitation Fund”,
19 consisting of—

20 (A) all amounts received by the Secretary,
21 including receipts, collections, and recoveries,
22 from any source relating to expenses incurred
23 by the Secretary in carrying out the program,
24 including—

1 (i) costs recovered pursuant to para-
2 graph (4);

3 (ii) amounts received as repayment of
4 a loan issued to an eligible entity under
5 subsection (e)(1)(B); and

6 (iii) amounts contributed by eligible
7 entities for the purpose of carrying out an
8 eligible project with respect to which the
9 Secretary is participating with the eligible
10 entity under subsection (e)(1)(C);

11 (B) all amounts borrowed from the Sec-
12 retary of the Treasury by the Secretary for the
13 program under paragraph (2); and

14 (C) any amounts appropriated to the Sec-
15 retary for the program.

16 (2) BORROWING AUTHORITY.—The Secretary of
17 the Treasury may, without further appropriation
18 and without fiscal year limitation, loan to the Sec-
19 retary on such terms as may be fixed by the Sec-
20 retary and the Secretary of the Treasury, such sums
21 as, in the judgment of the Secretary, are from time
22 to time required for the purpose of carrying out the
23 program, not to exceed, in the aggregate (including
24 deferred interest), \$2,500,000,000 in outstanding
25 repayable balances at any 1 time.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out the program, including for any
4 administrative expenses of carrying out the program
5 that are not recovered under paragraph (4),
6 \$10,000,000 for each of fiscal years 2022 through
7 2026.

8 (4) COST RECOVERY.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the cost of any facilitation
11 activities carried out by the Secretary under
12 subsection (e)(1) shall be collected—

13 (i) from eligible entities receiving the
14 benefit of the applicable facilitation activ-
15 ity, on a schedule to be determined by the
16 Secretary; or

17 (ii) with respect to a contracted trans-
18 mission capacity under subsection
19 (e)(1)(A) through rates charged for the
20 use of the contracted transmission capac-
21 ity.

22 (B) FORGIVENESS OF BALANCES.—

23 (i) TERMINATION OR END OF USEFUL
24 LIFE.—If, at the end of the useful life of
25 an eligible project or the termination of a

1 capacity contract under subsection (f)(5),
2 there is a remaining balance owed to the
3 Treasury under this section, the balance
4 shall be forgiven.

5 (ii) UNCONSTRUCTED PROJECTS.—
6 Funds expended to study projects that are
7 considered pursuant to this section but
8 that are not constructed shall be forgiven.

9 (C) RECOVERY OF COSTS OF ELIGIBLE
10 PROJECTS.—The Secretary may collect the
11 costs of any activities carried out by the Sec-
12 retary with respect to an eligible project in
13 which the Secretary participates with an eligible
14 entity under subsection (e)(1)(C) through rates
15 charged to customers benefitting from the new
16 transmission capability provided by the eligible
17 project.

18 (e) FACILITATION OF ELIGIBLE PROJECTS.—

19 (1) IN GENERAL.—To facilitate eligible
20 projects, the Secretary may—

21 (A) subject to subsections (f) and (i), enter
22 into a capacity contract with respect to an eligi-
23 ble project prior to the date on which the eligi-
24 ble project is completed;

1 (B) subject to subsections (g) and (i), issue
2 a loan to an eligible entity for the costs of car-
3 rying out an eligible project; or

4 (C) subject to subsections (h) and (i), par-
5 ticipate with an eligible entity in designing, de-
6 veloping, constructing, operating, maintaining,
7 or owning an eligible project.

8 (2) REQUIREMENT.—The provision and receipt
9 of assistance for an eligible project under paragraph
10 (1) shall be subject to such terms and conditions as
11 the Secretary determines to be appropriate—

12 (A) to ensure the success of the program;
13 and

14 (B) to protect the interests of the United
15 States.

16 (f) CAPACITY CONTRACTS.—

17 (1) PURPOSE.—In entering into capacity con-
18 tracts under subsection (e)(1)(A), the Secretary
19 shall seek to enter into capacity contracts that will
20 encourage other entities to enter into contracts for
21 the transmission capacity of the eligible project.

22 (2) PAYMENT.—The amount paid by the Sec-
23 retary to an eligible entity under a capacity contract
24 for the right to the use of the transmission capacity
25 of an eligible project shall be—

1 (A) the fair market value for the use of the
2 transmission capacity, as determined by the
3 Secretary, taking into account, as the Secretary
4 determines to be necessary, the comparable
5 value for the use of the transmission capacity of
6 other electric power transmission lines; and

7 (B) on a schedule and in such divided
8 amounts, which may be a single amount, that
9 the Secretary determines are likely to facilitate
10 construction of the eligible project, taking into
11 account standard industry practice and factors
12 specific to each applicant, including, as applica-
13 ble—

14 (i) potential review by a State regu-
15 latory entity of the revenue requirement of
16 an electric utility; and

17 (ii) the financial model of an inde-
18 pendent transmission developer.

19 (3) LIMITATIONS.—A capacity contract shall—

20 (A) be for a term of not more than 40
21 years; and

22 (B) be for not more than 50 percent of the
23 total proposed transmission capacity of the ap-
24 plicable eligible project.

25 (4) TRANSMISSION MARKETING.—

1 (A) IN GENERAL.—If the Secretary has
2 not terminated a capacity contract under para-
3 graph (5) before the applicable eligible project
4 enters into service, the Secretary may enter into
5 1 or more contracts with a third party to mar-
6 ket the transmission capacity of the eligible
7 project to which the Secretary holds rights
8 under the capacity contract.

9 (B) RETURN.—Subject to subparagraph
10 (D), the Secretary shall seek to ensure that any
11 contract entered into under subparagraph (A)
12 maximizes the financial return to the Federal
13 Government.

14 (C) COMPETITIVE SOLICITATION.—The
15 Secretary shall only select third parties for con-
16 tracts under this paragraph through a competi-
17 tive solicitation.

18 (D) REQUIREMENT.—The marketing of ca-
19 pacity pursuant to this subsection, including
20 any marketing by a third party under subpara-
21 graph (A), shall be undertaken consistent with
22 the requirements of the Federal Power Act (16
23 U.S.C. 791a et seq.).

24 (5) TERMINATION.—

1 (A) IN GENERAL.—The Secretary shall
2 seek to terminate a capacity contract as soon as
3 practicable after determining that sufficient
4 transmission capacity of the eligible project has
5 been secured by other entities to ensure the
6 long-term financial viability of the eligible
7 project, including through 1 or more transfers
8 under subparagraph (B).

9 (B) TRANSFER.—On payment to the Sec-
10 retary by a third party for transmission capac-
11 ity to which the Secretary has rights under a
12 capacity contract, the Secretary may transfer
13 the rights to that transmission capacity to that
14 third party.

15 (C) RELINQUISHMENT.—On payment to
16 the Secretary by the applicable eligible entity
17 for transmission capacity to which the Sec-
18 retary has rights under a capacity contract, the
19 Secretary may relinquish the rights to that
20 transmission capacity to the eligible entity.

21 (D) REQUIREMENT.—A payment under
22 subparagraph (B) or (C) shall be in an amount
23 sufficient for the Secretary to recover any re-
24 maining costs incurred by the Secretary with
25 respect to the quantity of transmission capacity

1 affected by the transfer under subparagraph
2 (B) or the relinquishment under subparagraph
3 (C), as applicable.

4 (6) OTHER FEDERAL CAPACITY POSITIONS.—
5 The existence of a capacity contract does not pre-
6 clude a Federal entity, including a Federal power
7 marketing administration, from otherwise securing
8 transmission capacity at any time from an eligible
9 project, to the extent that the Federal entity is au-
10 thorized to secure that transmission capacity.

11 (7) FORM OF FINANCIAL ASSISTANCE.—Enter-
12 ing into a capacity contract under subsection
13 (e)(1)(A) shall be considered a form of financial as-
14 sistance described in section 1508.1(q)(1)(vii) of title
15 40, Code of Federal Regulations (as in effect on the
16 date of enactment of this Act).

17 (8) TRANSMISSION PLANNING REGION CON-
18 SULTATION.—Prior to entering into a capacity con-
19 tract under this subsection, the Secretary shall con-
20 sult with the relevant transmission planning region
21 regarding the transmission planning region’s identi-
22 fication of needs, and the Secretary shall minimize,
23 to the extent possible, duplication or conflict with
24 the transmission planning region’s needs determina-
25 tion and selection of projects that meet such needs.

1361

1 (g) INTEREST RATE ON LOANS.—The rate of interest
2 to be charged in connection with any loan made by the
3 Secretary to an eligible entity under subsection (e)(1)(B)
4 shall be fixed by the Secretary, taking into consideration
5 market yields on outstanding marketable obligations of the
6 United States of comparable maturities as of the date of
7 the loan.

8 (h) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-
9 retary may participate with an eligible entity with respect
10 to an eligible project under subsection (e)(1)(C) if the Sec-
11 retary determines that the eligible project—

12 (1)(A) is located in an area designated as a na-
13 tional interest electric transmission corridor pursu-
14 ant to section 216(a) of the Federal Power Act 16
15 U.S.C. 824p(a); or

16 (B) is necessary to accommodate an actual or
17 projected increase in demand for electric trans-
18 mission capacity across more than 1 State or trans-
19 mission planning region;

20 (2) is consistent with efficient and reliable oper-
21 ation of the transmission grid;

22 (3) will be operated in conformance with pru-
23 dent utility practices;

24 (4) will be operated in conformance with the
25 rules of—

1 (A) a Transmission Organization (as de-
2 fined in section 3 of the Federal Power Act (16
3 U.S.C. 796)), if applicable; or

4 (B) a regional reliability organization; and
5 (5) is not duplicative of the functions of exist-
6 ing transmission facilities that are the subject of on-
7 going siting and related permitting proceedings.

8 (i) CERTIFICATION.—Prior to taking action to facili-
9 tate an eligible project under subparagraph (A), (B), or
10 (C) of subsection (e)(1), the Secretary shall certify that—

11 (1) the eligible project is in the public interest;

12 (2) the eligible project is unlikely to be con-
13 structed in as timely a manner or with as much
14 transmission capacity in the absence of facilitation
15 under this section, including with respect to an eligi-
16 ble project for which a Federal investment tax credit
17 may be allowed; and

18 (3) it is reasonable to expect that the proceeds
19 from the eligible project will be adequate, as applica-
20 ble—

21 (A) to recover the cost of a capacity con-
22 tract entered into under subsection (e)(1)(A);

23 (B) to repay a loan provided under sub-
24 section (e)(1)(B); or

1 (C) to repay any amounts borrowed from
2 the Secretary of the Treasury under subsection
3 (d)(2).

4 (j) OTHER AUTHORITIES, LIMITATIONS, AND EF-
5 FECTS.—

6 (1) PARTICIPATION.—The Secretary may per-
7 mit other entities to participate in the financing,
8 construction, and ownership of eligible projects fa-
9 cilitated under this section.

10 (2) OPERATIONS AND MAINTENANCE.—Facilita-
11 tion by the Secretary of an eligible project under
12 this section does not create any obligation on the
13 part of the Secretary to operate or maintain the eli-
14 gible project.

15 (3) FEDERAL FACILITIES.—For purposes of
16 cost recovery under subsection (d)(4) and repayment
17 of a loan issued under subsection (e)(1)(B), each eli-
18 gible project facilitated by the Secretary under this
19 section shall be treated as separate and distinct
20 from—

21 (A) each other eligible project; and

22 (B) all other Federal power and trans-
23 mission facilities.

24 (4) EFFECT ON ANCILLARY SERVICES AUTHOR-
25 ITY AND OBLIGATIONS.—Nothing in this section con-

1 fers on the Secretary or any Federal power mar-
2 keting administration any additional authority or ob-
3 ligation to provide ancillary services to users of
4 transmission facilities constructed or upgraded
5 under this section.

6 (5) EFFECT ON WESTERN AREA POWER ADMIN-
7 ISTRATION PROJECTS.—Nothing in this section af-
8 fects—

9 (A) any pending project application before
10 the Western Area Power Administration under
11 section 301 of the Hoover Power Plant Act of
12 1984 (42 U.S.C. 16421a); or

13 (B) any agreement entered into by the
14 Western Power Administration under that sec-
15 tion.

16 (6) THIRD-PARTY FINANCE.—Nothing in this
17 section precludes an eligible project facilitated under
18 this section from being eligible as a project under
19 section 1222 of the Energy Policy Act of 2005 (42
20 U.S.C. 16421).

21 (7) LIMITATION ON LOANS.—An eligible project
22 may not be the subject of both—

23 (A) a loan under subsection (e)(1)(B); and

1 (B) a Federal loan under section 301 of
2 the Hoover Power Plant Act of 1984 (42
3 U.S.C. 16421a).

4 (8) CONSIDERATIONS.—In evaluating eligible
5 projects for possible facilitation under this section,
6 the Secretary shall prioritize projects that, to the
7 maximum extent practicable—

8 (A) use technology that enhances the ca-
9 pacity, efficiency, resiliency, or reliability of an
10 electric power transmission system, including—

11 (i) reconductoring of an existing elec-
12 tric power transmission line with advanced
13 conductors; and

14 (ii) hardware or software that enables
15 dynamic line ratings, advanced power flow
16 control, or grid topology optimization;

17 (B) will improve the resiliency and reli-
18 ability of an electric power transmission system;

19 (C) facilitate interregional transfer capac-
20 ity that supports strong and equitable economic
21 growth; and

22 (D) contribute to national or subnational
23 goals to lower electricity sector greenhouse gas
24 emissions.

1 **SEC. 40107. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE**
2 **GRID FLEXIBILITY.**

3 (a) IN GENERAL.—Section 1306 of the Energy Inde-
4 pendence and Security Act of 2007 (42 U.S.C. 17386) is
5 amended—

6 (1) in subsection (b)—

7 (A) in the matter preceding paragraph (1),
8 by striking “the date of enactment of this Act”
9 and inserting “the date of enactment of the In-
10 frastructure Investment and Jobs Act”;

11 (B) by redesignating paragraph (9) as
12 paragraph (14); and

13 (C) by inserting after paragraph (8) the
14 following:

15 “(9) In the case of data analytics that enable
16 software to engage in Smart Grid functions, the docu-
17 mented purchase costs of the data analytics.

18 “(10) In the case of buildings, the documented
19 expenses for devices and software, including for in-
20 stallation, that allow buildings to engage in demand
21 flexibility or Smart Grid functions.

22 “(11) In the case of utility communications,
23 operational fiber and wireless broadband commu-
24 nications networks to enable data flow between dis-
25 tribution system components.

1 “(12) In the case of advanced transmission
2 technologies such as dynamic line rating, flow con-
3 trol devices, advanced conductors, network topology
4 optimization, or other hardware, software, and asso-
5 ciated protocols applied to existing transmission fa-
6 cilities that increase the operational transfer capac-
7 ity of a transmission network, the documented ex-
8 penditures to purchase and install those advanced
9 transmission technologies.

10 “(13) In the case of extreme weather or natural
11 disasters, the ability to redirect or shut off power to
12 minimize blackouts and avoid further damage.”; and

13 (2) in subsection (d)—

14 (A) by redesignating paragraph (9) as
15 paragraph (16); and

16 (B) by inserting after paragraph (8) the
17 following:

18 “(9) The ability to use data analytics and soft-
19 ware-as-service to provide flexibility by improving
20 the visibility of the electrical system to grid opera-
21 tors that can help quickly rebalance the electrical
22 system with autonomous controls.

23 “(10) The ability to facilitate the aggregation
24 or integration of distributed energy resources to
25 serve as assets for the grid.

1 “(11) The ability to provide energy storage to
2 meet fluctuating electricity demand, provide voltage
3 support, and integrate intermittent generation
4 sources, including vehicle-to-grid technologies.

5 “(12) The ability of hardware, software, and as-
6 sociated protocols applied to existing transmission
7 facilities to increase the operational transfer capacity
8 of a transmission network.

9 “(13) The ability to anticipate and mitigate im-
10 pacts of extreme weather or natural disasters on
11 grid resiliency.

12 “(14) The ability to facilitate the integration of
13 renewable energy resources, electric vehicle charging
14 infrastructure, and vehicle-to-grid technologies.

15 “(15) The ability to reliably meet increased de-
16 mand from electric vehicles and the electrification of
17 appliances and other sectors.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out the Smart Grid Investment Matching Grant Program
21 established under section 1306(a) of the Energy Inde-
22 pendence and Security Act of 2007 (42 U.S.C. 17386(a))
23 \$3,000,000,000 for fiscal year 2022, to remain available
24 through September 30, 2026.

1 **SEC. 40108. STATE ENERGY SECURITY PLANS.**

2 (a) IN GENERAL.—Part D of title III of the Energy
3 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is
4 amended—

5 (1) in section 361—

6 (A) by striking the section designation and
7 heading and all that follows through “The Con-
8 gress” and inserting the following:

9 **“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.**

10 “(a) FINDINGS.—Congress”;

11 (B) in subsection (b), by striking “(b) It
12 is” and inserting the following:

13 “(b) PURPOSE.—It is”; and

14 (C) by adding at the end the following:

15 “(c) DEFINITIONS.—In this part.”;

16 (2) in section 366—

17 (A) in paragraph (3)(B)(i), by striking
18 “approved under section 367, and” ; and insert-
19 ing “; and”;

20 (B) in each of paragraphs (1) through (8),
21 by inserting a paragraph heading, the text of
22 which is comprised of the term defined in the
23 paragraph; and

24 (C) by redesignating paragraphs (6) and
25 (7) as paragraphs (7) and (6), respectively, and

1 moving the paragraphs so as to appear in nu-
2 merical order;

3 (3) by moving paragraphs (1) through (8) of
4 section 366 (as so redesignated) so as to appear
5 after subsection (c) of section 361 (as designated by
6 paragraph (1)(C)); and

7 (4) by amending section 366 to read as follows:

8 **“SEC. 366. STATE ENERGY SECURITY PLANS.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) BULK-POWER SYSTEM.—The term ‘bulk-
11 power system’ has the meaning given the term in
12 section 215(a) of the Federal Power Act (16 U.S.C.
13 824o(a)).

14 “(2) STATE ENERGY SECURITY PLAN.—The
15 term ‘State energy security plan’ means a State en-
16 ergy security plan described in subsection (b).

17 “(b) FINANCIAL ASSISTANCE FOR STATE ENERGY
18 SECURITY PLANS.—Federal financial assistance made
19 available to a State under this part may be used for the
20 development, implementation, review, and revision of a
21 State energy security plan that—

22 “(1) assesses the existing circumstances in the
23 State; and

1 “(2) proposes methods to strengthen the ability
2 of the State, in consultation with owners and opera-
3 tors of energy infrastructure in the State—

4 “(A) to secure the energy infrastructure of
5 the State against all physical and cybersecurity
6 threats;

7 “(B)(i) to mitigate the risk of energy sup-
8 ply disruptions to the State; and

9 “(ii) to enhance the response to, and recov-
10 ery from, energy disruptions; and

11 “(C) to ensure that the State has reliable,
12 secure, and resilient energy infrastructure.

13 “(c) CONTENTS OF PLAN.—A State energy security
14 plan shall—

15 “(1) address all energy sources and regulated
16 and unregulated energy providers;

17 “(2) provide a State energy profile, including
18 an assessment of energy production, transmission,
19 distribution, and end-use;

20 “(3) address potential hazards to each energy
21 sector or system, including—

22 “(A) physical threats and vulnerabilities;
23 and

24 “(B) cybersecurity threats and
25 vulnerabilities;

1 “(4) provide a risk assessment of energy infra-
2 structure and cross-sector interdependencies;

3 “(5) provide a risk mitigation approach to en-
4 hance reliability and end-use resilience; and

5 “(6)(A) address—

6 “(i) multi-State and regional coordination,
7 planning, and response; and

8 “(ii) coordination with Indian Tribes with
9 respect to planning and response; and

10 “(B) to the extent practicable, encourage mu-
11 tual assistance in cyber and physical response plans.

12 “(d) COORDINATION.—In developing or revising a
13 State energy security plan, the State energy office of the
14 State shall coordinate, to the extent practicable, with—

15 “(1) the public utility or service commission of
16 the State;

17 “(2) energy providers from the private and pub-
18 lic sectors; and

19 “(3) other entities responsible for—

20 “(A) maintaining fuel or electric reliability;

21 and

22 “(B) securing energy infrastructure.

23 “(e) FINANCIAL ASSISTANCE.—A State is not eligible
24 to receive Federal financial assistance under this part for
25 any purpose for a fiscal year unless the Governor of the

1 State submits to the Secretary, with respect to that fiscal
2 year—

3 “(1) a State energy security plan that meets
4 the requirements of subsection (c); or

5 “(2) after an annual review, carried out by the
6 Governor, of a State energy security plan—

7 “(A) any necessary revisions to the State
8 energy security plan; or

9 “(B) a certification that no revisions to the
10 State energy security plan are necessary.

11 “(f) TECHNICAL ASSISTANCE.—On request of the
12 Governor of a State, the Secretary, in consultation with
13 the Secretary of Homeland Security, may provide informa-
14 tion, technical assistance, and other assistance in the de-
15 velopment, implementation, or revision of a State energy
16 security plan.

17 “(g) REQUIREMENT.—Each State receiving Federal
18 financial assistance under this part shall provide reason-
19 able assurance to the Secretary that the State has estab-
20 lished policies and procedures designed to assure that the
21 financial assistance will be used—

22 “(1) to supplement, and not to supplant, State
23 and local funds; and

24 “(2) to the maximum extent practicable, to in-
25 crease the amount of State and local funds that oth-

1 erwise would be available, in the absence of the Fed-
2 eral financial assistance, for the implementation of a
3 State energy security plan.

4 “(h) PROTECTION OF INFORMATION.—Information
5 provided to, or collected by, the Federal Government pur-
6 suant to this section the disclosure of which the Secretary
7 reasonably foresees could be detrimental to the physical
8 security or cybersecurity of any electric utility or the bulk-
9 power system—

10 “(1) shall be exempt from disclosure under sec-
11 tion 552(b)(3) of title 5, United States Code; and

12 “(2) shall not be made available by any Federal
13 agency, State, political subdivision of a State, or
14 Tribal authority pursuant to any Federal, State, po-
15 litical subdivision of a State, or Tribal law, respec-
16 tively, requiring public disclosure of information or
17 records.

18 “(i) SUNSET.—The requirements of this section shall
19 expire on October 31, 2025.”.

20 (b) CLERICAL AMENDMENTS.—The table of contents
21 of the Energy Policy and Conservation Act (Public Law
22 94–163; 89 Stat. 872) is amended—

23 (1) by striking the item relating to section 361
24 and inserting the following:

“Sec. 361. Findings; purpose; definitions.”; and

1 (2) by striking the item relating to section 366
2 and inserting the following:

“Sec. 366. State energy security plans.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 509(i)(3) of the Housing and Urban
5 Development Act of 1970 (12 U.S.C. 1701z–8(i)(3))
6 is amended by striking “prescribed for such terms in
7 section 366 of the Energy Policy and Conservation
8 Act” and inserting “given the terms in section
9 361(c) of the Energy Policy and Conservation Act”.

10 (2) Section 363 of the Energy Policy and Con-
11 servation Act (42 U.S.C. 6323) is amended—

12 (A) by striking subsection (e); and

13 (B) by redesignating subsection (f) as sub-
14 section (e).

15 (3) Section 451(i)(3) of the Energy Conserva-
16 tion and Production Act (42 U.S.C. 6881(i)(3)) is
17 amended by striking “prescribed for such terms in
18 section 366 of the Federal Energy Policy and Con-
19 servation Act” and inserting “given the terms in sec-
20 tion 361(c) of the Energy Policy and Conservation
21 Act”.

22 **SEC. 40109. STATE ENERGY PROGRAM.**

23 (a) COLLABORATIVE TRANSMISSION SITING.—Sec-
24 tion 362(c) of the Energy Policy and Conservation Act (42
25 U.S.C. 6322(c)) is amended—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

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

6 “(7) the mandatory conduct of activities to sup-
7 port transmission and distribution planning, includ-
8 ing—

9 “(A) support for local governments and In-
10 dian Tribes;

11 “(B) feasibility studies for transmission
12 line routes and alternatives;

13 “(C) preparation of necessary project de-
14 sign and permits; and

15 “(D) outreach to affected stakeholders.”.

16 (b) STATE ENERGY CONSERVATION PLANS.—Section
17 362(d) of the Energy Policy and Conservation Act (42
18 U.S.C. 6322(d)) is amended by striking paragraph (3) and
19 inserting the following:

20 “(3) programs to increase transportation energy
21 efficiency, including programs to help reduce carbon
22 emissions in the transportation sector by 2050 and
23 accelerate the use of alternative transportation fuels
24 for, and the electrification of, State government ve-
25 hicles, fleet vehicles, taxis and ridesharing services,

1 mass transit, school buses, ferries, and privately
2 owned passenger and medium- and heavy-duty vehi-
3 cles;”.

4 (c) AUTHORIZATION OF APPROPRIATIONS FOR STATE
5 ENERGY PROGRAM.—Section 365 of the Energy Policy
6 and Conservation Act (42 U.S.C. 6325) is amended by
7 striking subsection (f) and inserting the following:

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this part \$500,000,000 for
11 the period of fiscal years 2022 through 2026.

12 “(2) DISTRIBUTION.—Amounts made available
13 under paragraph (1)—

14 “(A) shall be distributed to the States in
15 accordance with the applicable distribution for-
16 mula in effect on January 1, 2021; and

17 “(B) shall not be subject to the matching
18 requirement described in the first proviso of the
19 matter under the heading ‘ENERGY CONSERVA-
20 TION’ under the heading ‘DEPARTMENT OF
21 ENERGY’ in title II of the Department of the
22 Interior and Related Agencies Appropriations
23 Act, 1985 (42 U.S.C. 6323a).”.

1 **SEC. 40110. POWER MARKETING ADMINISTRATION TRANS-**
2 **MISSION BORROWING AUTHORITY.**

3 (a) **BORROWING AUTHORITY.**—

4 (1) **IN GENERAL.**—Subject to paragraph (2),
5 for the purposes of providing funds to assist in the
6 financing of the construction, acquisition, and re-
7 placement of the Federal Columbia River Power
8 System and to implement the authority of the Ad-
9 ministrator of the Bonneville Power Administration
10 (referred to in this section as the “Administrator”)
11 under the Pacific Northwest Electric Power Plan-
12 ning and Conservation Act (16 U.S.C. 839 et seq.),
13 an additional \$10,000,000,000 in borrowing author-
14 ity is made available under the Federal Columbia
15 River Transmission System Act (16 U.S.C. 838 et
16 seq.), to remain outstanding at any 1 time.

17 (2) **LIMITATION.**—The obligation of additional
18 borrowing authority under paragraph (1) shall not
19 exceed \$6,000,000,000 by fiscal year 2028.

20 (b) **FINANCIAL PLAN.**—

21 (1) **IN GENERAL.**—The Administrator shall
22 issue an updated financial plan by the end of fiscal
23 year 2022.

24 (2) **REQUIREMENT.**—As part of the process of
25 issuing an updated financial plan under paragraph
26 (1), the Administrator shall—

1 (A) consistent with asset management
2 planning and sound business principles, con-
3 sider projected and planned use and allocation
4 of the borrowing authority of the Administrator
5 across the mission responsibilities of the Bonne-
6 ville Power Administration; and

7 (B) before issuing the final updated finan-
8 cial plan—

9 (i) engage, in a manner determined by
10 the Administrator, with customers with re-
11 spect to a draft of the updated plan; and

12 (ii) consider as a relevant factor any
13 recommendations from customers regard-
14 ing prioritization of asset investments.

15 (c) **STAKEHOLDER ENGAGEMENT.**—The Adminis-
16 trator shall—

17 (1) engage, in a manner determined by the Ad-
18 ministrator, with customers and stakeholders with
19 respect to the financial and cost management efforts
20 of the Administrator through periodic program re-
21 views; and

22 (2) to the maximum extent practicable, imple-
23 ment those policies that would be expected to be
24 consistent with the lowest possible power and trans-

1 mission rates consistent with sound business prin-
2 ciples.

3 (d) REPAYMENT.—Any additional Treasury bor-
4 rowing authority received under this section shall be fully
5 repaid to the Treasury in a manner consistent with the
6 applicable self-financed Federal budget accounts.

7 **SEC. 40111. STUDY OF CODES AND STANDARDS FOR USE OF**
8 **ENERGY STORAGE SYSTEMS ACROSS SEC-**
9 **TORS.**

10 (a) IN GENERAL.—The Secretary shall conduct a
11 study of types and commercial applications of codes and
12 standards applied to—

- 13 (1) stationary energy storage systems;
14 (2) mobile energy storage systems; and
15 (3) energy storage systems that move between
16 stationary and mobile applications, such as electric
17 vehicle batteries or batteries repurposed for new ap-
18 plications.

19 (b) PURPOSES.—The purposes of the study con-
20 ducted under subsection (a) shall be—

- 21 (1) to identify barriers, foster collaboration, and
22 increase conformity across sectors relating to—
23 (A) use of emerging energy storage tech-
24 nologies; and

1 (B) use cases, such as vehicle-to-grid inte-
2 gration;

3 (2) to identify all existing codes and standards
4 that apply to energy storage systems;

5 (3) to identify codes and standards that require
6 revision or enhancement;

7 (4) to enhance the safe implementation of en-
8 ergy storage systems; and

9 (5) to receive formal input from stakeholders
10 regarding—

11 (A) existing codes and standards; and

12 (B) new or revised codes and standards.

13 (c) CONSULTATION.—In conducting the study under
14 subsection (a), the Secretary shall consult with all relevant
15 standards-developing organizations and other entities with
16 expertise regarding energy storage system safety.

17 (d) REPORT.—Not later than 18 months after the
18 date of enactment of this Act, the Secretary shall submit
19 to Congress a report describing the results of the study
20 conducted under subsection (a).

21 **SEC. 40112. DEMONSTRATION OF ELECTRIC VEHICLE BAT-**
22 **TERY SECOND-LIFE APPLICATIONS FOR GRID**
23 **SERVICES.**

24 Section 3201(c) of the Energy Act of 2020 (42
25 U.S.C. 17232(c)) is amended—

1382

1 (1) in paragraph (1)—

2 (A) by striking the period at the end and
3 inserting “; and”;

4 (B) by striking “including at” and insert-
5 ing the following: “including—

6 “(A) at”; and

7 (C) by adding at the end the following:

8 “(B) 1 project to demonstrate second-life
9 applications of electric vehicle batteries as ag-
10 gregated energy storage installations to provide
11 services to the electric grid, in accordance with
12 paragraph (3).”;

13 (2) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively; and

15 (3) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) DEMONSTRATION OF ELECTRIC VEHICLE
18 BATTERY SECOND-LIFE APPLICATIONS FOR GRID
19 SERVICES.—

20 “(A) IN GENERAL.—The Secretary shall
21 enter into an agreement to carry out a project
22 to demonstrate second-life applications of elec-
23 tric vehicle batteries as aggregated energy stor-
24 age installations to provide services to the elec-
25 tric grid.

1 “(B) PURPOSES.—The purposes of the
2 project under subparagraph (A) shall be—

3 “(i) to demonstrate power safety and
4 the reliability of the applications dem-
5 onstrated under the program;

6 “(ii) to demonstrate the ability of
7 electric vehicle batteries—

8 “(I) to provide ancillary services
9 for grid stability and management;
10 and

11 “(II) to reduce the peak loads of
12 homes and businesses;

13 “(iii) to extend the useful life of elec-
14 tric vehicle batteries and the components
15 of electric vehicle batteries prior to the col-
16 lection, recycling, and reprocessing of the
17 batteries and components; and

18 “(iv) to increase acceptance of, and
19 participation in, the use of second-life ap-
20 plications of electric vehicle batteries by
21 utilities.

22 “(C) PRIORITY.—In selecting a project to
23 carry out under subparagraph (A), the Sec-
24 retary shall give priority to projects in which
25 the demonstration of the applicable second-life

1 applications is paired with 1 or more facilities
2 that could particularly benefit from increased
3 resiliency and lower energy costs, such as a
4 multi-family affordable housing facility, a senior
5 care facility, and a community health center.”.

6 **SEC. 40113. COLUMBIA BASIN POWER MANAGEMENT.**

7 (a) DEFINITIONS.—In this section:

8 (1) ACCOUNT.—The term “Account” means the
9 account established by subsection (b)(1).

10 (2) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Bonneville
12 Power Administration.

13 (3) CANADIAN ENTITLEMENT.—The term “Ca-
14 nadian Entitlement” means the downstream power
15 benefits that Canada is entitled to under Article V
16 of the Treaty Relating to Cooperative Development
17 of the Water Resources of the Columbia River
18 Basin, signed at Washington January 17, 1961 (15
19 UST 1555; TIAS 5638).

20 (b) TRANSMISSION COORDINATION AND EXPAN-
21 SION.—

22 (1) ESTABLISHMENT.—There is established in
23 the Treasury an account for the purposes of making
24 expenditures to increase bilateral transfers of renew-

1 able electric generation between the western United
2 States and Canada.

3 (2) CRITERIA.—

4 (A) IN GENERAL.—The Administrator may
5 make expenditures from the Account for activi-
6 ties to improve electric power system coordina-
7 tion by constructing electric power transmission
8 facilities within the western United States that
9 directly or indirectly facilitate non-carbon emit-
10 ting electric power transactions between the
11 western United States and Canada.

12 (B) APPLICATION.—Subparagraph (A)
13 shall be effective after the later of—

14 (i) September 16, 2024; and

15 (ii) the date on which the Canadian
16 entitlement value calculation is terminated
17 or reduced to the actual electric power
18 value to the United States, as determined
19 by the Administrator.

20 (3) CONSULTATION.—The Administrator shall
21 consult with relevant electric utilities in Canada and
22 appropriate regional transmission planning organiza-
23 tions in considering the construction of transmission
24 activities under this subsection.

1 (4) AUTHORIZATION.—There is authorized to
2 be appropriated to the Account a nonreimbursable
3 amount equal to the aggregated amount of the Ca-
4 nadian Entitlement during the 5-year period pre-
5 ceding the date of enactment of this Act.

6 (c) INCREASED HYDROELECTRIC CAPACITY.—

7 (1) IN GENERAL.—The Commissioner of Rec-
8 lamation shall rehabilitate and enhance the John W.
9 Keys III Pump Generating Plant—

10 (A) to replace obsolete equipment;

11 (B) to maintain reliability and improve ef-
12 ficiency in system performance and operation;

13 (C) to create more hydroelectric power ca-
14 pacity in the Pacific Northwest; and

15 (D) to ensure the availability of water for
16 irrigation in the event that Columbia River
17 water flows from British Columbia into the
18 United States are insufficient after September
19 16, 2024.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated
22 \$100,000,000, which shall be nonreimbursable, to
23 carry out this subsection.

24 (d) POWER COORDINATION STUDY.—

1 (D) any public utility districts that operate
2 hydroelectric projects on the mainstem of the
3 Columbia River.

4 (4) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated \$10,000,000,
6 which shall be nonreimbursable, to carry out this
7 subsection.

8 **Subtitle B—Cybersecurity**

9 **SEC. 40121. ENHANCING GRID SECURITY THROUGH PUB- 10 LIC-PRIVATE PARTNERSHIPS.**

11 (a) DEFINITIONS.—In this section:

12 (1) BULK-POWER SYSTEM; ELECTRIC RELI-
13 ABILITY ORGANIZATION.—The terms “bulk-power
14 system” and “Electric Reliability Organization” has
15 the meaning given the terms in section 215(a) of the
16 Federal Power Act (16 U.S.C. 824o(a)).

17 (2) ELECTRIC UTILITY; STATE REGULATORY
18 AUTHORITY.—The terms “electric utility” and
19 “State regulatory authority” have the meanings
20 given the terms in section 3 of the Federal Power
21 Act (16 U.S.C. 796).

22 (b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL
23 SECURITY AND CYBERSECURITY OF ELECTRIC UTILI-
24 TIES.—

1 (1) ESTABLISHMENT.—The Secretary, in con-
2 sultation with the Secretary of Homeland Security
3 and, as the Secretary determines to be appropriate,
4 the heads of other relevant Federal agencies, State
5 regulatory authorities, industry stakeholders, and
6 the Electric Reliability Organization, shall carry out
7 a program—

8 (A) to develop, and provide for voluntary
9 implementation of, maturity models, self-assess-
10 ments, and auditing methods for assessing the
11 physical security and cybersecurity of electric
12 utilities;

13 (B) to assist with threat assessment and
14 cybersecurity training for electric utilities;

15 (C) to provide technical assistance for elec-
16 tric utilities subject to the program;

17 (D) to provide training to electric utilities
18 to address and mitigate cybersecurity supply
19 chain management risks;

20 (E) to advance, in partnership with electric
21 utilities, the cybersecurity of third-party ven-
22 dors that manufacture components of the elec-
23 tric grid;

1 (F) to increase opportunities for sharing
2 best practices and data collection within the
3 electric sector; and

4 (G) to assist, in the case of electric utilities
5 that own defense critical electric infrastructure
6 (as defined in section 215A(a) of the Federal
7 Power Act (16 U.S.C. 824o-1(a))), with full en-
8 gineering reviews of critical functions and oper-
9 ations at both the utility and defense infra-
10 structure levels—

11 (i) to identify unprotected avenues for
12 cyber-enabled sabotage that would have
13 catastrophic effects to national security;
14 and

15 (ii) to recommend and implement en-
16 gineering protections to ensure continued
17 operations of identified critical functions
18 even in the face of constant cyber attacks
19 and achieved perimeter access by sophisti-
20 cated adversaries.

21 (2) SCOPE.—In carrying out the program under
22 paragraph (1), the Secretary shall—

23 (A) take into consideration—

24 (i) the different sizes of electric utili-
25 ties; and

1 (ii) the regions that electric utilities
2 serve;

3 (B) prioritize electric utilities with fewer
4 available resources due to size or region; and

5 (C) to the maximum extent practicable,
6 use and leverage—

7 (i) existing Department and Depart-
8 ment of Homeland Security programs; and

9 (ii) existing programs of the Federal
10 agencies determined to be appropriate
11 under paragraph (1).

12 (c) REPORT ON CYBERSECURITY OF DISTRIBUTION
13 SYSTEMS.—Not later than 1 year after the date of enact-
14 ment of this Act, the Secretary, in consultation with the
15 Secretary of Homeland Security and, as the Secretary de-
16 termines to be appropriate, the heads of other Federal
17 agencies, State regulatory authorities, and industry stake-
18 holders, shall submit to Congress a report that assesses—

19 (1) priorities, policies, procedures, and actions
20 for enhancing the physical security and cybersecurity
21 of electricity distribution systems, including behind-
22 the-meter generation, storage, and load management
23 devices, to address threats to, and vulnerabilities of,
24 electricity distribution systems; and

1 (2) the implementation of the priorities, poli-
2 cies, procedures, and actions assessed under para-
3 graph (1), including—

4 (A) an estimate of potential costs and ben-
5 efits of the implementation; and

6 (B) an assessment of any public-private
7 cost-sharing opportunities.

8 (d) PROTECTION OF INFORMATION.—Information
9 provided to, or collected by, the Federal Government pur-
10 suant to this section the disclosure of which the Secretary
11 reasonably foresees could be detrimental to the physical
12 security or cybersecurity of any electric utility or the bulk-
13 power system—

14 (1) shall be exempt from disclosure under sec-
15 tion 552(b)(3) of title 5, United States Code; and

16 (2) shall not be made available by any Federal
17 agency, State, political subdivision of a State, or
18 Tribal authority pursuant to any Federal, State, po-
19 litical subdivision of a State, or Tribal law, respec-
20 tively, requiring public disclosure of information or
21 records.

22 **SEC. 40122. ENERGY CYBER SENSE PROGRAM.**

23 (a) DEFINITIONS.—In this section:

24 (1) BULK-POWER SYSTEM.—The term “bulk-
25 power system” has the meaning given the term in

1 section 215(a) of the Federal Power Act (16 U.S.C.
2 824o(a)).

3 (2) PROGRAM.—The term “program” means
4 the voluntary Energy Cyber Sense program estab-
5 lished under subsection (b).

6 (b) ESTABLISHMENT.—The Secretary, in consulta-
7 tion with the Secretary of Homeland Security and the
8 heads of other relevant Federal agencies, shall establish
9 a voluntary Energy Cyber Sense program to test the cy-
10 bersecurity of products and technologies intended for use
11 in the energy sector, including in the bulk-power system.

12 (c) PROGRAM REQUIREMENTS.—In carrying out sub-
13 section (b), the Secretary, in consultation with the Sec-
14 retary of Homeland Security and the heads of other rel-
15 evant Federal agencies, shall—

16 (1) establish a testing process under the pro-
17 gram to test the cybersecurity of products and tech-
18 nologies intended for use in the energy sector, in-
19 cluding products relating to industrial control sys-
20 tems and operational technologies, such as super-
21 visory control and data acquisition systems;

22 (2) for products and technologies tested under
23 the program, establish and maintain cybersecurity
24 vulnerability reporting processes and a related data-

1 base that are integrated with Federal vulnerability
2 coordination processes;

3 (3) provide technical assistance to electric utili-
4 ties, product manufacturers, and other energy sector
5 stakeholders to develop solutions to mitigate identi-
6 fied cybersecurity vulnerabilities in products and
7 technologies tested under the program;

8 (4) biennially review products and technologies
9 tested under the program for cybersecurity
10 vulnerabilities and provide analysis with respect to
11 how those products and technologies respond to and
12 mitigate cyber threats;

13 (5) develop guidance that is informed by anal-
14 ysis and testing results under the program for elec-
15 tric utilities and other components of the energy sec-
16 tor for the procurement of products and tech-
17 nologies;

18 (6) provide reasonable notice to, and solicit
19 comments from, the public prior to establishing or
20 revising the testing process under the program;

21 (7) oversee the testing of products and tech-
22 nologies under the program; and

23 (8) consider incentives to encourage the use of
24 analysis and results of testing under the program in

1 the design of products and technologies for use in
2 the energy sector.

3 (d) PROTECTION OF INFORMATION.—Information
4 provided to, or collected by, the Federal Government pur-
5 suant to this section the disclosure of which the Secretary
6 reasonably foresees could be detrimental to the physical
7 security or cybersecurity of any component of the energy
8 sector, including any electric utility or the bulk-power sys-
9 tem—

10 (1) shall be exempt from disclosure under sec-
11 tion 552(b)(3) of title 5, United States Code; and

12 (2) shall not be made available by any Federal
13 agency, State, political subdivision of a State, or
14 Tribal authority pursuant to any Federal, State, po-
15 litical subdivision of a State, or Tribal law, respec-
16 tively, requiring public disclosure of information or
17 records.

18 (e) FEDERAL GOVERNMENT LIABILITY.—Nothing in
19 this section authorizes the commencement of an action
20 against the United States with respect to the testing of
21 a product or technology under the program.

22 **SEC. 40123. INCENTIVES FOR ADVANCED CYBERSECURITY**
23 **TECHNOLOGY INVESTMENT.**

24 Part II of the Federal Power Act is amended by in-
25 serting after section 219 (16 U.S.C. 824s) the following:

1 **“SEC. 219A. INCENTIVES FOR CYBERSECURITY INVEST-**
2 **MENTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ADVANCED CYBERSECURITY TECH-
5 NOLOGY.—The term ‘advanced cybersecurity tech-
6 nology’ means any technology, operational capability,
7 or service, including computer hardware, software,
8 or a related asset, that enhances the security posture
9 of public utilities through improvements in the abil-
10 ity to protect against, detect, respond to, or recover
11 from a cybersecurity threat (as defined in section
12 102 of the Cybersecurity Act of 2015 (6 U.S.C.
13 1501)).

14 “(2) ADVANCED CYBERSECURITY TECHNOLOGY
15 INFORMATION.—The term ‘advanced cybersecurity
16 technology information’ means information relating
17 to advanced cybersecurity technology or proposed
18 advanced cybersecurity technology that is generated
19 by or provided to the Commission or another Fed-
20 eral agency.

21 “(b) STUDY.—Not later than 180 days after the date
22 of enactment of this section, the Commission, in consulta-
23 tion with the Secretary of Energy, the North American
24 Electric Reliability Corporation, the Electricity Subsector
25 Coordinating Council, and the National Association of
26 Regulatory Utility Commissioners, shall conduct a study

1 to identify incentive-based, including performance-based,
2 rate treatments for the transmission and sale of electric
3 energy subject to the jurisdiction of the Commission that
4 could be used to encourage—

5 “(1) investment by public utilities in advanced
6 cybersecurity technology; and

7 “(2) participation by public utilities in cyberse-
8 curity threat information sharing programs.

9 “(c) INCENTIVE-BASED RATE TREATMENT.—Not
10 later than 1 year after the completion of the study under
11 subsection (b), the Commission shall establish, by rule, in-
12 centive-based, including performance-based, rate treat-
13 ments for the transmission of electric energy in interstate
14 commerce and the sale of electric energy at wholesale in
15 interstate commerce by public utilities for the purpose of
16 benefitting consumers by encouraging—

17 “(1) investments by public utilities in advanced
18 cybersecurity technology; and

19 “(2) participation by public utilities in cyberse-
20 curity threat information sharing programs.

21 “(d) FACTORS FOR CONSIDERATION.—In issuing a
22 rule pursuant to this section, the Commission may provide
23 additional incentives beyond those identified in subsection
24 (c) in any case in which the Commission determines that
25 an investment in advanced cybersecurity technology or in-

1 formation sharing program costs will reduce cybersecurity
2 risks to—

3 “(1) defense critical electric infrastructure (as
4 defined in section 215A(a)) and other facilities sub-
5 ject to the jurisdiction of the Commission that are
6 critical to public safety, national defense, or home-
7 land security, as determined by the Commission in
8 consultation with—

9 “(A) the Secretary of Energy;

10 “(B) the Secretary of Homeland Security;

11 and

12 “(C) other appropriate Federal agencies;

13 and

14 “(2) facilities of small or medium-sized public
15 utilities with limited cybersecurity resources, as de-
16 termined by the Commission.

17 “(e) RATEPAYER PROTECTION.—

18 “(1) IN GENERAL.—Any rate approved under a
19 rule issued pursuant to this section, including any
20 revisions to that rule, shall be subject to the require-
21 ments of sections 205 and 206 that all rates,
22 charges, terms, and conditions—

23 “(A) shall be just and reasonable; and

24 “(B) shall not be unduly discriminatory or
25 preferential.

1 “(2) PROHIBITION OF DUPLICATE RECOVERY.—

2 Any rule issued pursuant to this section shall pre-
3 clude rate treatments that allow unjust and unrea-
4 sonable double recovery for advanced cybersecurity
5 technology.

6 “(f) SINGLE-ISSUE RATE FILINGS.—The Commis-
7 sion shall permit public utilities to apply for incentive-
8 based rate treatment under a rule issued under this sec-
9 tion on a single-issue basis by submitting to the Commis-
10 sion a tariff schedule under section 205 that permits re-
11 covery of costs and incentives over the depreciable life of
12 the applicable assets, without regard to changes in receipts
13 or other costs of the public utility.

14 “(g) PROTECTION OF INFORMATION.—Advanced cy-
15 bersecurity technology information that is provided to,
16 generated by, or collected by the Federal Government
17 under subsection (b), (c), or (f) shall be considered to be
18 critical electric infrastructure information under section
19 215A.”.

20 **SEC. 40124. RURAL AND MUNICIPAL UTILITY ADVANCED**
21 **CYBERSECURITY GRANT AND TECHNICAL AS-**
22 **SISTANCE PROGRAM.**

23 (a) DEFINITIONS.—In this section:

24 (1) ADVANCED CYBERSECURITY TECH-
25 NOLOGY.—The term “advanced cybersecurity tech-

1 nology” means any technology, operational capa-
2 bility, or service, including computer hardware, soft-
3 ware, or a related asset, that enhances the security
4 posture of electric utilities through improvements in
5 the ability to protect against, detect, respond to, or
6 recover from a cybersecurity threat (as defined in
7 section 102 of the Cybersecurity Act of 2015 (6
8 U.S.C. 1501)).

9 (2) BULK-POWER SYSTEM.—The term “bulk-
10 power system” has the meaning given the term in
11 section 215(a) of the Federal Power Act (16 U.S.C.
12 824o(a)).

13 (3) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means—

15 (A) a rural electric cooperative;

16 (B) a utility owned by a political subdivi-
17 sion of a State, such as a municipally owned
18 electric utility;

19 (C) a utility owned by any agency, author-
20 ity, corporation, or instrumentality of 1 or more
21 political subdivisions of a State;

22 (D) a not-for-profit entity that is in a part-
23 nership with not fewer than 6 entities described
24 in subparagraph (A), (B), or (C); and

1401

1 (E) an investor-owned electric utility that
2 sells less than 4,000,000 megawatt hours of
3 electricity per year.

4 (4) PROGRAM.—The term “Program” means
5 the Rural and Municipal Utility Advanced Cyberse-
6 curity Grant and Technical Assistance Program es-
7 tablished under subsection (b).

8 (b) ESTABLISHMENT.—Not later than 180 days after
9 the date of enactment of this Act, the Secretary, in con-
10 sultation with the Secretary of Homeland Security, the
11 Federal Energy Regulatory Commission, the North Amer-
12 ican Electric Reliability Corporation, and the Electricity
13 Subsector Coordinating Council, shall establish a program,
14 to be known as the “Rural and Municipal Utility Advanced
15 Cybersecurity Grant and Technical Assistance Program”,
16 to provide grants and technical assistance to, and enter
17 into cooperative agreements with, eligible entities to pro-
18 tect against, detect, respond to, and recover from cyberse-
19 curity threats.

20 (c) OBJECTIVES.—The objectives of the Program
21 shall be—

22 (1) to deploy advanced cybersecurity tech-
23 nologies for electric utility systems; and

1 (2) to increase the participation of eligible enti-
2 ties in cybersecurity threat information sharing pro-
3 grams.

4 (d) AWARDS.—

5 (1) IN GENERAL.—The Secretary—

6 (A) shall award grants and provide tech-
7 nical assistance under the Program to eligible
8 entities on a competitive basis;

9 (B) shall develop criteria and a formula for
10 awarding grants and providing technical assist-
11 ance under the Program;

12 (C) may enter into cooperative agreements
13 with eligible entities that can facilitate the ob-
14 jectives described in subsection (c); and

15 (D) shall establish a process to ensure that
16 all eligible entities are informed about and can
17 become aware of opportunities to receive grants
18 or technical assistance under the Program.

19 (2) PRIORITY FOR GRANTS AND TECHNICAL AS-
20 SISTANCE.—In awarding grants and providing tech-
21 nical assistance under the Program, the Secretary
22 shall give priority to an eligible entity that, as deter-
23 mined by the Secretary—

24 (A) has limited cybersecurity resources;

1403

1 (B) owns assets critical to the reliability of
2 the bulk-power system; or

3 (C) owns defense critical electric infra-
4 structure (as defined in section 215A(a) of the
5 Federal Power Act (16 U.S.C. 824o–1(a))).

6 (e) PROTECTION OF INFORMATION.—Information
7 provided to, or collected by, the Federal Government pur-
8 suant to this section the disclosure of which the Secretary
9 reasonably foresees could be detrimental to the physical
10 security or cybersecurity of any electric utility or the bulk-
11 power system—

12 (1) shall be exempt from disclosure under sec-
13 tion 552(b)(3) of title 5, United States Code; and

14 (2) shall not be made available by any Federal
15 agency, State, political subdivision of a State, or
16 Tribal authority pursuant to any Federal, State, po-
17 litical subdivision of a State, or Tribal law, respec-
18 tively, requiring public disclosure of information or
19 records.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out this section \$250,000,000 for the period of fiscal years
23 2022 through 2026.

24 **SEC. 40125. ENHANCED GRID SECURITY.**

25 (a) DEFINITIONS.—In this section:

1 (1) ELECTRIC UTILITY.—The term “electric
2 utility” has the meaning given the term in section
3 3 of the Federal Power Act (16 U.S.C. 796).

4 (2) E-ISAC.—The term “E-ISAC” means the
5 Electricity Information Sharing and Analysis Center.

6 (b) CYBERSECURITY FOR THE ENERGY SECTOR RE-
7 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
8 GRAM.—

9 (1) IN GENERAL.—The Secretary, in consulta-
10 tion with the Secretary of Homeland Security and,
11 as determined appropriate, other Federal agencies,
12 the energy sector, the States, Indian Tribes, Tribal
13 organizations, territories or freely associated states,
14 and other stakeholders, shall develop and carry out
15 a program—

16 (A) to develop advanced cybersecurity ap-
17 plications and technologies for the energy sec-
18 tor—

19 (i) to identify and mitigate
20 vulnerabilities, including—

21 (I) dependencies on other critical
22 infrastructure;

23 (II) impacts from weather and
24 fuel supply;

1405

1 (III) increased dependence on in-
2 verter-based technologies; and

3 (IV) vulnerabilities from
4 unpatched hardware and software sys-
5 tems; and

6 (ii) to advance the security of field de-
7 vices and third-party control systems, in-
8 cluding—

9 (I) systems for generation, trans-
10 mission, distribution, end use, and
11 market functions;

12 (II) specific electric grid elements
13 including advanced metering, demand
14 response, distribution, generation, and
15 electricity storage;

16 (III) forensic analysis of infected
17 systems;

18 (IV) secure communications; and

19 (V) application of in-line edge se-
20 curity solutions;

21 (B) to leverage electric grid architecture as
22 a means to assess risks to the energy sector, in-
23 cluding by implementing an all-hazards ap-
24 proach to communications infrastructure, con-

1406

1 trol systems architecture, and power systems
2 architecture;

3 (C) to perform pilot demonstration projects
4 with the energy sector to gain experience with
5 new technologies;

6 (D) to develop workforce development cur-
7 ricula for energy sector-related cybersecurity;
8 and

9 (E) to develop improved supply chain con-
10 cepts for secure design of emerging digital com-
11 ponents and power electronics.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to the Sec-
14 retary to carry out this subsection \$250,000,000 for
15 the period of fiscal years 2022 through 2026.

16 (c) ENERGY SECTOR OPERATIONAL SUPPORT FOR
17 CYBERRESILIENCE PROGRAM.—

18 (1) IN GENERAL.—The Secretary may develop
19 and carry out a program—

20 (A) to enhance and periodically test—

21 (i) the emergency response capabilities
22 of the Department; and

23 (ii) the coordination of the Depart-
24 ment with other agencies, the National
25 Laboratories, and private industry;

1407

1 (B) to expand cooperation of the Depart-
2 ment with the intelligence community for en-
3 ergy sector-related threat collection and anal-
4 ysis;

5 (C) to enhance the tools of the Department
6 and E-ISAC for monitoring the status of the
7 energy sector;

8 (D) to expand industry participation in E-
9 ISAC; and

10 (E) to provide technical assistance to small
11 electric utilities for purposes of assessing and
12 improving cybermaturity levels and addressing
13 gaps identified in the assessment.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Sec-
16 retary to carry out this subsection \$50,000,000 for
17 the period of fiscal years 2022 through 2026.

18 (d) MODELING AND ASSESSING ENERGY INFRA-
19 STRUCTURE RISK.—

20 (1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Secretary of Homeland Security, shall
22 develop and carry out an advanced energy security
23 program to secure energy networks, including—

24 (A) electric networks;

25 (B) natural gas networks; and

1 (C) oil exploration, transmission, and deliv-
2 ery networks.

3 (2) SECURITY AND RESILIENCY OBJECTIVE.—

4 The objective of the program developed under para-
5 graph (1) is to increase the functional preservation
6 of electric grid operations or natural gas and oil op-
7 erations in the face of natural and human-made
8 threats and hazards, including electric magnetic
9 pulse and geomagnetic disturbances.

10 (3) ELIGIBLE ACTIVITIES.—In carrying out the
11 program developed under paragraph (1), the Sec-
12 retary may—

13 (A) develop capabilities to identify
14 vulnerabilities and critical components that pose
15 major risks to grid security if destroyed or im-
16 paired;

17 (B) provide modeling at the national level
18 to predict impacts from natural or human-made
19 events;

20 (C) add physical security to the cybersecu-
21 rity maturity model;

22 (D) conduct exercises and assessments to
23 identify and mitigate vulnerabilities to the elec-
24 tric grid, including providing mitigation rec-
25 ommendations;

1 (E) conduct research on hardening solu-
2 tions for critical components of the electric grid;

3 (F) conduct research on mitigation and re-
4 covery solutions for critical components of the
5 electric grid; and

6 (G) provide technical assistance to States
7 and other entities for standards and risk anal-
8 ysis.

9 (4) SAVINGS PROVISION.—Nothing in this sec-
10 tion authorizes new regulatory requirements.

11 (5) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Sec-
13 retary to carry out this subsection \$50,000,000 for
14 the period of fiscal years 2022 through 2026.

15 **SEC. 40126. CYBERSECURITY PLAN.**

16 (a) IN GENERAL.—The Secretary may require, as the
17 Secretary determines appropriate, a recipient of any
18 award or other funding under this division—

19 (1) to submit to the Secretary, prior to the
20 issuance of the award or other funding, a cybersecu-
21 rity plan that demonstrates the cybersecurity matu-
22 rity of the recipient in the context of the project for
23 which that award or other funding was provided;
24 and

1 (2) establish a plan for maintaining and im-
2 proving cybersecurity throughout the life of the pro-
3 posed solution of the project.

4 (b) CONTENTS OF CYBERSECURITY PLAN.—A cyber-
5 security plan described in subsection (a) shall, at a min-
6 imum, describe how the recipient described in that sub-
7 section—

8 (1) plans to maintain cybersecurity between
9 networks, systems, devices, applications, or compo-
10 nents—

11 (A) within the proposed solution of the
12 project; and

13 (B) at the necessary external interfaces at
14 the proposed solution boundaries;

15 (2) will perform ongoing evaluation of cyberse-
16 curity risks to address issues as the issues arise
17 throughout the life of the proposed solution;

18 (3) will report known or suspected network or
19 system compromises of the project to the Secretary;
20 and

21 (4) will leverage applicable cybersecurity pro-
22 grams of the Department, including cyber vulner-
23 ability testing and security engineering evaluations.

24 (c) ADDITIONAL GUIDANCE.—Each recipient de-
25 scribed in subsection (a) should—

1411

1 (1) maximize the use of open guidance and
2 standards, including, wherever possible—

3 (A) the Cybersecurity Capability Maturity
4 Model of the Department (or a successor
5 model); and

6 (B) the Framework for Improving Critical
7 Infrastructure Cybersecurity of the National In-
8 stitute of Standards and Technology; and

9 (2) document —

10 (A) any deviation from open standards;
11 and

12 (B) the utilization of proprietary standards
13 where the recipient determines that such devi-
14 ation necessary.

15 (d) COORDINATION.—The Office of Cybersecurity,
16 Energy Security, and Emergency Response of the Depart-
17 ment shall review each cybersecurity plan submitted under
18 subsection (a) to ensure integration with Department re-
19 search, development, and demonstration programs.

20 (e) PROTECTION OF INFORMATION.—Information
21 provided to, or collected by, the Federal Government pur-
22 suant to this section the disclosure of which the Secretary
23 reasonably foresees could be detrimental to the physical
24 security or cybersecurity of any electric utility or the bulk-
25 power system—

1 (1) shall be exempt from disclosure under sec-
2 tion 552(b)(3) of title 5, United States Code; and

3 (2) shall not be made available by any Federal
4 agency, State, political subdivision of a State, or
5 Tribal authority pursuant to any Federal, State, po-
6 litical subdivision of a State, or Tribal law, respec-
7 tively, requiring public disclosure of information or
8 records.

9 **SEC. 40127. SAVINGS PROVISION.**

10 Nothing in this subtitle affects the authority, existing
11 on the day before the date of enactment of this Act, of
12 any other Federal department or agency, including the au-
13 thority provided to the Secretary of Homeland Security
14 and the Director of the Cybersecurity and Infrastructure
15 Security Agency in title XXII of the Homeland Security
16 Act of 2002 (6 U.S.C. 651 et seq.).

17 **TITLE II—SUPPLY CHAINS FOR**
18 **CLEAN ENERGY TECHNOLOGIES**

19 **SEC. 40201. EARTH MAPPING RESOURCES INITIATIVE.**

20 (a) DEFINITION OF CRITICAL MINERAL.—In this
21 section, the term “critical mineral” has the meaning given
22 the term in section 7002(a) of the Energy Act of 2020
23 (30 U.S.C. 1606(a)).

24 (b) ESTABLISHMENT.—There is established within
25 the United States Geological Survey an initiative, to be

1 known as the “Earth Mapping Resources Initiative” (re-
2 ferred to in this section as the “Initiative”).

3 (c) PURPOSE.—The purpose of the Initiative shall be
4 to accelerate efforts to carry out the fundamental re-
5 sources and mapping mission of the United States Geo-
6 logical Survey by—

7 (1) providing integrated topographic, geologic,
8 geochemical, and geophysical mapping;

9 (2) accelerating the integration and consolida-
10 tion of geospatial and resource data; and

11 (3) providing interpretation of subsurface and
12 above-ground mineral resources data.

13 (d) COOPERATIVE AGREEMENTS.—

14 (1) IN GENERAL.—In carrying out the Initia-
15 tive, the Director of the United States Geological
16 Survey may enter into cooperative agreements with
17 State geological surveys.

18 (2) EFFECT.—Nothing in paragraph (1) pre-
19 cludes the Director of the United States Geological
20 Survey from using existing contracting authorities in
21 carrying out the Initiative.

22 (e) COMPREHENSIVE MAPPING MODERNIZATION.—

23 (1) IN GENERAL.—Not later than 10 years
24 after the date of enactment of this Act, the Initiative
25 shall complete an initial comprehensive national

1 modern surface and subsurface mapping and data
2 integration effort.

3 (2) APPROACH.—In carrying out paragraph (1)
4 with regard to minerals, mineralization, and mineral
5 deposits, the Initiative shall focus on the full range
6 of minerals, using a whole ore body approach rather
7 than a single commodity approach, to emphasize all
8 of the recoverable critical minerals in a given surface
9 or subsurface deposit.

10 (3) PRIORITY.—In carrying out paragraph (1)
11 with regard to minerals, mineralization, and mineral
12 deposits, the Initiative shall prioritize mapping and
13 assessing critical minerals.

14 (4) INCLUSIONS.—In carrying out paragraph
15 (1), the Initiative shall also—

16 (A) map and collect data for areas con-
17 taining mine waste to increase understanding of
18 above-ground critical mineral resources in pre-
19 viously disturbed areas; and

20 (B) provide for analysis of samples, includ-
21 ing samples within the National Geological and
22 Geophysical Data Preservation Program estab-
23 lished under section 351(b) of the Energy Pol-
24 icy Act of 2005 (42 U.S.C. 15908(b)) for the
25 occurrence of critical minerals.

1 (f) AVAILABILITY.—The Initiative shall make the
2 geospatial data and metadata gathered by the Initiative
3 under subsection (e)(1) electronically publicly accessible
4 on an ongoing basis.

5 (g) INTEGRATION OF DATA SOURCES.—The Initia-
6 tive shall integrate data sources, including data from—

7 (1) the National Cooperative Geologic Mapping
8 Program established by section 4(a)(1) of the Na-
9 tional Geologic Mapping Act of 1992 (43 U.S.C.
10 31c(a)(1));

11 (2) the National Geological and Geophysical
12 Data Preservation Program established under sec-
13 tion 351(b) of the Energy Policy Act of 2005 (42
14 U.S.C. 15908(b));

15 (3) the USMIN Mineral Deposit Database of
16 the United States Geological Survey;

17 (4) the 3D Elevation Program established
18 under section 5(a) of the National Landslide Pre-
19 paredness Act (43 U.S.C. 3104(a)); and

20 (5) other relevant sources, including sources
21 providing geothermal resources data.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$320,000,000 for the period of fiscal years
25 2022 through 2026, to remain available until expended.

1 **SEC. 40202. NATIONAL COOPERATIVE GEOLOGIC MAPPING**
2 **PROGRAM.**

3 (a) IN GENERAL.—Section 4(d) of the National Geo-
4 logic Mapping Act of 1992 (43 U.S.C. 31c(d)) is amended
5 by adding at the end the following:

6 “(4) ABANDONED MINE LAND AND MINE WASTE
7 COMPONENT.—

8 “(A) IN GENERAL.—The geologic mapping
9 program shall include an abandoned mine land
10 and mine waste geologic mapping component,
11 the objective of which shall be to establish the
12 geologic framework of abandoned mine land
13 and other land containing mine waste.

14 “(B) MAPPING PRIORITIES.—For the com-
15 ponent described in subparagraph (A), the pri-
16 ority shall be mapping abandoned mine land
17 and other land containing mine waste where
18 multiple critical mineral (as defined in section
19 7002(a) of the Energy Act of 2020 (30 U.S.C.
20 1606(a))) and metal commodities are antici-
21 pated to be present, rather than single mineral
22 resources.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 9(a) of the National Geologic Mapping Act of 1992 (43
25 U.S.C. 31h(a)) is amended by striking “2023” and insert-
26 ing “2031”.

1417

1 **SEC. 40203. NATIONAL GEOLOGICAL AND GEOPHYSICAL**
2 **DATA PRESERVATION PROGRAM.**

3 Section 351(b) of the Energy Policy Act of 2005 (42
4 U.S.C. 15908(b)) is amended—

5 (1) in paragraph (2), by striking “and” after
6 the semicolon;

7 (2) in paragraph (3), by striking the period at
8 the end and inserting “; and”; and

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

10 “(4) to provide for preservation of samples to
11 track geochemical signatures from critical mineral
12 (as defined in section 7002(a) of the Energy Act of
13 2020 (30 U.S.C. 1606(a))) ore bodies for use in
14 provenance tracking frameworks.”.

15 **SEC. 40204. USGS ENERGY AND MINERALS RESEARCH FA-**
16 **CILITY.**

17 (a) **ESTABLISHMENT.**—The Director of the United
18 States Geological Survey (referred to in this section as the
19 “Director”), shall fund, through a cooperative agreement
20 with an academic partner, the design, construction, and
21 tenant build-out of a facility to support energy and min-
22 erals research and appurtenant associated structures.

23 (b) **OWNERSHIP.**—The United States Geological Sur-
24 vey shall retain ownership of the facility and associated
25 structures described in subsection (a).

1 (c) AGREEMENTS.—The Director may enter into
2 agreements with, and to collect and expend funds or in-
3 kind contributions from, academic, Federal, State, or
4 other tenants over the life of the facility described in sub-
5 section (a) for the purposes of—

6 (1) facility planning;

7 (2) design;

8 (3) maintenance;

9 (4) operation; or

10 (5) facility improvements.

11 (d) LEASES.—The Director may enter into a lease
12 or other agreement with the academic partner with which
13 the Director has entered into a cooperative agreement
14 under subsection (a), at no cost to the Federal Govern-
15 ment, to obtain land on which to construct the facility de-
16 scribed in that subsection for a term of not less than 99
17 years.

18 (e) REPORTS.—The Director shall submit to Con-
19 gress annual reports on—

20 (1) the facility described in subsection (a); and

21 (2) the authorities used under this section.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of the Inte-
24 rior to carry out this section \$167,000,000 for fiscal year
25 2022, to remain available until expended.

1 **SEC. 40205. RARE EARTH ELEMENTS DEMONSTRATION FA-**
2 **CILITY.**

3 Section 7001 of the Energy Act of 2020 (42 U.S.C.
4 13344) is amended—

5 (1) in subsection (b), by inserting “and annu-
6 ally thereafter while the facility established under
7 subsection (c) remains in operation,” after “enact-
8 ment of this Act,”;

9 (2) by redesignating subsection (c) as sub-
10 section (d); and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) RARE EARTH DEMONSTRATION FACILITY.—

14 “(1) ESTABLISHMENT.—In coordination with
15 the research program under subsection (a)(1)(A),
16 the Secretary shall fund, through an agreement with
17 an academic partner, the design, construction, and
18 build-out of a facility to demonstrate the commercial
19 feasibility of a full-scale integrated rare earth ele-
20 ment extraction and separation facility and refinery.

21 “(2) FACILITY ACTIVITIES.—The facility estab-
22 lished under paragraph (1) shall—

23 “(A) provide environmental benefits
24 through use of feedstock derived from acid mine
25 drainage, mine waste, or other deleterious ma-
26 terial;

1420

1 “(B) separate mixed rare earth oxides into
2 pure oxides of each rare earth element;

3 “(C) refine rare earth oxides into rare
4 earth metals; and

5 “(D) provide for separation of rare earth
6 oxides and refining into rare earth metals at a
7 single site.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Sec-
10 retary to carry out this subsection \$140,000,000 for
11 fiscal year 2022, to remain available until ex-
12 pended.”.

13 **SEC. 40206. CRITICAL MINERALS SUPPLY CHAINS AND RE-**
14 **LIABILITY.**

15 (a) DEFINITION OF CRITICAL MINERAL.—In this
16 section, the term “critical mineral” has the meaning given
17 the term in section 7002(a) of the Energy Act of 2020
18 (30 U.S.C. 1606(a)).

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) critical minerals are fundamental to the
22 economy, competitiveness, and security of the United
23 States;

1 (2) many critical minerals are only economic to
2 recover when combined with the production of a host
3 mineral;

4 (3) to the maximum extent practicable, the crit-
5 ical mineral needs of the United States should be
6 satisfied by minerals responsibly produced and recy-
7 cled in the United States; and

8 (4) the Federal permitting process has been
9 identified as an impediment to mineral production
10 and the mineral security of the United States.

11 (c) FEDERAL PERMITTING AND REVIEW PERFORM-
12 ANCE IMPROVEMENTS.—To improve the quality and time-
13 liness of Federal permitting and review processes with re-
14 spect to critical mineral production on Federal land, the
15 Secretary of the Interior, acting through the Director of
16 the Bureau of Land Management, and the Secretary of
17 Agriculture, acting through the Chief of the Forest Service
18 (referred to in this section as the “Secretaries”), to the
19 maximum extent practicable, shall complete the Federal
20 permitting and review processes with maximum efficiency
21 and effectiveness, while supporting vital economic growth,
22 by—

23 (1) establishing and adhering to timelines and
24 schedules for the consideration of, and final deci-
25 sions regarding, applications, operating plans, leases,

1 licenses, permits, and other use authorizations for
2 critical mineral-related activities on Federal land;

3 (2) establishing clear, quantifiable, and tem-
4 poral permitting performance goals and tracking
5 progress against those goals;

6 (3) engaging in early collaboration among agen-
7 cies, project sponsors, and affected stakeholders—

8 (A) to incorporate and address the inter-
9 ests of those parties; and

10 (B) to minimize delays;

11 (4) ensuring transparency and accountability by
12 using cost-effective information technology to collect
13 and disseminate information regarding individual
14 projects and agency performance;

15 (5) engaging in early and active consultation
16 with State, local, and Tribal governments—

17 (A) to avoid conflicts or duplication of ef-
18 fort;

19 (B) to resolve concerns; and

20 (C) to allow for concurrent, rather than se-
21 quential, reviews;

22 (6) providing demonstrable improvements in the
23 performance of Federal permitting and review proc-
24 esses, including lower costs and more timely deci-
25 sions;

1 (7) expanding and institutionalizing Federal
2 permitting and review process improvements that
3 have proven effective;

4 (8) developing mechanisms to better commu-
5 nicate priorities and resolve disputes among agencies
6 at the national, regional, State, and local levels; and

7 (9) developing other practices, such as
8 preapplication procedures.

9 (d) REVIEW AND REPORT.—Not later than 1 year
10 after the date of enactment of this Act, the Secretaries
11 shall submit to Congress a report that—

12 (1) identifies additional measures, including
13 regulatory and legislative proposals, if appropriate,
14 that would increase the timeliness of permitting ac-
15 tivities for the exploration and development of do-
16 mestic critical minerals;

17 (2) identifies options, including cost recovery
18 paid by permit applicants, for ensuring adequate
19 staffing and training of Federal entities and per-
20 sonnel responsible for the consideration of applica-
21 tions, operating plans, leases, licenses, permits, and
22 other use authorizations for critical mineral-related
23 activities on Federal land;

24 (3) quantifies the period of time typically re-
25 quired to complete each step associated with the de-

1 velopment and processing of applications, operating
2 plans, leases, licenses, permits, and other use au-
3 thorizations for critical mineral-related activities on
4 Federal land, including by—

5 (A) calculating the range, the mean, the
6 median, the variance, and other statistical
7 measures or representations of the period of
8 time; and

9 (B) taking into account other aspects that
10 affect the period of time that are outside the
11 control of the Executive branch, such as judicial
12 review, applicant decisions, or State and local
13 government involvement; and

14 (4) describes actions carried out pursuant to
15 subsection (c).

16 (e) PERFORMANCE METRIC.—Not later than 90 days
17 after the date of submission of the report under subsection
18 (d), and after providing public notice and an opportunity
19 to comment, the Secretaries, using as a baseline the period
20 of time quantified under paragraph (3) of that subsection,
21 shall develop and publish a performance metric for evalu-
22 ating the progress made by the Executive branch to expe-
23 dite the permitting of activities that will increase explo-
24 ration for, and development of, domestic critical minerals,
25 while maintaining environmental standards.

1 (f) ANNUAL REPORTS.—Not later than the date on
2 which the President submits the first budget of the Presi-
3 dent under section 1105 of title 31, United States Code,
4 after publication of the performance metric required under
5 subsection (e), and annually thereafter, the Secretaries
6 shall submit to Congress a report that—

7 (1) summarizes the implementation of rec-
8 ommendations, measures, and options identified in
9 paragraphs (1) and (2) of subsection (d);

10 (2) using the performance metric developed
11 under subsection (e), describes progress made by the
12 Executive branch, as compared to the baseline devel-
13 oped pursuant to subsection (d)(3), in expediting the
14 permitting of activities that will increase exploration
15 for, and development of, domestic critical minerals;
16 and

17 (3) compares the United States to other coun-
18 tries in terms of permitting efficiency and any other
19 criteria relevant to the globally competitive critical
20 minerals industry.

21 (g) INDIVIDUAL PROJECTS.—Each year, using data
22 contained in the reports submitted under subsection (f),
23 the Director of the Office of Management and Budget
24 shall prioritize inclusion of individual critical mineral
25 projects on the website operated by the Office of Manage-

1 ment and Budget in accordance with section 1122 of title
2 31, United States Code.

3 **SEC. 40207. BATTERY PROCESSING AND MANUFACTURING.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADVANCED BATTERY.—The term “advanced
6 battery” means a battery that consists of a battery
7 cell that can be integrated into a module, pack, or
8 system to be used in energy storage applications, in-
9 cluding electric vehicles and the electric grid.

10 (2) ADVANCED BATTERY COMPONENT.—

11 (A) IN GENERAL.—The term “advanced
12 battery component” means a component of an
13 advanced battery.

14 (B) INCLUSIONS.—The term “advanced
15 battery component” includes materials, en-
16 hancements, enclosures, anodes, cathodes, elec-
17 trolytes, cells, and other associated technologies
18 that comprise an advanced battery.

19 (3) BATTERY MATERIAL.—The term “battery
20 material” means the raw and processed form of a
21 mineral, metal, chemical, or other material used in
22 an advanced battery component.

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means an entity described in any of paragraphs

1 (1) through (5) of section 989(b) of the Energy Pol-
2 icy Act of 2005 (42 U.S.C. 16353(b)).

3 (5) FOREIGN ENTITY OF CONCERN.—The term
4 “foreign entity of concern” means a foreign entity
5 that is—

6 (A) designated as a foreign terrorist orga-
7 nization by the Secretary of State under section
8 219(a) of the Immigration and Nationality Act
9 (8 U.S.C. 1189(a));

10 (B) included on the list of specially des-
11 ignated nationals and blocked persons main-
12 tained by the Office of Foreign Assets Control
13 of the Department of the Treasury (commonly
14 known as the “SDN list”);

15 (C) owned by, controlled by, or subject to
16 the jurisdiction or direction of a government of
17 a foreign country that is a covered nation (as
18 defined in section 2533c(d) of title 10, United
19 States Code);

20 (D) alleged by the Attorney General to
21 have been involved in activities for which a con-
22 viction was obtained under—

23 (i) chapter 37 of title 18, United
24 States Code (commonly known as the “Es-
25 pionage Act”);

1428

1 (ii) section 951 or 1030 of title 18,
2 United States Code;

3 (iii) chapter 90 of title 18, United
4 States Code (commonly known as the
5 “Economic Espionage Act of 1996”);

6 (iv) the Arms Export Control Act (22
7 U.S.C. 2751 et seq.);

8 (v) section 224, 225, 226, 227, or 236
9 of the Atomic Energy Act of 1954 (42
10 U.S.C. 2274, 2275, 2276, 2277, and
11 2284);

12 (vi) the Export Control Reform Act of
13 2018 (50 U.S.C. 4801 et seq.); or

14 (vii) the International Emergency
15 Economic Powers Act (50 U.S.C. 1701 et
16 seq.); or

17 (E) determined by the Secretary, in con-
18 sultation with the Secretary of Defense and the
19 Director of National Intelligence, to be engaged
20 in unauthorized conduct that is detrimental to
21 the national security or foreign policy of the
22 United States.

23 (6) MANUFACTURING.—The term “manufac-
24 turing”, with respect to an advanced battery and an
25 advanced battery component, means the industrial

1 and chemical steps taken to produce that advanced
2 battery or advanced battery component, respectively.

3 (7) PROCESSING.—The term “processing”, with
4 respect to battery material, means the refining of
5 materials, including the treating, baking, and coat-
6 ing processes used to convert raw products into con-
7 stituent materials employed directly in advanced bat-
8 tery manufacturing.

9 (8) RECYCLING.—The term “recycling” means
10 the recovery of materials from advanced batteries to
11 be reused in similar applications, including the ex-
12 tracting, processing, and recoating of battery mate-
13 rials and advanced battery components.

14 (b) BATTERY MATERIAL PROCESSING GRANTS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary shall establish within the Office of Fossil En-
18 ergy a program, to be known as the “Battery Mate-
19 rial Processing Grant Program” (referred to in this
20 subsection as the “program”), under which the Sec-
21 retary shall award grants in accordance with this
22 subsection.

23 (2) PURPOSES.—The purposes of the program
24 are—

1430

1 (A) to ensure that the United States has
2 a viable battery materials processing industry to
3 supply the North American battery supply
4 chain;

5 (B) to expand the capabilities of the
6 United States in advanced battery manufac-
7 turing;

8 (C) to enhance national security by reduc-
9 ing the reliance of the United States on foreign
10 competitors for critical materials and tech-
11 nologies; and

12 (D) to enhance the domestic processing ca-
13 pacity of minerals necessary for battery mate-
14 rials and advanced batteries.

15 (3) GRANTS.—

16 (A) IN GENERAL.—Under the program,
17 the Secretary shall award grants to eligible en-
18 tities—

19 (i) to carry out 1 or more demonstra-
20 tion projects in the United States for the
21 processing of battery materials;

22 (ii) to construct 1 or more new com-
23 mercial-scale battery material processing
24 facilities in the United States; and

1431

1 (iii) to retool, retrofit, or expand 1 or
2 more existing battery material processing
3 facilities located in the United States and
4 determined qualified by the Secretary.

5 (B) AMOUNT LIMITATION.—The amount of
6 a grant awarded under the program shall be
7 not less than—

8 (i) \$50,000,000 for an eligible entity
9 carrying out 1 or more projects described
10 in subparagraph (A)(i);

11 (ii) \$100,000,000 for an eligible entity
12 carrying out 1 or more projects described
13 in subparagraph (A)(ii); and

14 (iii) \$50,000,000 for an eligible entity
15 carrying out 1 or more projects described
16 in subparagraph (A)(iii).

17 (C) PRIORITY; CONSIDERATION.—In
18 awarding grants to eligible entities under the
19 program, the Secretary shall—

20 (i) give priority to an eligible entity
21 that—

22 (I) is located and operates in the
23 United States;

24 (II) is owned by a United States
25 entity;

1432

1 (III) deploys North American-
2 owned intellectual property and con-
3 tent;

4 (IV) represents consortia or in-
5 dustry partnerships; and

6 (V) will not use battery material
7 supplied by or originating from a for-
8 eign entity of concern; and

9 (ii) take into consideration whether a
10 project—

11 (I) provides workforce opportuni-
12 ties in low- and moderate-income com-
13 munities;

14 (II) encourages partnership with
15 universities and laboratories to spur
16 innovation and drive down costs;

17 (III) partners with Indian Tribes;
18 and

19 (IV) takes into account—

20 (aa) greenhouse gas emis-
21 sions reductions and energy effi-
22 cient battery material processing
23 opportunities throughout the
24 manufacturing process; and

25 (bb) supply chain logistics.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out the program \$3,000,000,000 for
4 the period of fiscal years 2022 through 2026, to re-
5 main available until expended.

6 (c) BATTERY MANUFACTURING AND RECYCLING
7 GRANTS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary shall establish within the Office of Energy Ef-
11 ficiency and Renewable Energy a battery manufac-
12 turing and recycling grant program (referred to in
13 this subsection as the “program”).

14 (2) PURPOSE.—The purpose of the program is
15 to ensure that the United States has a viable domes-
16 tic manufacturing and recycling capability to sup-
17 port and sustain a North American battery supply
18 chain.

19 (3) GRANTS.—

20 (A) IN GENERAL.—Under the program,
21 the Secretary shall award grants to eligible en-
22 tities—

23 (i) to carry out 1 or more demonstra-
24 tion projects for advanced battery compo-

1434

1 nent manufacturing, advanced battery
2 manufacturing, and recycling;

3 (ii) to construct 1 or more new com-
4 mercial-scale advanced battery component
5 manufacturing, advanced battery manufac-
6 turing, or recycling facilities in the United
7 States; and

8 (iii) to retool, retrofit, or expand 1 or
9 more existing facilities located in the
10 United States and determined qualified by
11 the Secretary for advanced battery compo-
12 nent manufacturing, advanced battery
13 manufacturing, and recycling.

14 (B) AMOUNT LIMITATION.—The amount of
15 a grant awarded under the program shall be
16 not less than—

17 (i) \$50,000,000 for an eligible entity
18 carrying out 1 or more projects described
19 in subparagraph (A)(i);

20 (ii) \$100,000,000 for an eligible entity
21 carrying out 1 or more projects described
22 in subparagraph (A)(ii); and

23 (iii) \$50,000,000 for an eligible entity
24 carrying out 1 or more projects described
25 in subparagraph (A)(iii).

1435

1 (C) PRIORITY; CONSIDERATION.—In
2 awarding grants to eligible entities under the
3 program, the Secretary shall—

4 (i) give priority to an eligible entity
5 that—

6 (I) is located and operates in the
7 United States;

8 (II) is owned by a United States
9 entity;

10 (III) deploys North American-
11 owned intellectual property and con-
12 tent;

13 (IV) represents consortia or in-
14 dustry partnerships; and

15 (V)(aa) if the eligible entity will
16 use the grant for advanced battery
17 component manufacturing, will not
18 use battery material supplied by or
19 originating from a foreign entity of
20 concern; or

21 (bb) if the eligible entity will use
22 the grant for battery recycling, will
23 not export recovered critical materials
24 to a foreign entity of concern; and

1436

1 (ii) take into consideration whether a
2 project—

3 (I) provides workforce opportuni-
4 ties in low- and moderate-income or
5 rural communities;

6 (II) provides workforce opportu-
7 nities in communities that have lost
8 jobs due to the displacements of fossil
9 energy jobs;

10 (III) encourages partnership with
11 universities and laboratories to spur
12 innovation and drive down costs;

13 (IV) partners with Indian Tribes;

14 (V) takes into account—

15 (aa) greenhouse gas emis-
16 sions reductions and energy effi-
17 cient battery material processing
18 opportunities throughout the
19 manufacturing process; and

20 (bb) supply chain logistics;
21 and

22 (VI) utilizes feedstock produced
23 in the United States.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Sec-

1 retary to carry out the program \$3,000,000,000 for
2 the period of fiscal years 2022 through 2026, to re-
3 main available until expended.

4 (d) REPORTING REQUIREMENTS.—Not later than 1
5 year after the date of enactment of this Act, and annually
6 thereafter, the Secretary shall submit to Congress a report
7 on the grant programs established under subsections (b)
8 and (c), including, with respect to each grant program,
9 a description of—

10 (1) the number of grant applications received;

11 (2) the number of grants awarded and the
12 amount of each award;

13 (3) the purpose and status of each project car-
14 ried out using a grant; and

15 (4) any other information the Secretary deter-
16 mines necessary.

17 (e) LITHIUM-ION BATTERY RECYCLING PRIZE COM-
18 PETITION.—

19 (1) IN GENERAL.—The Secretary shall continue
20 to carry out the Lithium-Ion Battery Recycling
21 Prize Competition of the Department established
22 pursuant to section 24 of the Stevenson-Wydler
23 Technology Innovation Act of 1980 (15 U.S.C.
24 3719) (referred to in this subsection as the “com-
25 petition”).

1 (2) AUTHORIZATION OF APPROPRIATIONS FOR
2 PILOT PROJECTS.—

3 (A) IN GENERAL.—There is authorized to
4 be appropriated to the Secretary to carry out
5 Phase III of the competition, \$10,000,000 for
6 fiscal year 2022, to remain available until ex-
7 pended.

8 (B) USE OF FUNDS.—The Secretary may
9 use amounts made available under subpara-
10 graph (A)—

11 (i) to increase the number of winners
12 of Phase III of the competition;

13 (ii) to increase the amount awarded to
14 each winner of Phase III of the competi-
15 tion; and

16 (iii) to carry out any other activity
17 that is consistent with the goals of Phase
18 III of the competition, as determined by
19 the Secretary.

20 (f) BATTERY AND CRITICAL MINERAL RECYCLING.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) ADMINISTRATOR.—The term “Admin-
23 istrator” means the Administrator of the Envi-
24 ronmental Protection Agency.

1 (B) BATTERY.—The term “battery” means
2 a device that—

3 (i) consists of 1 or more electro-
4 chemical cells that are electrically con-
5 nected; and

6 (ii) is designed to store and deliver
7 electric energy.

8 (C) BATTERY PRODUCER.—The term “bat-
9 tery producer” means, with respect to a covered
10 battery or covered battery-containing product
11 that is sold, offered for sale, or distributed for
12 sale in the United States, including through re-
13 tail, wholesale, business-to-business, and online
14 sale, the following applicable entity:

15 (i) A person who—

16 (I) manufactures the covered bat-
17 tery or covered battery-containing
18 product; and

19 (II) sells or offers for sale the
20 covered battery or covered battery-
21 containing product under the brand of
22 that person.

23 (ii) If there is no person described in
24 clause (i) with respect to the covered bat-
25 tery or covered battery-containing product,

1 the owner or licensee of the brand under
2 which the covered battery or covered bat-
3 tery-containing product is sold, offered for
4 sale, or distributed, regardless of whether
5 the trademark of the brand is registered.

6 (iii) If there is no person described in
7 clause (i) or (ii) with respect to the covered
8 battery or covered battery-containing prod-
9 uct, a person that imports the covered bat-
10 tery or covered battery-containing product
11 into the United States for sale or distribu-
12 tion.

13 (D) COVERED BATTERY.—The term “cov-
14 ered battery” means a new or unused primary
15 battery or rechargeable battery.

16 (E) COVERED BATTERY-CONTAINING
17 PRODUCT.—The term “covered battery-con-
18 taining product” means a new or unused prod-
19 uct that contains or is packaged with a primary
20 battery or rechargeable battery.

21 (F) CRITICAL MINERAL.—The term “crit-
22 ical mineral” has the meaning given the term in
23 section 7002(a) of the Energy Act of 2020 (30
24 U.S.C. 1606(a)).

1441

1 (G) PRIMARY BATTERY.—The term “pri-
2 mary battery” means a nonrechargeable battery
3 that weighs not more than 4.4 pounds, includ-
4 ing an alkaline, carbon-zinc, and lithium metal
5 battery.

6 (H) RECHARGEABLE BATTERY.—

7 (i) IN GENERAL.—The term “re-
8 chargeable battery” means a battery
9 that—

10 (I) contains 1 or more voltaic or
11 galvanic cells that are electrically con-
12 nected to produce electric energy;

13 (II) is designed to be recharged;

14 (III) weighs not more than 11
15 pounds; and

16 (IV) has a watt-hour rating of
17 not more than 300 watt-hours.

18 (ii) EXCLUSIONS.—The term “re-
19 chargeable battery” does not include a bat-
20 tery that—

21 (I) contains electrolyte as a free
22 liquid; or

23 (II) employs lead-acid technology,
24 unless that battery is sealed and does
25 not contain electrolyte as a free liquid.

1442

1 (I) RECYCLING.—The term “recycling”
2 means the series of activities—

3 (i) during which recyclable materials
4 are processed into specification-grade com-
5 modities, and consumed as raw-material
6 feedstock, in lieu of virgin materials, in the
7 manufacturing of new products;

8 (ii) that may include collection, proc-
9 essing, and brokering; and

10 (iii) that result in subsequent con-
11 sumption by a materials manufacturer, in-
12 cluding for the manufacturing of new prod-
13 ucts.

14 (2) BATTERY RECYCLING RESEARCH, DEVELOP-
15 MENT, AND DEMONSTRATION GRANTS.—

16 (A) IN GENERAL.—The Secretary, in co-
17 ordination with the Administrator, shall award
18 multiyear grants to eligible entities for research,
19 development, and demonstration projects to cre-
20 ate innovative and practical approaches to in-
21 crease the reuse and recycling of batteries, in-
22 cluding by addressing—

23 (i) recycling activities;

24 (ii) the development of methods to
25 promote the design and production of bat-

1443

1 teries that take into full account and facili-
2 tate the dismantling, reuse, recovery, and
3 recycling of battery components and mate-
4 rials;

5 (iii) strategies to increase consumer
6 acceptance of, and participation in, the re-
7 cycling of batteries;

8 (iv) the extraction or recovery of crit-
9 ical minerals from batteries that are recy-
10 cled;

11 (v) the integration of increased quan-
12 tities of recycled critical minerals in bat-
13 teries and other products to develop mar-
14 kets for recycled battery materials and
15 critical minerals;

16 (vi) safe disposal of waste materials
17 and components recovered during the recy-
18 cling process;

19 (vii) the protection of the health and
20 safety of all persons involved in, or in
21 proximity to, recycling and reprocessing
22 activities, including communities located
23 near recycling and materials reprocessing
24 facilities;

1444

1 (viii) mitigation of environmental im-
2 pacts that arise from recycling batteries,
3 including disposal of toxic reagents and by-
4 products related to recycling processes;

5 (ix) protection of data privacy associ-
6 ated with collected covered battery-con-
7 taining products;

8 (x) the optimization of the value of
9 material derived from recycling batteries;
10 and

11 (xi) the cost-effectiveness and benefits
12 of the reuse and recycling of batteries and
13 critical minerals.

14 (B) ELIGIBLE ENTITIES.—The Secretary,
15 in coordination with the Administrator, may
16 award a grant under subparagraph (A) to—

17 (i) an institution of higher education;

18 (ii) a National Laboratory;

19 (iii) a Federal research agency;

20 (iv) a State research agency;

21 (v) a nonprofit organization;

22 (vi) an industrial entity;

23 (vii) a manufacturing entity;

24 (viii) a private battery-collection enti-

25 ty;

1445

1 (ix) an entity operating 1 or more
2 battery recycling activities;

3 (x) a State or municipal government
4 entity;

5 (xi) a battery producer;

6 (xii) a battery retailer; or

7 (xiii) a consortium of 2 or more enti-
8 ties described in clauses (i) through (xii).

9 (C) APPLICATIONS.—

10 (i) IN GENERAL.—To be eligible to re-
11 ceive a grant under subparagraph (A), an
12 eligible entity described in subparagraph
13 (B) shall submit to the Secretary an appli-
14 cation at such time, in such manner, and
15 containing such information as the Sec-
16 retary may require.

17 (ii) CONTENTS.—An application sub-
18 mitted under clause (i) shall describe how
19 the project will promote collaboration
20 among—

21 (I) battery producers and manu-
22 facturers;

23 (II) battery material and equip-
24 ment manufacturers;

1446

1 (III) battery recyclers, collectors,
2 and refiners; and

3 (IV) retailers.

4 (D) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to the Secretary to carry out this paragraph
7 \$60,000,000 for the period of fiscal years 2022
8 through 2026.

9 (3) STATE AND LOCAL PROGRAMS.—

10 (A) IN GENERAL.—The Secretary, in co-
11 ordination with the Administrator, shall estab-
12 lish a program under which the Secretary shall
13 award grants, on a competitive basis, to States
14 and units of local government to assist in the
15 establishment or enhancement of State battery
16 collection, recycling, and reprocessing programs.

17 (B) NON-FEDERAL COST SHARE.—The
18 non-Federal share of the cost of a project car-
19 ried out using a grant under this paragraph
20 shall be 50 percent of the cost of the project.

21 (C) REPORT.—Not later than 2 years after
22 the date of enactment of this Act, and annually
23 thereafter, the Secretary shall submit to Con-
24 gress a report that describes the number of bat-
25 tery collection points established or enhanced,

1447

1 an estimate of jobs created, and the quantity of
2 material collected as a result of the grants
3 awarded under subparagraph (A).

4 (D) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to the Secretary to carry out this paragraph
7 \$50,000,000 for the period of fiscal years 2022
8 through 2026.

9 (4) RETAILERS AS COLLECTION POINTS.—

10 (A) IN GENERAL.—The Secretary shall
11 award grants, on a competitive basis, to retail-
12 ers that sell covered batteries or covered bat-
13 tery-containing products to establish and imple-
14 ment a system for the acceptance and collection
15 of covered batteries and covered battery-con-
16 taining products, as applicable, for reuse, recy-
17 cling, or proper disposal.

18 (B) COLLECTION SYSTEM.—A system de-
19 scribed in subparagraph (A) shall include take-
20 back of covered batteries—

21 (i) at no cost to the consumer; and

22 (ii) on a regular, convenient, and ac-
23 cessible basis.

24 (C) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There is authorized to be appropriated

1 to the Secretary to carry out this paragraph
2 \$15,000,000 for the period of fiscal years 2022
3 through 2026.

4 (5) TASK FORCE ON PRODUCER RESPONSIBIL-
5 ITIES.—

6 (A) IN GENERAL.—The Secretary, in co-
7 ordination with the Administrator, shall con-
8 vene a task force to develop an extended battery
9 producer responsibility framework that—

10 (i) addresses battery recycling goals,
11 cost structures for mandatory recycling, re-
12 porting requirements, product design, col-
13 lection models, and transportation of col-
14 lected materials;

15 (ii) provides sufficient flexibility to
16 allow battery producers to determine cost-
17 effective strategies for compliance with the
18 framework; and

19 (iii) outlines regulatory pathways for
20 effective recycling.

21 (B) TASK FORCE MEMBERS.—Members of
22 the task force convened under subparagraph
23 (A) shall include—

1449

1 (i) battery producers, manufacturers,
2 retailers, recyclers, and collectors or proc-
3 essors;

4 (ii) States and municipalities; and

5 (iii) other relevant stakeholders, such
6 as environmental, energy, or consumer or-
7 ganizations, as determined by the Sec-
8 retary.

9 (C) REPORT.—Not later than 1 year after
10 the date on which the Secretary, in coordination
11 with Administrator, convenes the task force
12 under subparagraph (A), the Secretary shall
13 submit to Congress a report that—

14 (i) describes the extended producer re-
15 sponsibility framework developed by the
16 task force;

17 (ii) includes the recommendations of
18 the task force on how best to implement a
19 mandatory pay-in or other enforcement
20 mechanism to ensure that battery pro-
21 ducers and sellers are contributing to the
22 recycling of batteries; and

23 (iii) suggests regulatory pathways for
24 effective recycling.

1 (6) EFFECT ON MERCURY-CONTAINING AND RE-
2 CHARGEABLE BATTERY MANAGEMENT ACT.—Noth-
3 ing in this subsection, or any regulation, guideline,
4 framework, or policy adopted or promulgated pursu-
5 ant to this subsection, shall modify or otherwise af-
6 fect the provisions of the Mercury-Containing and
7 Rechargeable Battery Management Act (42 U.S.C.
8 14301 et seq.).

9 **SEC. 40208. ELECTRIC DRIVE VEHICLE BATTERY RECY-**
10 **CLING AND SECOND-LIFE APPLICATIONS**
11 **PROGRAM.**

12 Section 641 of the Energy Independence and Security
13 Act of 2007 (42 U.S.C. 17231) is amended—

14 (1) by striking subsection (k) and inserting the
15 following:

16 “(k) ELECTRIC DRIVE VEHICLE BATTERY SECOND-
17 LIFE APPLICATIONS AND RECYCLING.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) BATTERY RECYCLING AND SECOND-
20 LIFE APPLICATIONS PROGRAM.—The term ‘bat-
21 tery recycling and second-life applications pro-
22 gram’ means the electric drive vehicle battery
23 recycling and second-life applications program
24 established under paragraph (3).

1 “(B) CRITICAL MATERIAL.—The term
2 ‘critical material’ has the meaning given the
3 term in section 7002(a) of the Energy Act of
4 2020 (30 U.S.C. 1606(a)).

5 “(C) ECONOMICALLY DISTRESSED AREA.—
6 The term ‘economically distressed area’ means
7 an area described in section 301(a) of the Pub-
8 lic Works and Economic Development Act of
9 1965 (42 U.S.C. 3161(a)).

10 “(D) ELECTRIC DRIVE VEHICLE BAT-
11 TERY.—The term ‘electric *drive* vehicle battery’
12 means any battery that is a motive power
13 source for an electric drive vehicle.

14 “(E) ELIGIBLE ENTITY.—The term ‘eligi-
15 ble entity’ means an entity described in any of
16 paragraphs (1) through (5) of section 989(b) of
17 the Energy Policy Act of 2005 (42 U.S.C.
18 16353(b)).

19 “(2) PROGRAM.—The Secretary shall carry out
20 a program of research, development, and demonstra-
21 tion of—

22 “(A) second-life applications for electric
23 drive vehicle batteries that have been used to
24 power electric drive vehicles; and

1 “(B) technologies and processes for final
2 recycling and disposal of the devices described
3 in subparagraph (A).

4 “(3) ELECTRIC DRIVE VEHICLE BATTERY RECY-
5 CLING AND SECOND-LIFE APPLICATIONS.—

6 “(A) IN GENERAL.—In carrying out the
7 program under paragraph (2), the Secretary
8 shall establish an electric drive vehicle battery
9 recycling and second-life applications program
10 under which the Secretary shall—

11 “(i) award grants under subparagraph
12 (D); and

13 “(ii) carry out other activities in ac-
14 cordance with this paragraph.

15 “(B) PURPOSES.—The purposes of the
16 battery recycling and second-life applications
17 program are the following:

18 “(i) To improve the recycling rates
19 and second-use adoption rates of electric
20 drive vehicle batteries.

21 “(ii) To optimize the design and
22 adaptability of electric drive vehicle bat-
23 teries to make electric drive vehicle bat-
24 teries more easily recyclable.

1 “(iii) To establish alternative supply
2 chains for critical materials that are found
3 in electric drive vehicle batteries.

4 “(iv) To reduce the cost of manufac-
5 turing, installation, purchase, operation,
6 and maintenance of electric drive vehicle
7 batteries.

8 “(v) To improve the environmental
9 impact of electric drive vehicle battery re-
10 cycling processes.

11 “(C) TARGETS.—In carrying out the bat-
12 tery recycling and second-life applications pro-
13 gram, the Secretary shall address near-term (up
14 to 2 years), mid-term (up to 5 years), and long-
15 term (up to 10 years) challenges to the recy-
16 cling of electric drive vehicle batteries.

17 “(D) GRANTS.—

18 “(i) IN GENERAL.—In carrying out
19 the battery recycling and second-life appli-
20 cations program, the Secretary shall award
21 multiyear grants on a competitive, merit-
22 reviewed basis to eligible entities—

23 “(I) to conduct research, develop-
24 ment, testing, and evaluation of solu-
25 tions to increase the rate and produc-

1454

1 tivity of electric drive vehicle battery
2 recycling; and

3 “(II) for research, development,
4 and demonstration projects to create
5 innovative and practical approaches to
6 increase the recycling and second-use
7 of electric drive vehicle batteries, in-
8 cluding by addressing—

9 “(aa) technology to increase
10 the efficiency of electric drive ve-
11 hicle battery recycling and maxi-
12 mize the recovery of critical ma-
13 terials for use in new products;

14 “(bb) expanded uses for crit-
15 ical materials recovered from
16 electric drive vehicle batteries;

17 “(cc) product design and
18 construction to facilitate the dis-
19 assembly and recycling of electric
20 drive vehicle batteries;

21 “(dd) product design and
22 construction and other tools and
23 techniques to extend the lifecycle
24 of electric drive vehicle batteries,
25 including methods to promote the

1455

1 safe second-use of electric drive
2 vehicle batteries;

3 “(ee) strategies to increase
4 consumer acceptance of, and par-
5 ticipation in, the recycling of
6 electric drive vehicle batteries;

7 “(ff) improvements and
8 changes to electric drive vehicle
9 battery chemistries that include
10 ways to decrease processing costs
11 for battery recycling without sac-
12 rificing front-end performance;

13 “(gg) second-use of electric
14 drive vehicle batteries, including
15 in applications outside of the
16 automotive industry; and

17 “(hh) the commercialization
18 and scale-up of electric drive ve-
19 hicle battery recycling tech-
20 nologies.

21 “(ii) PRIORITY.—In awarding grants
22 under clause (i), the Secretary shall give
23 priority to projects that—

24 “(I) are located in geographically
25 diverse regions of the United States;

1456

1 “(II) include business commer-
2 cialization plans that have the poten-
3 tial for the recycling of electric drive
4 vehicle batteries at high volumes;

5 “(III) support the development of
6 advanced manufacturing technologies
7 that have the potential to improve the
8 competitiveness of the United States
9 in the international electric drive vehi-
10 cle battery manufacturing sector;

11 “(IV) provide the greatest poten-
12 tial to reduce costs for consumers and
13 promote accessibility and community
14 implementation of demonstrated tech-
15 nologies;

16 “(V) increase disclosure and
17 transparency of information to con-
18 sumers;

19 “(VI) support the development or
20 demonstration of projects in economi-
21 cally distressed areas; and

22 “(VII) support other relevant pri-
23 orities, as determined to be appro-
24 priate by the Secretary.

1 “(iii) SOLICITATION.—Not later than
2 90 days after the date of enactment of the
3 Infrastructure Investment and Jobs Act,
4 and annually thereafter, the Secretary
5 shall conduct a national solicitation for ap-
6 plications for grants described in clause (i).

7 “(iv) DISSEMINATION OF RESULTS.—
8 The Secretary shall publish the results of
9 the projects carried out through grants
10 awarded under clause (i) through—

11 “(I) best practices relating to
12 those grants, for use in the electric
13 drive vehicle battery manufacturing,
14 design, installation, refurbishing, or
15 recycling industries;

16 “(II) coordination with informa-
17 tion dissemination programs relating
18 to general recycling of electronic de-
19 vices; and

20 “(III) educational materials for
21 the public, produced in conjunction
22 with State and local governments or
23 nonprofit organizations, on the prob-
24 lems and solutions relating to the re-

1458

1 cycling and second-life applications of
2 electric drive vehicle batteries.

3 “(E) COORDINATION WITH OTHER PRO-
4 GRAMS OF THE DEPARTMENT.—In carrying out
5 the battery recycling and second-life applica-
6 tions program, the Secretary shall coordinate
7 and leverage the resources of complementary ef-
8 forts of the Department.

9 “(F) STUDY AND REPORT.—

10 “(i) STUDY.—The Secretary shall con-
11 duct a study on the viable market opportu-
12 nities available for the recycling, second-
13 use, and manufacturing of electric drive
14 vehicle batteries in the United States.

15 “(ii) REPORT.—Not later than 1 year
16 after the date of enactment of the Infra-
17 structure Investment and Jobs Act, the
18 Secretary shall submit to the Committee
19 on Energy and Natural Resources of the
20 Senate, the Committee on Science, Space,
21 and Technology of the House of Represent-
22 atives, and any other relevant committee of
23 Congress a report containing the results of
24 the study under clause (i), including a de-
25 scription of—

1459

1 “(I) the ability of relevant busi-
2 nesses or other entities to competi-
3 tively manufacture electric drive vehi-
4 cle batteries and recycle electric drive
5 vehicle batteries in the United States;

6 “(II) any existing electric drive
7 vehicle battery recycling and second-
8 use practices and plans of electric
9 drive vehicle manufacturing companies
10 in the United States;

11 “(III) any barriers to electric
12 drive vehicle battery recycling in the
13 United States;

14 “(IV) opportunities and barriers
15 in electric drive vehicle battery supply
16 chains in the United States and inter-
17 nationally, including with allies and
18 trading partners;

19 “(V) opportunities for job cre-
20 ation in the electric drive vehicle bat-
21 tery recycling and manufacturing
22 fields and the necessary skills employ-
23 ees must acquire for growth of those
24 fields in the United States;

1460

1 “(VI) policy recommendations for
2 enhancing electric drive vehicle bat-
3 tery manufacturing and recycling in
4 the United States;

5 “(VII) any recommendations for
6 lowering logistics costs and creating
7 better coordination and efficiency with
8 respect to the removal, collection,
9 transportation, storage, and dis-
10 assembly of electric drive vehicle bat-
11 teries;

12 “(VIII) any recommendations for
13 areas of coordination with other Fed-
14 eral agencies to improve electric drive
15 vehicle battery recycling rates in the
16 United States;

17 “(IX) an aggressive 2-year target
18 and plan, the implementation of which
19 shall begin during the 90-day period
20 beginning on the date on which the
21 report is submitted, to enhance the
22 competitiveness of electric drive vehi-
23 cle battery manufacturing and recy-
24 cling in the United States; and

1461

1 “(X) needs for future research,
2 development, and demonstration
3 projects in electric drive vehicle bat-
4 tery manufacturing, recycling, and re-
5 lated areas, as determined by the Sec-
6 retary.

7 “(G) EVALUATION.—Not later than 3
8 years after the date on which the report under
9 subparagraph (F)(ii) is submitted, and every 4
10 years thereafter, the Secretary shall conduct,
11 and make available to the public and the rel-
12 evant committees of Congress, an independent
13 review of the progress of the grants awarded
14 under subparagraph (D) in meeting the rec-
15 ommendations and targets included in the re-
16 port.”; and

17 (2) in subsection (p), by striking paragraph (6)
18 and inserting the following:

19 “(6) the electric drive vehicle battery recycling
20 and second-life applications program under sub-
21 section (k) \$200,000,000 for the period of fiscal
22 years 2022 through 2026.”.

23 **SEC. 40209. ADVANCED ENERGY MANUFACTURING AND RE-**
24 **CYCLING GRANT PROGRAM.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADVANCED ENERGY PROPERTY.—The term
2 “advanced energy property” means—

3 (A) property designed to be used to
4 produce energy from the sun, water, wind, geo-
5 thermal or hydrothermal (as those terms are
6 defined in section 612 of the Energy Independ-
7 ence and Security Act of 2007 (42 U.S.C.
8 17191)) resources, enhanced geothermal sys-
9 tems (as defined in that section), or other re-
10 newable resources;

11 (B) fuel cells, microturbines, or energy
12 storage systems and components;

13 (C) electric grid modernization equipment
14 or components;

15 (D) property designed to capture, remove,
16 use, or sequester carbon oxide emissions;

17 (E) equipment designed to refine,
18 electrolyze, or blend any fuel, chemical, or prod-
19 uct that is—

20 (i) renewable; or

21 (ii) low-carbon and low-emission;

22 (F) property designed to produce energy
23 conservation technologies (including for residen-
24 tial, commercial, and industrial applications);

1 (G)(i) light-, medium-, or heavy-duty elec-
2 tric or fuel cell vehicles, electric or fuel cell loco-
3 motives, electric or fuel cell maritime vessels, or
4 electric or fuel cell planes;

5 (ii) technologies, components, and mate-
6 rials of those vehicles, locomotives, maritime
7 vessels, or planes; and

8 (iii) charging or refueling infrastructure
9 associated with those vehicles, locomotives, mar-
10 itime vessels, or planes;

11 (H)(i) hybrid vehicles with a gross vehicle
12 weight rating of not less than 14,000 pounds;
13 and

14 (ii) technologies, components, and mate-
15 rials for those vehicles; and

16 (I) other advanced energy property de-
17 signed to reduce greenhouse gas emissions, as
18 may be determined by the Secretary.

19 (2) COVERED CENSUS TRACT.—The term “cov-
20 ered census tract” means a census tract—

21 (A) in which, after December 31, 1999, a
22 coal mine had closed;

23 (B) in which, after December 31, 2009, a
24 coal-fired electricity generating unit had been
25 retired; or

1 (C) that is immediately adjacent to a cen-
2 sus tract described in subparagraph (A) or (B).

3 (3) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means a manufacturing firm—

5 (A) the gross annual sales of which are
6 less than \$100,000,000;

7 (B) that has fewer than 500 employees at
8 the plant site of the manufacturing firm; and

9 (C) the annual energy bills of which total
10 more than \$100,000 but less than \$2,500,000.

11 (4) MINORITY-OWNED.—The term “minority-
12 owned”, with respect to an eligible entity, means an
13 eligible entity not less than 51 percent of which is
14 owned by 1 or more individuals who are—

15 (A) citizens of the United States; and

16 (B) Asian American, Native Hawaiian, Pa-
17 cific Islander, African American, Hispanic,
18 Puerto Rican, Native American, or Alaska Na-
19 tive.

20 (5) PROGRAM.—The term “Program” means
21 the grant program established under subsection (b).

22 (6) QUALIFYING ADVANCED ENERGY
23 PROJECT.—The term “qualifying advanced energy
24 project” means a project that—

1465

1 (A)(i) re-equips, expands, or establishes a
2 manufacturing or recycling facility for the pro-
3 duction or recycling, as applicable, of advanced
4 energy property; or

5 (ii) re-equips an industrial or manufac-
6 turing facility with equipment designed to re-
7 duce the greenhouse gas emissions of that facil-
8 ity substantially below the greenhouse gas emis-
9 sions under current best practices, as deter-
10 mined by the Secretary, through the installation
11 of—

12 (I) low- or zero-carbon process heat
13 systems;

14 (II) carbon capture, transport, utiliza-
15 tion, and storage systems;

16 (III) technology relating to energy ef-
17 ficiency and reduction in waste from indus-
18 trial processes; or

19 (IV) any other industrial technology
20 that significantly reduces greenhouse gas
21 emissions, as determined by the Secretary;

22 (B) has a reasonable expectation of com-
23 mercial viability, as determined by the Sec-
24 retary; and

25 (C) is located in a covered census tract.

1 (b) ESTABLISHMENT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to award grants to eligible entities to
4 carry out qualifying advanced energy projects.

5 (c) APPLICATIONS.—

6 (1) IN GENERAL.—Each eligible entity seeking
7 a grant under the Program shall submit to the Sec-
8 retary an application at such time, in such manner,
9 and containing such information as the Secretary
10 may require, including a description of the proposed
11 qualifying advanced energy project to be carried out
12 using the grant.

13 (2) SELECTION CRITERIA.—

14 (A) PROJECTS.—In selecting eligible enti-
15 ties to receive grants under the Program, the
16 Secretary shall, with respect to the qualifying
17 advanced energy projects proposed by the eligi-
18 ble entities, give higher priority to projects
19 that—

20 (i) will provide higher net impact in
21 avoiding or reducing anthropogenic emis-
22 sions of greenhouse gases;

23 (ii) will result in a higher level of do-
24 mestic job creation (both direct and indi-
25 rect) during the lifetime of the project;

1467

1 (iii) will result in a higher level of job
2 creation in the vicinity of the project, par-
3 ticularly with respect to—

4 (I) low-income communities (as
5 described in section 45D(e) of the In-
6 ternal Revenue Code of 1986); and

7 (II) dislocated workers who were
8 previously employed in manufacturing,
9 coal power plants, or coal mining;

10 (iv) have higher potential for techno-
11 logical innovation and commercial deploy-
12 ment;

13 (v) have a lower levelized cost of—

14 (I) generated or stored energy; or

15 (II) measured reduction in en-
16 ergy consumption or greenhouse gas
17 emission (based on costs of the full
18 supply chain); and

19 (vi) have a shorter project time.

20 (B) ELIGIBLE ENTITIES.—In selecting eli-
21 gible entities to receive grants under the Pro-
22 gram, the Secretary shall give priority to eligi-
23 ble entities that are minority-owned.

24 (d) PROJECT COMPLETION AND LOCATION; RETURN
25 OF UNOBLIGATED FUNDS.—

1 (1) COMPLETION; RETURN OF UNOBLIGATED
2 FUNDS.—An eligible entity that receives a grant
3 under the Program shall be required—

4 (A) to complete the qualifying advanced
5 energy project funded by the grant not later
6 than 3 years after the date of receipt of the
7 grant funds; and

8 (B) to return to the Secretary any grant
9 funds that remain unobligated at the end of
10 that 3-year period.

11 (2) LOCATION.—If the Secretary determines
12 that an eligible entity awarded a grant under the
13 Program has carried out the applicable qualifying
14 advanced energy project at a location that is materi-
15 ally different from the location specified in the appli-
16 cation for the grant, the eligible entity shall be re-
17 quired to return the grant funds to the Secretary.

18 (e) TECHNICAL ASSISTANCE.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary shall provide technical assistance on a selec-
22 tive basis to eligible entities that are seeking a grant
23 under the Program to enhance the impact of the
24 qualifying advanced energy project to be carried out

1 using the grant with respect to the selection criteria
2 described in subsection (c)(2)(A).

3 (2) APPLICATIONS.—An eligible entity desiring
4 technical assistance under paragraph (1) shall sub-
5 mit to the Secretary an application at such time, in
6 such manner, and containing such information as
7 the Secretary may require.

8 (3) FACTORS FOR CONSIDERATION.—In select-
9 ing eligible entities for technical assistance under
10 paragraph (1), the Secretary shall give higher pri-
11 ority to eligible entities that propose a qualifying ad-
12 vanced energy project that has greater potential for
13 enhancement of the impact of the project with re-
14 spect to the selection criteria described in subsection
15 (c)(2)(A).

16 (f) PUBLICATION OF GRANTS.—The Secretary shall
17 make publicly available the identity of each eligible entity
18 awarded a grant under the Program and the amount of
19 the grant.

20 (g) REPORT.—Not later than 4 years after the date
21 of enactment this Act, the Secretary shall—

22 (1) review the grants awarded under the Pro-
23 gram; and

24 (2) submit to the Committee on Energy and
25 Natural Resources of the Senate and the Committee

1 on Energy and Commerce of the House of Rep-
2 resentatives a report describing those grants.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary to carry
5 out the Program \$750,000,000 for the period of fiscal
6 years 2022 through 2026.

7 **SEC. 40210. CRITICAL MINERALS MINING AND RECYCLING**
8 **RESEARCH.**

9 (a) DEFINITIONS.—In this section:

10 (1) CRITICAL MINERAL.—The term “critical
11 mineral” has the meaning given the term in section
12 7002(a) of the Energy Act of 2020 (30 U.S.C.
13 1606(a)).

14 (2) CRITICAL MINERALS AND METALS.—The
15 term “critical minerals and metals” includes any
16 host mineral of a critical mineral.

17 (3) DIRECTOR.—The term “Director” means
18 the Director of the Foundation.

19 (4) END-TO-END.—The term “end-to-end”,
20 with respect to the integration of mining or life cycle
21 of minerals, means the integrated approach of, or
22 the lifecycle determined by, examining the research
23 and developmental process from the mining of the
24 raw minerals to its processing into useful materials,
25 its integration into components and devices, the uti-

1 lization of such devices in the end-use application to
2 satisfy certain performance metrics, and the recy-
3 cing or disposal of such devices.

4 (5) FOREIGN ENTITY OF CONCERN.—The term
5 “foreign entity of concern” means a foreign entity
6 that is—

7 (A) designated as a foreign terrorist orga-
8 nization by the Secretary of State under section
9 219(a) of the Immigration and Nationality Act
10 (8 U.S.C. 1189(a));

11 (B) included on the list of specially des-
12 ignated nationals and blocked persons main-
13 tained by the Office of Foreign Assets Control
14 of the Department of the Treasury (commonly
15 known as the SDN list);

16 (C) owned by, controlled by, or subject to
17 the jurisdiction or direction of a government of
18 a foreign country that is a covered nation (as
19 defined in section 2533c(d) of title 10, United
20 States Code);

21 (D) alleged by the Attorney General to
22 have been involved in activities for which a con-
23 viction was obtained under—

1472

1 (i) chapter 37 of title 18, United
2 States Code (commonly known as the “Es-
3 pionage Act”);

4 (ii) section 951 or 1030 of title 18,
5 United States Code;

6 (iii) chapter 90 of title 18, United
7 States Code (commonly known as the
8 “Economic Espionage Act of 1996”);

9 (iv) the Arms Export Control Act (22
10 U.S.C. 2751 et seq.);

11 (v) section 224, 225, 226, 227, or 236
12 of the Atomic Energy Act of 1954 (42
13 U.S.C. 2274, 2275, 2276, 2277, and
14 2284);

15 (vi) the Export Control Reform Act of
16 2018 (50 U.S.C. 4801 et seq.); or

17 (vii) the International Emergency
18 Economic Powers Act (50 U.S.C. 1701 et
19 seq.); or

20 (E) determined by the Secretary of Com-
21 merce, in consultation with the Secretary of De-
22 fense and the Director of National Intelligence,
23 to be engaged in unauthorized conduct that is
24 detrimental to the national security or foreign
25 policy of the United States.

1 (6) FOUNDATION.—The term “Foundation”
2 means the National Science Foundation.

3 (7) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given the term in section 101 of the Higher
6 Education Act of 1965 (20 U.S.C. 1001).

7 (8) NATIONAL LABORATORY.—The term “Na-
8 tional Laboratory” has the meaning given the term
9 in section 2 of the Energy Policy Act of 2005 (42
10 U.S.C. 15801).

11 (9) RECYCLING.—The term “recycling” means
12 the process of collecting and processing spent mate-
13 rials and devices and turning the materials and de-
14 vices into raw materials or components that can be
15 reused either partially or completely.

16 (10) SECONDARY RECOVERY.—The term “sec-
17 ondary recovery” means the recovery of critical min-
18 erals and metals from discarded end-use products or
19 from waste products produced during the metal re-
20 fining and manufacturing process, including from
21 mine waste piles, acid mine drainage sludge, or by-
22 products produced through legacy mining and metal-
23 lurgy activities.

24 (b) CRITICAL MINERALS MINING AND RECYCLING
25 RESEARCH AND DEVELOPMENT.—

1 (1) IN GENERAL.—In order to support supply
2 chain resiliency, the Secretary, in coordination with
3 the Director, shall issue awards, on a competitive
4 basis, to eligible entities described in paragraph (2)
5 to support basic research that will accelerate innova-
6 tion to advance critical minerals mining, recycling,
7 and reclamation strategies and technologies for the
8 purposes of—

9 (A) making better use of domestic re-
10 sources; and

11 (B) eliminating national reliance on min-
12 erals and mineral materials that are subject to
13 supply disruptions.

14 (2) ELIGIBLE ENTITIES.—Entities eligible to
15 receive an award under paragraph (1) are the fol-
16 lowing:

17 (A) Institutions of higher education.

18 (B) National Laboratories.

19 (C) Nonprofit organizations.

20 (D) Consortia of entities described in sub-
21 paragraphs (A) through (C), including consortia
22 that collaborate with private industry.

23 (3) USE OF FUNDS.—Activities funded by an
24 award under this section may include—

1475

1 (A) advancing mining research and devel-
2 opment activities to develop new mapping and
3 mining technologies and techniques, including
4 advanced critical mineral extraction and pro-
5 duction—

6 (i) to improve existing, or to develop
7 new, supply chains of critical minerals; and

8 (ii) to yield more efficient, economical,
9 and environmentally benign mining prac-
10 tices;

11 (B) advancing critical mineral processing
12 research activities to improve separation,
13 alloying, manufacturing, or recycling techniques
14 and technologies that can decrease the energy
15 intensity, waste, potential environmental im-
16 pact, and costs of those activities;

17 (C) advancing research and development of
18 critical minerals mining and recycling tech-
19 nologies that take into account the potential
20 end-uses and disposal of critical minerals, in
21 order to improve end-to-end integration of min-
22 ing and technological applications;

23 (D) conducting long-term earth observa-
24 tion of reclaimed mine sites, including the study

1 of the evolution of microbial diversity at those
2 sites;

3 (E) examining the application of artificial
4 intelligence for geological exploration of critical
5 minerals, including what size and diversity of
6 data sets would be required;

7 (F) examining the application of machine
8 learning for detection and sorting of critical
9 minerals, including what size and diversity of
10 data sets would be required;

11 (G) conducting detailed isotope studies of
12 critical minerals and the development of more
13 refined geologic models; or

14 (H) providing training and research oppor-
15 tunities to undergraduate and graduate stu-
16 dents to prepare the next generation of mining
17 engineers and researchers.

18 (c) CRITICAL MINERALS INTERAGENCY SUB-
19 COMMITTEE.—

20 (1) IN GENERAL.—In order to support supply
21 chain resiliency, the Critical Minerals Subcommittee
22 of the National Science and Technology Council (re-
23 ferred to in this subsection as the “Subcommittee”)
24 shall coordinate Federal science and technology ef-

1477

1 forts to ensure secure and reliable supplies of critical
2 minerals to the United States.

3 (2) PURPOSES.—The purposes of the Sub-
4 committee shall be—

5 (A) to advise and assist the National
6 Science and Technology Council, including the
7 Committee on Homeland and National Security
8 of the National Science and Technology Coun-
9 cil, on United States policies, procedures, and
10 plans relating to critical minerals, including—

11 (i) Federal research, development, and
12 deployment efforts to optimize methods for
13 extractions, concentration, separation, and
14 purification of conventional, secondary,
15 and unconventional sources of critical min-
16 erals, including research that prioritizes
17 end-to-end integration of mining and recy-
18 cling techniques and the end-use target for
19 critical minerals;

20 (ii) efficient use and reuse of critical
21 minerals, including recycling technologies
22 for critical minerals and the reclamation of
23 critical minerals from components, such as
24 spent batteries;

1478

1 (iii) addressing the technology transi-
2 tions between research or lab-scale mining
3 and recycling and commercialization of
4 these technologies;

5 (iv) the critical minerals workforce of
6 the United States; and

7 (v) United States private industry in-
8 vestments in innovation and technology
9 transfer from federally funded science and
10 technology;

11 (B) to identify emerging opportunities,
12 stimulate international cooperation, and foster
13 the development of secure and reliable supply
14 chains of critical minerals, including activities
15 relating to the reuse of critical minerals via re-
16 cycling;

17 (C) to ensure the transparency of informa-
18 tion and data related to critical minerals; and

19 (D) to provide recommendations on coordi-
20 nation and collaboration among the research,
21 development, and deployment programs and ac-
22 tivities of Federal agencies to promote a secure
23 and reliable supply of critical minerals nec-
24 essary to maintain national security, economic
25 well-being, and industrial production.

1 (3) RESPONSIBILITIES.—In carrying out para-
2 graphs (1) and (2), the Subcommittee may, taking
3 into account the findings and recommendations of
4 relevant advisory committees—

5 (A) provide recommendations on how Fed-
6 eral agencies may improve the topographic, geo-
7 logic, and geophysical mapping of the United
8 States and improve the discoverability, accessi-
9 bility, and usability of the resulting and existing
10 data, to the extent permitted by law and subject
11 to appropriate limitation for purposes of privacy
12 and security;

13 (B) assess the progress toward developing
14 critical minerals recycling and reprocessing
15 technologies;

16 (C) assess the end-to-end lifecycle of crit-
17 ical minerals, including for mining, usage, recy-
18 cling, and end-use material and technology re-
19 quirements;

20 (D) examine, and provide recommenda-
21 tions for, options for accessing and developing
22 critical minerals through investment and trade
23 with allies and partners of the United States;

24 (E) evaluate and provide recommendations
25 to incentivize the development and use of ad-

1 vances in science and technology in the private
2 industry;

3 (F) assess the need for, and make rec-
4 ommendations to address, the challenges the
5 United States critical minerals supply chain
6 workforce faces, including—

7 (i) aging and retiring personnel and
8 faculty;

9 (ii) public perceptions about the na-
10 ture of mining and mineral processing; and

11 (iii) foreign competition for United
12 States talent;

13 (G) develop, and update as necessary, a
14 strategic plan to guide Federal programs and
15 activities to enhance—

16 (i) scientific and technical capabilities
17 across critical mineral supply chains, in-
18 cluding a roadmap that identifies key re-
19 search and development needs and coordi-
20 nates ongoing activities for source diver-
21 sification, more efficient use, recycling, and
22 substitution for critical minerals; and

23 (ii) cross-cutting mining science, data
24 science techniques, materials science, man-
25 ufacturing science and engineering, com-

1481

1 putational modeling, and environmental
2 health and safety research and develop-
3 ment; and

4 (H) report to the appropriate committees
5 of Congress on activities and findings under
6 this subsection.

7 (4) MANDATORY RESPONSIBILITIES.—In car-
8 rying out paragraphs (1) and (2), the Subcommittee
9 shall, taking into account the findings and rec-
10 ommendations of relevant advisory committees, iden-
11 tify and evaluate Federal policies and regulations
12 that restrict the mining of critical minerals.

13 (d) GRANT PROGRAM FOR PROCESSING OF CRITICAL
14 MINERALS AND DEVELOPMENT OF CRITICAL MINERALS
15 AND METALS.—

16 (1) ESTABLISHMENT.—The Secretary, in con-
17 sultation with the Director, the Secretary of the In-
18 terior, and the Secretary of Commerce, shall estab-
19 lish a grant program to finance pilot projects for—

20 (A) the processing or recycling of critical
21 minerals in the United States; or

22 (B) the development of critical minerals
23 and metals in the United States

1 (2) LIMITATION ON GRANT AWARDS.—A grant
2 awarded under paragraph (1) may not exceed
3 \$10,000,000.

4 (3) ECONOMIC VIABILITY.—In awarding grants
5 under paragraph (1), the Secretary shall give pri-
6 ority to projects that the Secretary determines are
7 likely to be economically viable over the long term.

8 (4) SECONDARY RECOVERY.—In awarding
9 grants under paragraph (1), the Secretary shall seek
10 to award not less than 30 percent of the total
11 amount of grants awarded during the fiscal year for
12 projects relating to secondary recovery of critical
13 minerals and metals.

14 (5) DOMESTIC PRIORITY.—In awarding grants
15 for the development of critical minerals and metals
16 under paragraph (1)(B), the Secretary shall
17 prioritize pilot projects that will process the critical
18 minerals and metals domestically.

19 (6) PROHIBITION ON PROCESSING BY FOREIGN
20 ENTITY OF CONCERN.—In awarding grants under
21 paragraph (1), the Secretary shall ensure that pilot
22 projects do not export for processing any critical
23 minerals and metals to a foreign entity of concern.

24 (7) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Sec-

1 retary to carry out the grant program established
2 under paragraph (1) \$100,000,000 for each of fiscal
3 years 2021 through 2024.

4 **SEC. 40211. 21ST CENTURY ENERGY WORKFORCE ADVISORY**
5 **BOARD.**

6 (a) ESTABLISHMENT.—The Secretary shall establish
7 a board, to be known as the “21st Century Energy Work-
8 force Advisory Board”, to develop a strategy for the De-
9 partment that, with respect to the role of the Department
10 in the support and development of a skilled energy work-
11 force—

12 (1) meets the current and future industry and
13 labor needs of the energy sector;

14 (2) provides opportunities for students to be-
15 come qualified for placement in traditional energy
16 sector and emerging energy sector jobs;

17 (3) identifies areas in which the Department
18 can effectively utilize the technical expertise of the
19 Department to support the workforce activities of
20 other Federal agencies;

21 (4) strengthens and engages the workforce
22 training programs of the Department and the Na-
23 tional Laboratories in carrying out the Equity in
24 Energy Initiative of the Department and other De-
25 partment workforce priorities;

1 (5) develops plans to support and retrain dis-
2 placed and unemployed energy sector workers; and

3 (6) prioritizes education and job training for
4 underrepresented groups, including racial and ethnic
5 minorities, Indian Tribes, women, veterans, and
6 socioeconomically disadvantaged individuals.

7 (b) MEMBERSHIP.—

8 (1) IN GENERAL.—The Board shall be com-
9 posed of not fewer than 10 and not more than 15
10 members, with the initial members of the Board to
11 be appointed by the Secretary not later than 1 year
12 after the date of enactment of this Act.

13 (2) REQUIREMENT.—The Board shall include
14 not fewer than 1 representative of a labor organiza-
15 tion with significant energy experience who has been
16 nominated by a national labor federation.

17 (3) QUALIFICATIONS.—Each individual ap-
18 pointed to the Board under paragraph (1) shall have
19 expertise in—

20 (A) the field of economics or workforce de-
21 velopment;

22 (B) relevant traditional energy industries
23 or emerging energy industries, including energy
24 efficiency;

25 (C) secondary or postsecondary education;

1 (D) energy workforce development or ap-
2 prenticeship programs of States or units of
3 local government;

4 (E) relevant organized labor organizations;
5 or

6 (F) bringing underrepresented groups, in-
7 cluding racial and ethnic minorities, women,
8 veterans, and socioeconomically disadvantaged
9 individuals, into the workforce.

10 (c) ADVISORY BOARD REVIEW AND RECOMMENDA-
11 TIONS.—

12 (1) DETERMINATION BY BOARD.—In developing
13 the strategy required under subsection (a), the
14 Board shall—

15 (A) determine whether there are opportuni-
16 ties to more effectively and efficiently use the
17 capabilities of the Department in the develop-
18 ment of a skilled energy workforce;

19 (B) identify ways in which the Department
20 could work with other relevant Federal agen-
21 cies, States, units of local government, institu-
22 tions of higher education, labor organizations,
23 Indian Tribes and tribal organizations, and in-
24 dustry in the development of a skilled energy
25 workforce, subject to applicable law;

1486

1 (C) identify ways in which the Department
2 and National Laboratories can—

3 (i) increase outreach to minority-serv-
4 ing institutions; and

5 (ii) make resources available to in-
6 crease the number of skilled minorities and
7 women trained to go into the energy and
8 energy-related manufacturing sectors;

9 (iii) increase outreach to displaced
10 and unemployed energy sector workers;
11 and

12 (iv) make resources available to pro-
13 vide training to displaced and unemployed
14 energy sector workers to reenter the en-
15 ergy workforce; and

16 (D)(i) identify the energy sectors in great-
17 est need of workforce training; and

18 (ii) in consultation with the Secretary of
19 Labor, develop recommendations for the skills
20 necessary to develop a workforce trained to
21 work in those energy sectors.

22 (2) REQUIRED ANALYSIS.—In developing the
23 strategy required under subsection (a), the Board
24 shall analyze the effectiveness of—

1487

1 (A) existing Department-directed support;

2 and

3 (B) existing energy workforce training pro-

4 grams.

5 (3) REPORT.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date on which the Board is established
8 under this section, and biennially thereafter
9 until the date on which the Board is terminated
10 under subsection (f), the Board shall submit to
11 the Secretary a report containing, with respect
12 to the strategy required under subsection (a)—

13 (i) the findings of the Board; and

14 (ii) the proposed energy workforce
15 strategy of the Board.

16 (B) RESPONSE OF THE SECRETARY.—Not
17 later than 90 days after the date on which a re-
18 port is submitted to the Secretary under sub-
19 paragraph (A), the Secretary shall—

20 (i) submit to the Board a response to
21 the report that—

22 (I) describes whether the Sec-
23 retary approves or disapproves of each
24 recommendation of the Board under
25 subparagraph (A); and

1488

1 (II) if the Secretary approves of
2 a recommendation, provides an imple-
3 mentation plan for the recommenda-
4 tion; and

5 (ii) submit to Congress—

6 (I) the report of the Board under
7 subparagraph (A); and

8 (II) the response of the Secretary
9 under clause (i).

10 (C) PUBLIC AVAILABILITY OF REPORT.—

11 (i) IN GENERAL.—The Board shall
12 make each report under subparagraph (A)
13 available to the public on the earlier of—

14 (I) the date on which the Board
15 receives the response of the Secretary
16 under subparagraph (B)(i); and

17 (II) the date that is 90 days
18 after the date on which the Board
19 submitted the report to the Secretary.

20 (ii) REQUIREMENT.—If the Board has
21 received a response to a report from the
22 Secretary under subparagraph (B)(i), the
23 Board shall make that response publicly
24 available with the applicable report.

1 (d) REPORT BY THE SECRETARY.—Not later than
2 180 days before the date of expiration of a term of the
3 Board under subsection (f), the Secretary shall submit to
4 the Committees on Energy and Natural Resources and
5 Appropriations of the Senate and the Committees on En-
6 ergy and Commerce and Appropriations of the House of
7 Representatives a report that—

8 (1) describes the effectiveness and accomplish-
9 ments of the Board during the applicable term;

10 (2) contains a determination of the Secretary as
11 to whether the Board should be renewed; and

12 (3) if the Secretary determines that the Board
13 should be renewed, any recommendations as to
14 whether and how the scope and functions of the
15 Board should be modified.

16 (e) OUTREACH TO MINORITY-SERVING INSTITU-
17 TIONS, VETERANS, AND DISPLACED AND UNEMPLOYED
18 ENERGY WORKERS.—In developing the strategy under
19 subsection (a), the Board shall—

20 (1) give special consideration to increasing out-
21 reach to minority-serving institutions, veterans, and
22 displaced and unemployed energy workers;

23 (2) make resources available to—

24 (A) minority-serving institutions, with the
25 objective of increasing the number of skilled mi-

1 norities and women trained to go into the en-
2 ergy and manufacturing sectors;

3 (B) institutions that serve veterans, with
4 the objective of increasing the number veterans
5 in the energy industry by ensuring that vet-
6 erans have the credentials and training nec-
7 essary to secure careers in the energy industry;
8 and

9 (C) institutions that serve displaced and
10 unemployed energy workers to increase the
11 number of individuals trained for jobs in the
12 energy industry;

13 (3) encourage the energy industry to improve
14 the opportunities for students of minority-serving in-
15 stitutions, veterans, and displaced and unemployed
16 energy workers to participate in internships,
17 preapprenticeships, apprenticeships, and cooperative
18 work-study programs in the energy industry; and

19 (4) work with the National Laboratories to in-
20 crease the participation of underrepresented groups,
21 veterans, and displaced and unemployed energy
22 workers in internships, fellowships, training pro-
23 grams, and employment at the National Labora-
24 tories.

25 (f) TERM.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Board shall terminate on September 30, 2026.

3 (2) EXTENSIONS.—The Secretary may renew
4 the Board for 1 or more 5-year periods by submit-
5 ting, not later than the date described in subsection
6 (d), a report described in that subsection that con-
7 tains a determination by the Secretary that the
8 Board should be renewed.

9 **TITLE III—FUELS AND TECH-**
10 **NOLOGY INFRASTRUCTURE**
11 **INVESTMENTS**

12 **Subtitle A—Carbon Capture, Utili-**
13 **zation, Storage, and Transpor-**
14 **tation Infrastructure**

15 **SEC. 40301. FINDINGS.**

16 Congress finds that—

17 (1) the industrial sector is integral to the econ-
18 omy of the United States—

19 (A) providing millions of jobs and essential
20 products; and

21 (B) demonstrating global leadership in
22 manufacturing and innovation;

23 (2) carbon capture and storage technologies are
24 necessary for reducing hard-to-abate emissions from

1 the industrial sector, which emits nearly 25 percent
2 of carbon dioxide emissions in the United States;

3 (3) carbon removal and storage technologies, in-
4 cluding direct air capture, must be deployed at
5 large-scale in the coming decades to remove carbon
6 dioxide directly from the atmosphere;

7 (4) large-scale deployment of carbon capture,
8 removal, utilization, transport, and storage—

9 (A) is critical for achieving mid-century cli-
10 mate goals; and

11 (B) will drive regional economic develop-
12 ment, technological innovation, and high-wage
13 employment;

14 (5) carbon capture, removal, and utilization
15 technologies require a backbone system of shared
16 carbon dioxide transport and storage infrastructure
17 to enable large-scale deployment, realize economies
18 of scale, and create an interconnected carbon man-
19 agement market;

20 (6) carbon dioxide transport infrastructure and
21 permanent geological storage are proven and safe
22 technologies with existing Federal and State regu-
23 latory frameworks;

24 (7) carbon dioxide transport and storage infra-
25 structure share similar barriers to deployment pre-

1 viously faced by other types of critical national infra-
2 structure, such as high capital costs and chicken-
3 and-egg challenges, that require Federal and State
4 support, in combination with private investment, to
5 be overcome; and

6 (8) each State should take into consideration,
7 with respect to new carbon dioxide transportation in-
8 frastructure—

9 (A) qualifying the infrastructure as pollu-
10 tion control devices under applicable laws (in-
11 cluding regulations) of the State; and

12 (B) establishing a waiver of ad valorem
13 and property taxes for the infrastructure for a
14 period of not less than 10 years.

15 **SEC. 40302. CARBON UTILIZATION PROGRAM.**

16 Section 969A of the Energy Policy Act of 2005 (42
17 U.S.C. 16298a) is amended—

18 (1) in subsection (a)—

19 (A) by redesignating paragraphs (3) and
20 (4) as paragraphs (4) and (5), respectively; and

21 (B) by inserting after paragraph (2) the
22 following:

23 “(3) to develop or obtain, in coordination with
24 other applicable Federal agencies and standard-set-
25 ting organizations, standards and certifications, as

1 appropriate, to facilitate the commercialization of
2 the products and technologies described in para-
3 graph (2);”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraph (2) as
6 paragraph (3);

7 (B) by inserting after paragraph (1) the
8 following:

9 “(2) GRANT PROGRAM.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of the Infrastruc-
12 ture Investment and Jobs Act, the Secretary
13 shall establish a program to provide grants to
14 eligible entities to use in accordance with sub-
15 paragraph (D).

16 “(B) ELIGIBLE ENTITIES.—To be eligible
17 to receive a grant under this paragraph, an en-
18 tity shall be—

19 “(i) a State;

20 “(ii) a unit of local government; or

21 “(iii) a public utility or agency.

22 “(C) APPLICATIONS.—Eligible entities de-
23 siring a grant under this paragraph shall sub-
24 mit to the Secretary an application at such
25 time, in such manner, and containing such in-

1 **SEC. 40303. CARBON CAPTURE TECHNOLOGY PROGRAM.**

2 Section 962 of the Energy Policy Act of 2005 (42
3 U.S.C. 16292) is amended—

4 (1) in subsection (b)(2)—

5 (A) in subparagraph (C), by striking
6 “and” at the end;

7 (B) in subparagraph (D), by striking “pro-
8 gram.” and inserting “program for carbon cap-
9 ture technologies; and”; and

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

11 “(E) a front-end engineering and design
12 program for carbon dioxide transport infra-
13 structure necessary to enable deployment of
14 carbon capture, utilization, and storage tech-
15 nologies.”; and

16 (2) in subsection (d)(1)—

17 (A) in subparagraph (C), by striking
18 “and” at the end;

19 (B) in subparagraph (D), by striking the
20 period at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(E) for activities under the front-end en-
23 gineering and design program described in sub-
24 section (b)(2)(E), \$100,000,000 for the period
25 of fiscal years 2022 through 2026.”.

1 **SEC. 40304. CARBON DIOXIDE TRANSPORTATION INFRA-**
2 **STRUCTURE FINANCE AND INNOVATION.**

3 (a) IN GENERAL.—Title IX of the Energy Policy Act
4 of 2005 (42 U.S.C. 16181 et seq.) is amended by adding
5 at the end the following:

6 **“Subtitle J—Carbon Dioxide Trans-**
7 **portation Infrastructure Fi-**
8 **nance and Innovation**

9 **“SEC. 999A. DEFINITIONS.**

10 “In this subtitle:

11 “(1) CIFIA PROGRAM.—The term ‘CIFIA pro-
12 gram’ means the carbon dioxide transportation in-
13 frastructure finance and innovation program estab-
14 lished under section 999B(a).

15 “(2) COMMON CARRIER.—The term ‘common
16 carrier’ means a transportation infrastructure oper-
17 ator or owner that—

18 “(A) publishes a publicly available tariff
19 containing the just and reasonable rates, terms,
20 and conditions of nondiscriminatory service;
21 and

22 “(B) holds itself out to provide transpor-
23 tation services to the public for a fee.

24 “(3) CONTINGENT COMMITMENT.—The term
25 ‘contingent commitment’ means a commitment to

1 obligate funds from future available budget author-
2 ity that is—

3 “(A) contingent on those funds being made
4 available in law at a future date; and

5 “(B) not an obligation of the Federal Gov-
6 ernment.

7 “(4) ELIGIBLE PROJECT COSTS.—The term ‘eli-
8 gible project costs’ means amounts substantially all
9 of which are paid by, or for the account of, an obli-
10 gor in connection with a project, including—

11 “(A) the cost of—

12 “(i) development-phase activities, in-
13 cluding planning, feasibility analysis, rev-
14 enue forecasting, environmental review,
15 permitting, preliminary engineering and
16 design work, and other preconstruction ac-
17 tivities;

18 “(ii) construction, reconstruction, re-
19 habilitation, replacement, and acquisition
20 of real property (including land relating to
21 the project and improvements to land), en-
22 vironmental mitigation, construction con-
23 tingencies, and acquisition and installation
24 of equipment (including labor); and

1 “(iii) capitalized interest necessary to
2 meet market requirements, reasonably re-
3 quired reserve funds, capital issuance ex-
4 penses, and other carrying costs during
5 construction; and

6 “(B) transaction costs associated with fi-
7 nancing the project, including—

8 “(i) the cost of legal counsel and tech-
9 nical consultants; and

10 “(ii) any subsidy amount paid in ac-
11 cordance with section 999B(c)(3)(B)(ii) or
12 section 999C(b)(6)(B)(ii).

13 “(5) FEDERAL CREDIT INSTRUMENT.—The
14 term ‘Federal credit instrument’ means a secured
15 loan or loan guarantee authorized to be provided
16 under the CIFIA program with respect to a project.

17 “(6) LENDER.—The term ‘lender’ means a
18 qualified institutional buyer (as defined in section
19 230.144A(a) of title 17, Code of Federal Regula-
20 tions (or a successor regulation), commonly known
21 as Rule 144A(a) of the Securities and Exchange
22 Commission and issued under the Securities Act of
23 1933 (15 U.S.C. 77a et seq.)), that is not a Federal
24 qualified institutional buyer.

1 “(7) LETTER OF INTEREST.—The term ‘letter
2 of interest’ means a letter submitted by a potential
3 applicant prior to an application for credit assistance
4 in a format prescribed by the Secretary on the
5 website of the CIFIA program that—

6 “(A) describes the project and the location,
7 purpose, and cost of the project;

8 “(B) outlines the proposed financial plan,
9 including the requested credit and grant assist-
10 ance and the proposed obligor;

11 “(C) provides a status of environmental re-
12 view; and

13 “(D) provides information regarding satis-
14 faction of other eligibility requirements of the
15 CIFIA program.

16 “(8) LOAN GUARANTEE.—The term ‘loan guar-
17 antee’ means any guarantee or other pledge by the
18 Secretary to pay all or part of the principal of, and
19 interest on, a loan made to an obligor, or debt obli-
20 gation issued by an obligor, in each case funded by
21 a lender.

22 “(9) MASTER CREDIT AGREEMENT.—The term
23 ‘master credit agreement’ means a conditional agree-
24 ment that—

1501

1 “(A) is for the purpose of extending credit
2 assistance for—

3 “(i) a project of high priority under
4 section 999B(c)(3)(A); or

5 “(ii) a project covered under section
6 999B(c)(3)(B);

7 “(B) does not provide for a current obliga-
8 tion of Federal funds; and

9 “(C) would—

10 “(i) make a contingent commitment of
11 a Federal credit instrument or grant at a
12 future date, subject to—

13 “(I) the availability of future
14 funds being made available to carry
15 out the CIFIA program; and

16 “(II) the satisfaction of all condi-
17 tions for the provision of credit assist-
18 ance under the CIFIA program, in-
19 cluding section 999C(b);

20 “(ii) establish the maximum amounts
21 and general terms and conditions of the
22 Federal credit instruments or grants;

23 “(iii) identify the 1 or more revenue
24 sources that will secure the repayment of
25 the Federal credit instruments;

1502

1 “(iv) provide for the obligation of
2 funds for the Federal credit instruments or
3 grants after all requirements have been
4 met for the projects subject to the agree-
5 ment, including—

6 “(I) compliance with all applica-
7 ble requirements specified under the
8 CIFIA program, including sections
9 999B(d) and 999C(b)(1); and

10 “(II) the availability of funds to
11 carry out the CIFIA program; and

12 “(v) require that contingent commit-
13 ments shall result in a financial close and
14 obligation of credit or grant assistance by
15 not later than 4 years after the date of
16 entry into the agreement or release of the
17 commitment, as applicable, unless other-
18 wise extended by the Secretary.

19 “(10) OBLIGOR.—The term ‘obligor’ means a
20 corporation, partnership, joint venture, trust, non-
21 Federal governmental entity, agency, or instrumen-
22 tality, or other entity that is liable for payment of
23 the principal of, or interest on, a Federal credit in-
24 strument.

1 “(11) PRODUCED IN THE UNITED STATES.—

2 The term ‘produced in the United States’, with re-
3 spect to iron and steel, means that all manufac-
4 turing processes for the iron and steel, including the
5 application of any coating, occurs within the United
6 States.

7 “(12) PROJECT.—The term ‘project’ means a
8 project for common carrier carbon dioxide transpor-
9 tation infrastructure or associated equipment, in-
10 cluding pipeline, shipping, rail, or other transpor-
11 tation infrastructure and associated equipment, that
12 will transport or handle carbon dioxide captured
13 from anthropogenic sources or ambient air, as the
14 Secretary determines to be appropriate.

15 “(13) PROJECT OBLIGATION.—The term
16 ‘project obligation’ means any note, bond, debenture,
17 or other debt obligation issued by an obligor in con-
18 nection with the financing of a project, other than
19 a Federal credit instrument.

20 “(14) SECURED LOAN.—The term ‘secured
21 loan’ means a direct loan to an obligor or a debt ob-
22 ligation issued by an obligor and purchased by the
23 Secretary, in each case funded by the Secretary in
24 connection with the financing of a project under sec-
25 tion 999C.

1 “(15) SUBSIDY AMOUNT.—The term ‘subsidy
2 amount’ means the amount of budget authority suf-
3 ficient to cover the estimated long-term cost to the
4 Federal Government of a Federal credit instru-
5 ment—

6 “(A) calculated on a net present value
7 basis; and

8 “(B) excluding administrative costs and
9 any incidental effects on governmental receipts
10 or outlays in accordance with the Federal Cred-
11 it Reform Act of 1990 (2 U.S.C. 661 et seq.).

12 “(16) SUBSTANTIAL COMPLETION.—The term
13 ‘substantial completion’, with respect to a project,
14 means the date—

15 “(A) on which the project commences
16 transportation of carbon dioxide; or

17 “(B) of a comparable event to the event
18 described in subparagraph (A), as determined
19 by the Secretary and specified in the project
20 credit agreement.

21 **“SEC. 999B. DETERMINATION OF ELIGIBILITY AND**
22 **PROJECT SELECTION.**

23 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish and carry out a carbon dioxide transpor-
25 tation infrastructure finance and innovation program,

1 under which the Secretary shall provide for eligible
2 projects in accordance with this subtitle—

3 “(1) a Federal credit instrument under section
4 999C;

5 “(2) a grant under section 999D; or

6 “(3) both a Federal credit instrument and a
7 grant.

8 “(b) ELIGIBILITY.—

9 “(1) IN GENERAL.—A project shall be eligible
10 to receive a Federal credit instrument or a grant
11 under the CIFIA program if—

12 “(A) the entity proposing to carry out the
13 project submits a letter of interest prior to sub-
14 mission of an application under paragraph (3)
15 for the project; and

16 “(B) the project meets the criteria de-
17 scribed in this subsection.

18 “(2) CREDITWORTHINESS.—

19 “(A) IN GENERAL.—Each project and obli-
20 gor that receives a Federal credit instrument or
21 a grant under the CIFIA program shall be
22 creditworthy, such that there exists a reason-
23 able prospect of repayment of the principal and
24 interest on the Federal credit instrument, as

1 determined by the Secretary under subpara-
2 graph (B).

3 “(B) REASONABLE PROSPECT OF REPAY-
4 MENT.—The Secretary shall base a determina-
5 tion of whether there is a reasonable prospect
6 of repayment under subparagraph (A) on a
7 comprehensive evaluation of whether the obligor
8 has a reasonable prospect of repaying the Fed-
9 eral credit instrument for the eligible project,
10 including evaluation of—

11 “(i) the strength of the contractual
12 terms of an eligible project (if available for
13 the applicable market segment);

14 “(ii) the forecast of noncontractual
15 cash flows supported by market projections
16 from reputable sources, as determined by
17 the Secretary, and cash sweeps or other
18 structural enhancements;

19 “(iii) the projected financial strength
20 of the obligor—

21 “(I) at the time of loan close;

22 and

23 “(II) throughout the loan term,
24 including after the project is com-
25 pleted;

1 “(iv) the financial strength of the in-
2 vestors and strategic partners of the obli-
3 gor, if applicable; and

4 “(v) other financial metrics and anal-
5 yses that are relied on by the private lend-
6 ing community and nationally recognized
7 credit rating agencies, as determined ap-
8 propriate by the Secretary.

9 “(3) APPLICATIONS.—To be eligible for assist-
10 ance under the CIFIA program, an obligor shall
11 submit to the Secretary a project application at such
12 time, in such manner, and containing such informa-
13 tion as the Secretary determines to be appropriate.

14 “(4) ELIGIBLE PROJECT COSTS.—A project
15 under the CIFIA program shall have eligible project
16 costs that are reasonably anticipated to equal or ex-
17 ceed \$100,000,000.

18 “(5) REVENUE SOURCES.—The applicable Fed-
19 eral credit instrument shall be repayable, in whole or
20 in part, from—

21 “(A) user fees;

22 “(B) payments owing to the obligor under
23 a public-private partnership; or

24 “(C) other revenue sources that also secure
25 or fund the project obligations.

1 “(6) OBLIGOR WILL BE IDENTIFIED LATER.—
2 A State, local government, agency, or instrumen-
3 tality of a State or local government, or a public au-
4 thority, may submit to the Secretary an application
5 under paragraph (3), under which a private party to
6 a public-private partnership will be—

7 “(A) the obligor; and

8 “(B) identified at a later date through
9 completion of a procurement and selection of
10 the private party.

11 “(7) BENEFICIAL EFFECTS.—The Secretary
12 shall determine that financial assistance for each
13 project under the CIFIA program will—

14 “(A) attract public or private investment
15 for the project; or

16 “(B) enable the project to proceed at an
17 earlier date than the project would otherwise be
18 able to proceed or reduce the lifecycle costs (in-
19 cluding debt service costs) of the project.

20 “(8) PROJECT READINESS.—To be eligible for
21 assistance under the CIFIA program, the applicant
22 shall demonstrate a reasonable expectation that the
23 contracting process for construction of the project
24 can commence by not later than 90 days after the
25 date on which a Federal credit instrument or grant

1 is obligated for the project under the CIFIA pro-
2 gram.

3 “(c) SELECTION AMONG ELIGIBLE PROJECTS.—

4 “(1) ESTABLISHMENT OF APPLICATION PROC-
5 ESS.—The Secretary shall establish an application
6 process under which projects that are eligible to re-
7 ceive assistance under subsection (b) may—

8 “(A) receive credit assistance on terms ac-
9 ceptable to the Secretary, if adequate funds are
10 available (including any funds provided on be-
11 half of an eligible project under paragraph
12 (3)(B)(ii)) to cover the subsidy amount associ-
13 ated with the Federal credit instrument; and

14 “(B) receive grants under section 999D
15 if—

16 “(i) adequate funds are available to
17 cover the amount of the grant; and

18 “(ii) the Secretary determines that
19 the project is eligible under subsection (b).

20 “(2) PRIORITY.—In selecting projects to receive
21 credit assistance under subsection (b), the Secretary
22 shall give priority to projects that—

23 “(A) are large-capacity, common carrier
24 infrastructure;

1 “(B) have demonstrated demand for use of
2 the infrastructure by associated projects that
3 capture carbon dioxide from anthropogenic
4 sources or ambient air;

5 “(C) enable geographical diversity in asso-
6 ciated projects that capture carbon dioxide from
7 anthropogenic sources or ambient air, with the
8 goal of enabling projects in all major carbon di-
9 oxide-emitting regions of the United States; and

10 “(D) are sited within, or adjacent to, exist-
11 ing pipeline or other linear infrastructure cor-
12 ridors, in a manner that minimizes environ-
13 mental disturbance and other siting concerns.

14 “(3) MASTER CREDIT AGREEMENTS.—

15 “(A) PRIORITY PROJECTS.—The Secretary
16 may enter into a master credit agreement for a
17 project that the Secretary determines—

18 “(i) will likely be eligible for credit as-
19 sistance under subsection (b), on obtain-
20 ing—

21 “(I) additional commitments
22 from associated carbon capture
23 projects to use the project; or

24 “(II) all necessary permits and
25 approvals; and

1511

1 “(ii) is a project of high priority, as
2 determined in accordance with the criteria
3 described in paragraph (2).

4 “(B) ADEQUATE FUNDING NOT AVAIL-
5 ABLE.—If the Secretary fully obligates funding
6 to eligible projects for a fiscal year and ade-
7 quate funding is not available to fund a Federal
8 credit instrument, a project sponsor (including
9 a unit of State or local government) of an eligi-
10 ble project may elect—

11 “(i)(I) to enter into a master credit
12 agreement in lieu of the Federal credit in-
13 strument; and

14 “(II) to wait to execute a Federal
15 credit instrument until the fiscal year for
16 which additional funds are available to re-
17 ceive credit assistance; or

18 “(ii) if the lack of adequate funding is
19 solely with respect to amounts available for
20 the subsidy amount, to pay the subsidy
21 amount to fund the Federal credit instru-
22 ment.

23 “(d) FEDERAL REQUIREMENTS.—

1512

1 “(1) IN GENERAL.—Nothing in this subtitle su-
2 persedes the applicability of any other requirement
3 under Federal law (including regulations).

4 “(2) NEPA.—Federal credit assistance may
5 only be provided under this subtitle for a project
6 that has received an environmental categorical exclu-
7 sion, a finding of no significant impact, or a record
8 of decision under the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.).

10 “(e) USE OF AMERICAN IRON, STEEL, AND MANU-
11 FACTURED GOODS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), no Federal credit instrument or grant
14 provided under the CIFIA program shall be made
15 available for a project unless all iron, steel, and
16 manufactured goods used in the project are pro-
17 duced in the United States.

18 “(2) EXCEPTIONS.—Paragraph (1) shall not
19 apply in any case or category of cases with respect
20 to which the Secretary determines that—

21 “(A) the application would be inconsistent
22 with the public interest;

23 “(B) iron, steel, or a relevant manufac-
24 tured good is not produced in the United States

1 in sufficient and reasonably available quantity,
2 or of a satisfactory quality; or

3 “(C) the inclusion of iron, steel, or a man-
4 ufactured good produced in the United States
5 will increase the cost of the overall project by
6 more than 25 percent.

7 “(3) WAIVERS.—If the Secretary receives a re-
8 quest for a waiver under this subsection, the Sec-
9 retary shall—

10 “(A) make available to the public a copy of
11 the request, together with any information
12 available to the Secretary concerning the re-
13 quest—

14 “(i) on an informal basis; and

15 “(ii) by electronic means, including on
16 the official public website of the Depart-
17 ment;

18 “(B) allow for informal public comment re-
19 lating to the request for not fewer than 15 days
20 before making a determination with respect to
21 the request; and

22 “(C) approve or disapprove the request by
23 not later than the date that is 120 days after
24 the date of receipt of the request.

1 “(4) APPLICABILITY.—This subsection shall be
2 applied in accordance with any applicable obligations
3 of the United States under international agreements.

4 “(f) APPLICATION PROCESSING PROCEDURES.—

5 “(1) NOTICE OF COMPLETE APPLICATION.—
6 Not later than 30 days after the date of receipt of
7 an application under this section, the Secretary shall
8 provide to the applicant a written notice describing
9 whether—

10 “(A) the application is complete; or

11 “(B) additional information or materials
12 are needed to complete the application.

13 “(2) APPROVAL OR DENIAL OF APPLICATION.—

14 Not later than 60 days after the date of issuance of
15 a written notice under paragraph (1), the Secretary
16 shall provide to the applicant a written notice in-
17 forming the applicant whether the Secretary has ap-
18 proved or disapproved the application.

19 “(g) DEVELOPMENT-PHASE ACTIVITIES.—Any Fed-
20 eral credit instrument provided under the CIFLA program
21 may be used to finance up to 100 percent of the cost of
22 development-phase activities, as described in section
23 999A(4)(A).

24 **“SEC. 999C. SECURED LOANS.**

25 “(a) AGREEMENTS.—

1515

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary may enter into agreements with 1 or
3 more obligors to make secured loans, the proceeds of
4 which—

5 “(A) shall be used—

6 “(i) to finance eligible project costs of
7 any project selected under section 999B;

8 “(ii) to refinance interim construction
9 financing of eligible project costs of any
10 project selected under section 999B; or

11 “(iii) to refinance long-term project
12 obligations or Federal credit instruments,
13 if the refinancing provides additional fund-
14 ing capacity for the completion, enhance-
15 ment, or expansion of any project that—

16 “(I) is selected under section
17 999B; or

18 “(II) otherwise meets the re-
19 quirements of that section; and

20 “(B) may be used in accordance with sub-
21 section (b)(7) to pay any fees collected by the
22 Secretary under subparagraph (B) of that sub-
23 section.

24 “(2) RISK ASSESSMENT.—Before entering into
25 an agreement under this subsection, the Secretary,

1 in consultation with the Director of the Office of
2 Management and Budget, shall determine an appro-
3 priate credit subsidy amount for each secured loan,
4 taking into account all relevant factors, including the
5 creditworthiness factors under section 999B(b)(2).

6 “(b) TERMS AND LIMITATIONS.—

7 “(1) IN GENERAL.—A secured loan under this
8 section with respect to a project shall be on such
9 terms and conditions and contain such covenants,
10 representations, warranties, and requirements (in-
11 cluding requirements for audits) as the Secretary de-
12 termines to be appropriate.

13 “(2) MAXIMUM AMOUNT.—The amount of a se-
14 cured loan under this section shall not exceed an
15 amount equal to 80 percent of the reasonably antici-
16 pated eligible project costs.

17 “(3) PAYMENT.—A secured loan under this sec-
18 tion shall be payable, in whole or in part, from—

19 “(A) user fees;

20 “(B) payments owing to the obligor under
21 a public-private partnership; or

22 “(C) other revenue sources that also secure
23 or fund the project obligations.

24 “(4) INTEREST RATE.—

1517

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the interest rate on a se-
3 cured loan under this section shall be not less
4 than the interest rate reflected in the yield on
5 United States Treasury securities of a similar
6 maturity to the maturity of the secured loan on
7 the date of execution of the loan agreement.

8 “(B) LIMITED BUYDOWNS.—

9 “(i) IN GENERAL.—Subject to clause
10 (iii), the Secretary may lower the interest
11 rate of a secured loan under this section to
12 not lower than the interest rate described
13 in clause (ii), if the interest rate has in-
14 creased during the period—

15 “(I) beginning on, as applica-
16 ble—

17 “(aa) the date on which an
18 application acceptable to the Sec-
19 retary is submitted for the appli-
20 cable project; or

21 “(bb) the date on which the
22 Secretary entered into a master
23 credit agreement for the applica-
24 ble project; and

1518

1 “(II) ending on the date on
2 which the Secretary executes the Fed-
3 eral credit instrument for the applica-
4 ble project that is the subject of the
5 secured loan.

6 “(ii) DESCRIPTION OF INTEREST
7 RATE.—The interest rate referred to in
8 clause (i) is the interest rate reflected in
9 the yield on United States Treasury securi-
10 ties of a similar maturity to the maturity
11 of the secured loan in effect, as applicable
12 to the project that is the subject of the se-
13 cured loan, on—

14 “(I) the date described in clause
15 (i)(I)(aa); or

16 “(II) the date described in clause
17 (i)(I)(bb).

18 “(iii) LIMITATION.—The interest rate
19 of a secured loan may not be lowered pur-
20 suant to clause (i) by more than 1½ per-
21 centage points (150 basis points).

22 “(5) MATURITY DATE.—The final maturity
23 date of the secured loan shall be the earlier of—

1520

1 or a system-backed pledge of project
2 revenues.

3 “(ii) LIMITATION.—If the Secretary
4 waives the nonsubordination requirement
5 under this subparagraph—

6 “(I) the maximum credit subsidy
7 amount to be paid by the Federal
8 Government shall be not more than
9 10 percent of the principal amount of
10 the secured loan; and

11 “(II) the obligor shall be respon-
12 sible for paying the remainder of the
13 subsidy amount, if any.

14 “(7) FEES.—

15 “(A) IN GENERAL.—The Secretary may
16 collect a fee on or after the date of the financial
17 close of a Federal credit instrument under this
18 section in an amount equal to not more than
19 \$3,000,000 to cover all or a portion of the costs
20 to the Federal Government of providing the
21 Federal credit instrument.

22 “(B) AMENDMENT TO ADD COST OF FEES
23 TO SECURED LOAN.—If the Secretary collects a
24 fee from an obligor under subparagraph (A) to
25 cover all or a portion of the costs to the Federal

1521

1 Government of providing a secured loan, the ob-
2 ligor and the Secretary may amend the terms
3 of the secured loan to add to the principal of
4 the secured loan an amount equal to the
5 amount of the fee collected by the Secretary.

6 “(8) MAXIMUM FEDERAL INVOLVEMENT.—The
7 total Federal assistance provided for a project under
8 the CIFIA program, including any grant provided
9 under section 999D, shall not exceed an amount
10 equal to 80 percent of the eligible project costs.

11 “(c) REPAYMENT.—

12 “(1) SCHEDULE.—The Secretary shall establish
13 a repayment schedule for each secured loan under
14 this section based on—

15 “(A) the projected cash flow from project
16 revenues and other repayment sources; and

17 “(B) the useful life of the project.

18 “(2) COMMENCEMENT.—Scheduled loan repay-
19 ments of principal or interest on a secured loan
20 under this section shall commence not later than 5
21 years after the date of substantial completion of the
22 project.

23 “(3) DEFERRED PAYMENTS.—

24 “(A) IN GENERAL.—If, at any time after
25 the date of substantial completion of a project,

1 the project is unable to generate sufficient reve-
2 nues in excess of reasonable and necessary op-
3 erating expenses to pay the scheduled loan re-
4 payments of principal and interest on the se-
5 cured loan, the Secretary may, subject to sub-
6 paragraph (C), allow the obligor to add unpaid
7 principal and interest to the outstanding bal-
8 ance of the secured loan.

9 “(B) INTEREST.—Any payment deferred
10 under subparagraph (A) shall—

11 “(i) continue to accrue interest in ac-
12 cordance with subsection (b)(4) until fully
13 repaid; and

14 “(ii) be scheduled to be amortized
15 over the remaining term of the loan.

16 “(C) CRITERIA.—

17 “(i) IN GENERAL.—Any payment de-
18 ferral under subparagraph (A) shall be
19 contingent on the project meeting criteria
20 established by the Secretary.

21 “(ii) REPAYMENT STANDARDS.—The
22 criteria established pursuant to clause (i)
23 shall include standards for the reasonable
24 prospect of repayment.

25 “(4) PREPAYMENT.—

1523

1 “(A) USE OF EXCESS REVENUES.—Any
2 excess revenues that remain after satisfying
3 scheduled debt service requirements on the
4 project obligations and secured loan and all de-
5 posit requirements under the terms of any trust
6 agreement, bond resolution, or similar agree-
7 ment securing project obligations may be ap-
8 plied annually to prepay the secured loan, with-
9 out penalty.

10 “(B) USE OF PROCEEDS OF REFI-
11 NANCING.—A secured loan may be prepaid at
12 any time without penalty from the proceeds of
13 refinancing from non-Federal funding sources.

14 “(d) SALE OF SECURED LOANS.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 as soon as practicable after substantial completion of
17 a project and after notifying the obligor, the Sec-
18 retary may sell to another entity or reoffer into the
19 capital markets a secured loan for the project if the
20 Secretary determines that the sale or reoffering can
21 be made on favorable terms.

22 “(2) CONSENT OF OBLIGOR.—In making a sale
23 or reoffering under paragraph (1), the Secretary
24 may not change any original term or condition of the

1 secured loan without the written consent of the obli-
2 gor.

3 “(e) LOAN GUARANTEES.—

4 “(1) IN GENERAL.—The Secretary may provide
5 a loan guarantee to a lender in lieu of making a se-
6 cured loan under this section if the Secretary deter-
7 mines that the budgetary cost of the loan guarantee
8 is substantially the same as, or less than, that of a
9 secured loan.

10 “(2) TERMS.—The terms of a loan guarantee
11 under paragraph (1) shall be consistent with the
12 terms required under this section for a secured loan,
13 except that the rate on the guaranteed loan and any
14 prepayment features shall be negotiated between the
15 obligor and the lender, with the consent of the Sec-
16 retary.

17 **“SEC. 999D. FUTURE GROWTH GRANTS.**

18 “(a) ESTABLISHMENT.—The Secretary may provide
19 grants to pay a portion of the cost differential, with re-
20 spect to any projected future increase in demand for car-
21 bon dioxide transportation by an infrastructure project de-
22 scribed in subsection (b), between—

23 “(1) the cost of constructing the infrastructure
24 asset with the capacity to transport an increased

1 flow rate of carbon dioxide, as made practicable
2 under the project; and

3 “(2) the cost of constructing the infrastructure
4 asset with the capacity to transport carbon dioxide
5 at the flow rate initially required, based on commit-
6 ments for the use of the asset.

7 “(b) ELIGIBILITY.—To be eligible to receive a grant
8 under this section, an entity shall—

9 “(1) be eligible to receive credit assistance
10 under the CIFIA program;

11 “(2) carry out, or propose to carry out, a
12 project for large-capacity, common carrier infra-
13 structure with a probable future increase in demand
14 for carbon dioxide transportation; and

15 “(3) submit to the Secretary an application at
16 such time, in such manner, and containing such in-
17 formation as the Secretary determines to be appro-
18 priate.

19 “(c) USE OF FUNDS.—A grant provided under this
20 section may be used only to pay the costs of any additional
21 flow rate capacity of a carbon dioxide transportation infra-
22 structure asset that the project sponsor demonstrates to
23 the satisfaction of the Secretary can reasonably be ex-
24 pected to be used during the 20-year period beginning on

1 the date of substantial completion of the project described
2 in subsection (b)(2).

3 “(d) **MAXIMUM AMOUNT.**—The amount of a grant
4 provided under this section may not exceed an amount
5 equal to 80 percent of the cost of the additional capacity
6 described in subsection (a).

7 **“SEC. 999E. PROGRAM ADMINISTRATION.**

8 “(a) **REQUIREMENT.**—The Secretary shall establish
9 a uniform system to service the Federal credit instruments
10 provided under the CIFIA program.

11 “(b) **FEEES.**—If funding sufficient to cover the costs
12 of services of expert firms retained pursuant to subsection
13 (d) and all or a portion of the costs to the Federal Govern-
14 ment of servicing the Federal credit instruments is not
15 provided in an appropriations Act for a fiscal year, the
16 Secretary, during that fiscal year, may collect fees on or
17 after the date of the financial close of a Federal credit
18 instrument provided under the CIFIA program at a level
19 that is sufficient to cover those costs.

20 “(c) **SERVICER.**—

21 “(1) **IN GENERAL.**—The Secretary may appoint
22 a financial entity to assist the Secretary in servicing
23 the Federal credit instruments.

1 “(2) DUTIES.—A servicer appointed under
2 paragraph (1) shall act as the agent for the Sec-
3 retary.

4 “(3) FEE.—A servicer appointed under para-
5 graph (1) shall receive a servicing fee, subject to ap-
6 proval by the Secretary.

7 “(d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
8 retary may retain the services of expert firms, including
9 counsel, in the field of municipal and project finance to
10 assist in the underwriting and servicing of Federal credit
11 instruments.

12 “(e) EXPEDITED PROCESSING.—The Secretary shall
13 implement procedures and measures to economize the time
14 and cost involved in obtaining approval and the issuance
15 of credit assistance under the CIFLA program.

16 **“SEC. 999F. STATE AND LOCAL PERMITS.**

17 “The provision of credit assistance under the CIFLA
18 program with respect to a project shall not—

19 “(1) relieve any recipient of the assistance of
20 any project obligation to obtain any required State
21 or local permit or approval with respect to the
22 project;

23 “(2) limit the right of any unit of State or local
24 government to approve or regulate any rate of re-
25 turn on private equity invested in the project; or

1 “(3) otherwise supersede any State or local law
2 (including any regulation) applicable to the construc-
3 tion or operation of the project.

4 **“SEC. 999G. REGULATIONS.**

5 “The Secretary may promulgate such regulations as
6 the Secretary determines to be appropriate to carry out
7 the CIFIA program.

8 **“SEC. 999H. AUTHORIZATION OF APPROPRIATIONS; CON-
9 TRACT AUTHORITY.**

10 “(a) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary to carry out this sub-
13 title—

14 “(A) \$600,000,000 for each of fiscal years
15 2022 and 2023; and

16 “(B) \$300,000,000 for each of fiscal years
17 2024 through 2026.

18 “(2) SPENDING AND BORROWING AUTHOR-
19 ITY.—Spending and borrowing authority for a fiscal
20 year to enter into Federal credit instruments shall
21 be promptly apportioned to the Secretary on a fiscal-
22 year basis.

23 “(3) REESTIMATES.—If the subsidy amount of
24 a Federal credit instrument is reestimated, the cost
25 increase or decrease of the reestimate shall be borne

1 by, or benefit, the general fund of the Treasury, con-
2 sistent with section 504(f) of the Congressional
3 Budget Act of 1974 (2 U.S.C. 661c(f)).

4 “(4) ADMINISTRATIVE COSTS.—Of the amounts
5 made available to carry out the CIFLA program, the
6 Secretary may use not more than \$9,000,000 (as in-
7 dexed for United States dollar inflation from the
8 date of enactment of the Infrastructure Investment
9 and Jobs Act (as measured by the Consumer Price
10 Index)) each fiscal year for the administration of the
11 CIFLA program.

12 “(b) CONTRACT AUTHORITY.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, execution of a term sheet by the
15 Secretary of a Federal credit instrument that uses
16 amounts made available under the CIFLA program
17 shall impose on the United States a contractual obli-
18 gation to fund the Federal credit investment.

19 “(2) AVAILABILITY.—Amounts made available
20 to carry out the CIFLA program for a fiscal year
21 shall be available for obligation on October 1 of the
22 fiscal year.”.

23 (b) TECHNICAL AMENDMENTS.—The table of con-
24 tents for the Energy Policy Act of 2005 (Public Law 109–
25 58; 119 Stat. 600) is amended—

1 (1) in the item relating to section 917, by strik-
2 ing “Efficiency”;

3 (2) by striking the items relating to subtitle J
4 of title IX (relating to ultra-deepwater and uncon-
5 ventional natural gas and other petroleum resources)
6 and inserting the following:

“Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and
Innovation

“Sec. 999A. Definitions.

“Sec. 999B. Determination of eligibility and project selection.

“Sec. 999C. Secured loans.

“Sec. 999D. Future growth grants.

“Sec. 999E. Program administration.

“Sec. 999F. State and local permits.

“Sec. 999G. Regulations.

“Sec. 999H. Authorization of appropriations; contract authority.”; and

7 (3) by striking the item relating to section
8 969B and inserting the following:

“Sec. 969B. High efficiency turbines.”.

9 **SEC. 40305. CARBON STORAGE VALIDATION AND TESTING.**

10 Section 963 of the Energy Policy Act of 2005 (42
11 U.S.C. 16293) is amended—

12 (1) in subsection (a)(1)(B), by striking “over a
13 10-year period”;

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “and
16 demonstration” and inserting “demonstration,
17 and commercialization”; and

18 (B) in paragraph (2)—

1 (i) in subparagraph (G), by striking
2 “and” at the end;

3 (ii) in subparagraph (H), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(I) evaluating the quantity, lo-
9 cation, and timing of geologic carbon
10 storage deployment that may be need-
11 ed, and developing strategies and re-
12 sources to enable the deployment.”;

13 (3) by redesignating subsections (e) through (g)
14 as subsections (f) through (h), respectively;

15 (4) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) LARGE-SCALE CARBON STORAGE COMMER-
18 CIALIZATION PROGRAM.—

19 “(1) IN GENERAL.—The Secretary shall estab-
20 lish a commercialization program under which the
21 Secretary shall provide funding for the development
22 of new or expanded commercial large-scale carbon
23 sequestration projects and associated carbon dioxide
24 transport infrastructure, including funding for the

1 feasibility, site characterization, permitting, and con-
2 struction stages of project development.

3 “(2) APPLICATIONS; SELECTION.—

4 “(A) IN GENERAL.—To be eligible to enter
5 into an agreement with the Secretary for fund-
6 ing under paragraph (1), an entity shall submit
7 to the Secretary an application at such time, in
8 such manner, and containing such information
9 as the Secretary determines to be appropriate.

10 “(B) APPLICATION PROCESS.—The Sec-
11 retary shall establish an application process
12 that, to the maximum extent practicable—

13 “(i) is open to projects at any stage of
14 development described in paragraph (1);
15 and

16 “(ii) facilitates expeditious develop-
17 ment of projects described in that para-
18 graph.

19 “(C) PROJECT SELECTION.—In selecting
20 projects for funding under paragraph (1), the
21 Secretary shall give priority to—

22 “(i) projects with substantial carbon
23 dioxide storage capacity; or

1 “(ii) projects that will store carbon di-
2 oxide from multiple carbon capture facili-
3 ties.”;

4 (5) in subsection (f) (as so redesignated), in
5 paragraph (1), by inserting “with respect to the re-
6 search, development, demonstration program compo-
7 nents described in subsections (b) through (d)” be-
8 fore “give preference”; and

9 (6) by striking subsection (h) (as so redesign-
10 nated) and inserting the following:

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary to carry
13 out this section \$2,500,000,000 for the period of fiscal
14 years 2022 through 2026.”.

15 **SEC. 40306. SECURE GEOLOGIC STORAGE PERMITTING.**

16 (a) DEFINITIONS.—In this section:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Environ-
19 mental Protection Agency.

20 (2) CLASS VI WELL.—The term “Class VI well”
21 means a well described in section 144.6(f) of title
22 40, Code of Federal Regulations (or successor regu-
23 lations).

24 (b) AUTHORIZATION OF APPROPRIATIONS FOR GEO-
25 LOGIC SEQUESTRATION PERMITTING.—There is author-

1 ized to be appropriated to the Administrator for the per-
2 mitting of Class VI wells by the Administrator for the in-
3 jection of carbon dioxide for the purpose of geologic se-
4 questration in accordance with the requirements of the
5 Safe Drinking Water Act (42 U.S.C. 300f et seq.) and
6 the final rule of the Administrator entitled “Federal Re-
7 quirements Under the Underground Injection Control
8 (UIC) Program for Carbon Dioxide (CO₂) Geologic Se-
9 questration (GS) Wells” (75 Fed. Reg. 77230 (December
10 10, 2010)), \$5,000,000 for each of fiscal years 2022
11 through 2026.

12 (c) STATE PERMITTING PROGRAM GRANTS.—

13 (1) ESTABLISHMENT.—The Administrator shall
14 award grants to States that, pursuant to section
15 1422 of the Safe Drinking Water Act (42 U.S.C.
16 300h–1), receive the approval of the Administrator
17 for a State underground injection control program
18 for permitting Class VI wells for the injection of car-
19 bon dioxide.

20 (2) USE OF FUNDS.—A State that receives a
21 grant under paragraph (1) shall use the amounts re-
22 ceived under the grant to defray the expenses of the
23 State related to the establishment and operation of
24 a State underground injection control program de-
25 scribed in paragraph (1).

1 “(E) provide for, support, or are directly
2 related to the injection of a carbon dioxide
3 stream into sub-seabed geologic formations for
4 the purpose of long-term carbon sequestra-
5 tion.”.

6 (c) CLARIFICATION.—A carbon dioxide stream in-
7 jected for the purpose of carbon sequestration under sub-
8 paragraph (E) of section 8(p)(1) of the Outer Continental
9 Shelf Lands Act (43 U.S.C. 1337(p)(1)) shall not be con-
10 sidered to be material (as defined in section 3 of the Ma-
11 rine Protection, Research, and Sanctuaries Act of 1972
12 (33 U.S.C. 1402)) for purposes of that Act (33 U.S.C.
13 1401 et seq.).

14 (d) REGULATIONS.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary of the Interior
16 shall promulgate regulations to carry out the amendments
17 made by this section.

18 **SEC. 40308. CARBON REMOVAL.**

19 (a) IN GENERAL.—Section 969D of the Energy Pol-
20 icy Act of 2005 (42 U.S.C. 16298d) is amended—

21 (1) by redesignating subsection (j) as sub-
22 section (k); and

23 (2) by inserting after subsection (i) the fol-
24 lowing:

25 “(j) REGIONAL DIRECT AIR CAPTURE HUBS.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) ELIGIBLE PROJECT.—The term ‘eligi-
3 ble project’ means a direct air capture project
4 or a component project of a regional direct air
5 capture hub.

6 “(B) REGIONAL DIRECT AIR CAPTURE
7 HUB.—The term ‘regional direct air capture
8 hub’ means a network of direct air capture
9 projects, potential carbon dioxide utilization off-
10 takers, connective carbon dioxide transport in-
11 frastructure, subsurface resources, and seques-
12 tration infrastructure located within a region.

13 “(2) ESTABLISHMENT OF PROGRAM.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish a program under which the Secretary
16 shall provide funding for eligible projects that
17 contribute to the development of 4 regional di-
18 rect air capture hubs described in subparagraph
19 (B).

20 “(B) REGIONAL DIRECT AIR CAPTURE
21 HUBS.—Each of the 4 regional direct air cap-
22 ture hubs developed under the program under
23 subparagraph (A) shall be a regional direct air
24 capture hub that—

1 “(i) facilitates the deployment of di-
2 rect air capture projects;

3 “(ii) has the capacity to capture and
4 sequester, utilize, or sequester and utilize
5 at least 1,000,000 metric tons of carbon
6 dioxide from the atmosphere annually from
7 a single unit or multiple interconnected
8 units;

9 “(iii) demonstrates the capture, proc-
10 essing, delivery, and sequestration or end-
11 use of captured carbon; and

12 “(iv) could be developed into a re-
13 gional or interregional carbon network to
14 facilitate sequestration or carbon utiliza-
15 tion.

16 “(3) SELECTION OF PROJECTS.—

17 “(A) SOLICITATION OF PROPOSALS.—

18 “(i) IN GENERAL.—Not later than
19 180 days after the date of enactment of
20 the Infrastructure Investment and Jobs
21 Act, the Secretary shall solicit applications
22 for funding for eligible projects.

23 “(ii) ADDITIONAL SOLICITATIONS.—
24 The Secretary shall solicit applications for
25 funding for eligible projects on a recurring

1 basis after the first round of applications
2 is received under clause (i) until all
3 amounts appropriated to carry out this
4 subsection are expended.

5 “(B) SELECTION OF PROJECTS FOR THE
6 DEVELOPMENT OF REGIONAL DIRECT AIR CAP-
7 TURE HUBS.—Not later than 3 years after the
8 date of the deadline for the submission of pro-
9 posals under subparagraph (A)(i), the Secretary
10 shall select eligible projects described in para-
11 graph (2)(A).

12 “(C) CRITERIA.—The Secretary shall se-
13 lect eligible projects under subparagraph (B)
14 using the following criteria:

15 “(i) CARBON INTENSITY OF LOCAL IN-
16 DUSTRY.—To the maximum extent prac-
17 ticable, each eligible project shall be lo-
18 cated in a region with—

19 “(I) existing carbon-intensive fuel
20 production or industrial capacity; or

21 “(II) carbon-intensive fuel pro-
22 duction or industrial capacity that has
23 retired or closed in the preceding 10
24 years.

1541

1 “(ii) GEOGRAPHIC DIVERSITY.—To
2 the maximum extent practicable, eligible
3 projects shall contribute to the develop-
4 ment of regional direct air capture hubs lo-
5 cated in different regions of the United
6 States.

7 “(iii) CARBON POTENTIAL.—To the
8 maximum extent practicable, eligible
9 projects shall contribute to the develop-
10 ment of regional direct air capture hubs lo-
11 cated in regions with high potential for
12 carbon sequestration or utilization.

13 “(iv) HUBS IN FOSSIL-PRODUCING RE-
14 GIONS.—To the maximum extent prac-
15 ticable, eligible projects shall contribute to
16 the development of at least 2 regional di-
17 rect air capture hubs located in economi-
18 cally distressed communities in the regions
19 of the United States with high levels of
20 coal, oil, or natural gas resources.

21 “(v) SCALABILITY.—The Secretary
22 shall give priority to eligible projects that,
23 as compared to other eligible projects, will
24 contribute to the development of regional
25 direct air capture hubs with larger initial

1 capacity, greater potential for expansion,
2 and lower levelized cost per ton of carbon
3 dioxide removed from the atmosphere.

4 “(vi) EMPLOYMENT.—The Secretary
5 shall give priority to eligible projects that
6 are likely to create opportunities for skilled
7 training and long-term employment to the
8 greatest number of residents of the region.

9 “(vii) ADDITIONAL CRITERIA.—The
10 Secretary may take into consideration
11 other criteria that, in the judgment of the
12 Secretary, are necessary or appropriate to
13 carry out this subsection.

14 “(D) COORDINATION.—To the maximum
15 extent practicable, in carrying out the program
16 under this subsection, the Secretary shall take
17 into account and coordinate with activities of
18 the carbon capture technology program estab-
19 lished under section 962(b)(1), the carbon stor-
20 age validation and testing program established
21 under section 963(b)(1), and the CIFIA pro-
22 gram established under section 999B(a) such
23 that funding from each of the programs is le-
24 veraged to contribute toward the development
25 of integrated regional and interregional carbon

1 capture, removal, transport, sequestration, and
2 utilization networks.

3 “(E) FUNDING OF ELIGIBLE PROJECTS.—
4 The Secretary may make grants to, or enter
5 into cooperative agreements or contracts with,
6 each eligible project selected under subpara-
7 graph (B) to accelerate commercialization of,
8 and demonstrate the removal, processing, trans-
9 port, sequestration, and utilization of, carbon
10 dioxide captured from the atmosphere.

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Sec-
13 retary to carry out this subsection \$3,500,000,000
14 for the period of fiscal years 2022 through 2026, to
15 remain available until expended.”.

16 **Subtitle B—Hydrogen Research** 17 **and Development**

18 **SEC. 40311. FINDINGS; PURPOSE.**

19 (a) FINDINGS.—Congress finds that—

20 (1) hydrogen plays a critical part in the com-
21 prehensive energy portfolio of the United States;

22 (2) the use of the hydrogen resources of the
23 United States—

24 (A) promotes energy security and resil-
25 ience; and

1 (B) provides economic value and environ-
2 mental benefits for diverse applications across
3 multiple sectors of the economy; and

4 (3) hydrogen can be produced from a variety of
5 domestically available clean energy sources, includ-
6 ing—

7 (A) renewable energy resources, including
8 biomass;

9 (B) fossil fuels with carbon capture, utili-
10 zation, and storage; and

11 (C) nuclear power.

12 (b) PURPOSE.—The purpose of this subtitle is to ac-
13 celerate research, development, demonstration, and de-
14 ployment of hydrogen from clean energy sources by—

15 (1) providing a statutory definition for the term
16 “clean hydrogen”;

17 (2) establishing a clean hydrogen strategy and
18 roadmap for the United States;

19 (3) establishing a clearing house for clean hy-
20 drogen program information at the National Energy
21 Technology Laboratory;

22 (4) developing a robust clean hydrogen supply
23 chain and workforce by prioritizing clean hydrogen
24 demonstration projects in major shale gas regions;

1 (5) establishing regional clean hydrogen hubs;
2 and

3 (6) authorizing appropriations to carry out the
4 Department of Energy Hydrogen Program Plan,
5 dated November 2020, developed pursuant to title
6 VIII of the Energy Policy Act of 2005 (42 U.S.C.
7 16151 et seq.).

8 **SEC. 40312. DEFINITIONS.**

9 Section 803 of the Energy Policy Act of 2005 (42
10 U.S.C. 16152) is amended—

11 (1) in paragraph (5), by striking the paragraph
12 designation and heading and all that follows through
13 “when” in the matter preceding subparagraph (A)
14 and inserting the following:

15 “(5) PORTABLE; STORAGE.—The terms ‘port-
16 able’ and ‘storage’, when”;

17 (2) by redesignating paragraphs (1) through
18 (7) as paragraphs (2) through (8), respectively; and

19 (3) by inserting before paragraph (2) (as so re-
20 designated) the following:

21 “(1) CLEAN HYDROGEN; HYDROGEN.—The
22 terms ‘clean hydrogen’ and ‘hydrogen’ mean hydro-
23 gen produced in compliance with the greenhouse gas
24 emissions standard established under section 822(a),
25 including production from any fuel source.”.

1546

1 **SEC. 40313. CLEAN HYDROGEN RESEARCH AND DEVELOP-**
2 **MENT PROGRAM.**

3 (a) IN GENERAL.—Section 805 of the Energy Policy
4 Act of 2005 (42 U.S. 16154) is amended—

5 (1) in the section heading, by striking “**PRO-**
6 **GRAMS**” and inserting “**CLEAN HYDROGEN RE-**
7 **SEARCH AND DEVELOPMENT PROGRAM**”;

8 (2) in subsection (a)—

9 (A) by striking “research and development
10 program” and inserting “crosscutting research
11 and development program (referred to in this
12 section as the ‘program’)”; and

13 (B) by inserting “processing,” after “pro-
14 duction,”;

15 (3) by striking subsection (b) and inserting the
16 following:

17 “(b) GOALS.—The goals of the program shall be—

18 “(1) to advance research and development to
19 demonstrate and commercialize the use of clean hy-
20 drogen in the transportation, utility, industrial, com-
21 mercial, and residential sectors; and

22 “(2) to demonstrate a standard of clean hydro-
23 gen production in the transportation, utility, indus-
24 trial, commercial, and residential sectors by 2040.”;

25 (4) in subsection (c)(3), by striking “renewable
26 fuels and biofuels” and inserting “fossil fuels with

1 carbon capture, utilization, and sequestration, re-
2 newable fuels, biofuels, and nuclear energy”;

3 (5) by striking subsection (e) and inserting the
4 following:

5 “(e) ACTIVITIES.—In carrying out the program, the
6 Secretary, in partnership with the private sector, shall
7 conduct activities to advance and support—

8 “(1) the establishment of a series of technology
9 cost goals oriented toward achieving the standard of
10 clean hydrogen production developed under section
11 822(a);

12 “(2) the production of clean hydrogen from di-
13 verse energy sources, including—

14 “(A) fossil fuels with carbon capture, utili-
15 zation, and sequestration;

16 “(B) hydrogen-carrier fuels (including eth-
17 anol and methanol);

18 “(C) renewable energy resources, including
19 biomass;

20 “(D) nuclear energy; and

21 “(E) any other methods the Secretary de-
22 termines to be appropriate;

23 “(3) the use of clean hydrogen for commercial,
24 industrial, and residential electric power generation;

1 “(4) the use of clean hydrogen in industrial ap-
2 plications, including steelmaking, cement, chemical
3 feedstocks, and process heat;

4 “(5) the use of clean hydrogen for use as a fuel
5 source for both residential and commercial comfort
6 heating and hot water requirements;

7 “(6) the safe and efficient delivery of hydrogen
8 or hydrogen-carrier fuels, including—

9 “(A) transmission by pipelines, including
10 retrofitting the existing natural gas transpor-
11 tation infrastructure system to enable a transi-
12 tion to transport and deliver increasing levels of
13 clean hydrogen, clean hydrogen blends, or clean
14 hydrogen carriers;

15 “(B) tanks and other distribution methods;
16 and

17 “(C) convenient and economic refueling of
18 vehicles, locomotives, maritime vessels, or
19 planes—

20 “(i) at central refueling stations; or

21 “(ii) through distributed onsite gen-
22 eration;

23 “(7) advanced vehicle, locomotive, maritime ves-
24 sel, or plane technologies, including—

25 “(A) engine and emission control systems;

1 “(B) energy storage, electric propulsion,
2 and hybrid systems;

3 “(C) automotive, locomotive, maritime ves-
4 sel, or plane materials; and

5 “(D) other advanced vehicle, locomotive,
6 maritime vessel, or plane technologies;

7 “(8) storage of hydrogen or hydrogen-carrier
8 fuels, including the development of materials for safe
9 and economic storage in gaseous, liquid, or solid
10 form;

11 “(9) the development of safe, durable, afford-
12 able, and efficient fuel cells, including fuel-flexible
13 fuel cell power systems, improved manufacturing
14 processes, high-temperature membranes, cost-effec-
15 tive fuel processing for natural gas, fuel cell stack
16 and system reliability, low-temperature operation,
17 and cold start capability;

18 “(10) the ability of domestic clean hydrogen
19 equipment manufacturers to manufacture commer-
20 cially available competitive technologies in the
21 United States;

22 “(11) the use of clean hydrogen in the trans-
23 portation sector, including in light-, medium-, and
24 heavy-duty vehicles, rail transport, aviation, and
25 maritime applications; and

1 “(12) in coordination with relevant agencies,
2 the development of appropriate, uniform codes and
3 standards for the safe and consistent deployment
4 and commercialization of clean hydrogen production,
5 processing, delivery, and end-use technologies.”; and

6 (6) by adding at the end the following:

7 “(j) TARGETS.—Not later than 180 days after the
8 date of enactment of the Infrastructure Investment and
9 Jobs Act, the Secretary shall establish targets for the pro-
10 gram to address near-term (up to 2 years), mid-term (up
11 to 7 years), and long-term (up to 15 years) challenges to
12 the advancement of clean hydrogen systems and tech-
13 nologies.”.

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents for the Energy Policy Act of 2005 (Public Law 109–
16 58; 119 Stat. 599) is amended by striking the item relat-
17 ing to section 805 and inserting the following:

 “Sec. 805. Clean hydrogen research and development program.”.

18 **SEC. 40314. ADDITIONAL CLEAN HYDROGEN PROGRAMS.**

19 Title VIII of the Energy Policy Act of 2005 (42
20 U.S.C. 16151 et seq.) is amended—

21 (1) by redesignating sections 813 through 816
22 as sections 818 through 821, respectively; and

23 (2) by inserting after section 812 the following:

1 **“SEC. 813. REGIONAL CLEAN HYDROGEN HUBS.**

2 “(a) DEFINITION OF REGIONAL CLEAN HYDROGEN
3 HUB.—In this section, the term ‘regional clean hydrogen
4 hub’ means a network of clean hydrogen producers, poten-
5 tial clean hydrogen consumers, and connective infrastruc-
6 ture located in close proximity.

7 “(b) ESTABLISHMENT OF PROGRAM.—The Secretary
8 shall establish a program to support the development of
9 at least 4 regional clean hydrogen hubs that—

10 “(1) demonstrably aid the achievement of the
11 clean hydrogen production standard developed under
12 section 822(a);

13 “(2) demonstrate the production, processing,
14 delivery, storage, and end-use of clean hydrogen; and

15 “(3) can be developed into a national clean hy-
16 drogen network to facilitate a clean hydrogen econ-
17 omy.

18 “(c) SELECTION OF REGIONAL CLEAN HYDROGEN
19 HUBS.—

20 “(1) SOLICITATION OF PROPOSALS.—Not later
21 than 180 days after the date of enactment of the In-
22 frastructure Investment and Jobs Act, the Secretary
23 shall solicit proposals for regional clean hydrogen
24 hubs.

25 “(2) SELECTION OF HUBS.—Not later than 1
26 year after the deadline for the submission of pro-

1 proposals under paragraph (1), the Secretary shall se-
2 lect at least 4 regional clean hydrogen hubs to be de-
3 veloped under subsection (b).

4 “(3) CRITERIA.—The Secretary shall select re-
5 gional clean hydrogen hubs under paragraph (2)
6 using the following criteria:

7 “(A) FEEDSTOCK DIVERSITY.—To the
8 maximum extent practicable—

9 “(i) at least 1 regional clean hydrogen
10 hub shall demonstrate the production of
11 clean hydrogen from fossil fuels;

12 “(ii) at least 1 regional clean hydro-
13 gen hub shall demonstrate the production
14 of clean hydrogen from renewable energy;
15 and

16 “(iii) at least 1 regional clean hydro-
17 gen hub shall demonstrate the production
18 of clean hydrogen from nuclear energy.

19 “(B) END-USE DIVERSITY.—To the max-
20 imum extent practicable—

21 “(i) at least 1 regional clean hydrogen
22 hub shall demonstrate the end-use of clean
23 hydrogen in the electric power generation
24 sector;

1553

1 “(ii) at least 1 regional clean hydro-
2 gen hub shall demonstrate the end-use of
3 clean hydrogen in the industrial sector;

4 “(iii) at least 1 regional clean hydro-
5 gen hub shall demonstrate the end-use of
6 clean hydrogen in the residential and com-
7 mercial heating sector; and

8 “(iv) at least 1 regional clean hydro-
9 gen hub shall demonstrate the end-use of
10 clean hydrogen in the transportation sec-
11 tor.

12 “(C) GEOGRAPHIC DIVERSITY.—To the
13 maximum extent practicable, each regional
14 clean hydrogen hub—

15 “(i) shall be located in a different re-
16 gion of the United States; and

17 “(ii) shall use energy resources that
18 are abundant in that region.

19 “(D) HUBS IN NATURAL GAS-PRODUCING
20 REGIONS.—To the maximum extent practicable,
21 at least 2 regional clean hydrogen hubs shall be
22 located in the regions of the United States with
23 the greatest natural gas resources.

24 “(E) EMPLOYMENT.—The Secretary shall
25 give priority to regional clean hydrogen hubs

1 that are likely to create opportunities for skilled
2 training and long-term employment to the
3 greatest number of residents of the region.

4 “(F) ADDITIONAL CRITERIA.—The Sec-
5 retary may take into consideration other cri-
6 teria that, in the judgment of the Secretary, are
7 necessary or appropriate to carry out this title

8 “(4) FUNDING OF REGIONAL CLEAN HYDROGEN
9 HUBS.—The Secretary may make grants to each re-
10 gional clean hydrogen hub selected under paragraph
11 (2) to accelerate commercialization of, and dem-
12 onstrate the production, processing, delivery, stor-
13 age, and end-use of, clean hydrogen.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to the Secretary to carry
16 out this section \$8,000,000,000 for the period of fiscal
17 years 2022 through 2026.

18 **“SEC. 814. NATIONAL CLEAN HYDROGEN STRATEGY AND**
19 **ROADMAP.**

20 “(a) DEVELOPMENT.—

21 “(1) IN GENERAL.—In carrying out the pro-
22 grams established under sections 805 and 813, the
23 Secretary, in consultation with the heads of relevant
24 offices of the Department, shall develop a techno-
25 logically and economically feasible national strategy

1 and roadmap to facilitate widescale production, proc-
2 essing, delivery, storage, and use of clean hydrogen.

3 “(2) INCLUSIONS.—The national clean hydro-
4 gen strategy and roadmap developed under para-
5 graph (1) shall focus on—

6 “(A) establishing a standard of hydrogen
7 production that achieves the standard developed
8 under section 822(a), including interim goals
9 towards meeting that standard;

10 “(B)(i) clean hydrogen production and use
11 from natural gas, coal, renewable energy
12 sources, nuclear energy, and biomass; and

13 “(ii) identifying potential barriers, path-
14 ways, and opportunities, including Federal pol-
15 icy needs, to transition to a clean hydrogen
16 economy;

17 “(C) identifying—

18 “(i) economic opportunities for the
19 production, processing, transport, storage,
20 and use of clean hydrogen that exist in the
21 major shale natural gas-producing regions
22 of the United States;

23 “(ii) economic opportunities for the
24 production, processing, transport, storage,
25 and use of clean hydrogen that exist for

1 merchant nuclear power plants operating
2 in deregulated markets; and

3 “(iii) environmental risks associated
4 with potential deployment of clean hydro-
5 gen technologies in those regions, and ways
6 to mitigate those risks;

7 “(D) approaches, including substrategies,
8 that reflect geographic diversity across the
9 country, to advance clean hydrogen based on re-
10 sources, industry sectors, environmental bene-
11 fits, and economic impacts in regional econo-
12 mies;

13 “(E) identifying opportunities to use, and
14 barriers to using, existing infrastructure, in-
15 cluding all components of the natural gas infra-
16 structure system, the carbon dioxide pipeline in-
17 frastructure system, end-use local distribution
18 networks, end-use power generators, LNG ter-
19 minals, industrial users of natural gas, and res-
20 idential and commercial consumers of natural
21 gas, for clean hydrogen deployment;

22 “(F) identifying the needs for and barriers
23 and pathways to developing clean hydrogen
24 hubs (including, where appropriate, clean hy-

1 drogen hubs coupled with carbon capture, utili-
2 zation, and storage hubs) that—

3 “(i) are regionally dispersed across
4 the United States and can leverage natural
5 gas to the maximum extent practicable;

6 “(ii) can demonstrate the efficient
7 production, processing, delivery, and use of
8 clean hydrogen;

9 “(iii) include transportation corridors
10 and modes of transportation, including
11 transportation of clean hydrogen by pipe-
12 line and rail and through ports; and

13 “(iv) where appropriate, could serve
14 as joint clean hydrogen and carbon cap-
15 ture, utilization, and storage hubs;

16 “(G) prioritizing activities that improve the
17 ability of the Department to develop tools to
18 model, analyze, and optimize single-input, mul-
19 tiple-output integrated hybrid energy systems
20 and multiple-input, multiple-output integrated
21 hybrid energy systems that maximize efficiency
22 in providing hydrogen, high-value heat, elec-
23 tricity, and chemical synthesis services;

24 “(H) identifying the appropriate points of
25 interaction between and among Federal agen-

1 cies involved in the production, processing, de-
2 livery, storage, and use of clean hydrogen and
3 clarifying the responsibilities of those Federal
4 agencies, and potential regulatory obstacles and
5 recommendations for modifications, in order to
6 support the deployment of clean hydrogen; and

7 “(I) identifying geographic zones or re-
8 gions in which clean hydrogen technologies
9 could efficiently and economically be introduced
10 in order to transition existing infrastructure to
11 rely on clean hydrogen, in support of
12 decarbonizing all relevant sectors of the econ-
13 omy.

14 “(b) REPORTS TO CONGRESS.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of the Infrastructure In-
17 vestment and Jobs Act, the Secretary shall submit
18 to Congress the clean hydrogen strategy and road-
19 map developed under subsection (a).

20 “(2) UPDATES.—The Secretary shall submit to
21 Congress updates to the clean hydrogen strategy and
22 roadmap under paragraph (1) not less frequently
23 than once every 3 years after the date on which the
24 Secretary initially submits the report and roadmap.

1 **“SEC. 815. CLEAN HYDROGEN MANUFACTURING AND RECY-**
2 **CLING.**

3 “(a) CLEAN HYDROGEN MANUFACTURING INITIA-
4 TIVE.—

5 “(1) IN GENERAL.—In carrying out the pro-
6 grams established under sections 805 and 813, the
7 Secretary shall award multiyear grants to, and enter
8 into contracts, cooperative agreements, or any other
9 agreements authorized under this Act or other Fed-
10 eral law with, eligible entities (as determined by the
11 Secretary) for research, development, and dem-
12 onstration projects to advance new clean hydrogen
13 production, processing, delivery, storage, and use
14 equipment manufacturing technologies and tech-
15 niques.

16 “(2) PRIORITY.—In awarding grants or enter-
17 ing into contracts, cooperative agreements, or other
18 agreements under paragraph (1), the Secretary, to
19 the maximum extent practicable, shall give priority
20 to clean hydrogen equipment manufacturing projects
21 that—

22 “(A) increase efficiency and cost-effective-
23 ness in—

24 “(i) the manufacturing process; and

25 “(ii) the use of resources, including
26 existing energy infrastructure;

1 “(B) support domestic supply chains for
2 materials and components;

3 “(C) identify and incorporate nonhaz-
4 arduous alternative materials for components
5 and devices;

6 “(D) operate in partnership with tribal en-
7 ergy development organizations, Indian Tribes,
8 Tribal organizations, Native Hawaiian commu-
9 nity-based organizations, or territories or freely
10 associated States; or

11 “(E) are located in economically distressed
12 areas of the major natural gas-producing re-
13 gions of the United States.

14 “(3) EVALUATION.—Not later than 3 years
15 after the date of enactment of the Infrastructure In-
16 vestment and Jobs Act, and not less frequently than
17 once every 4 years thereafter, the Secretary shall
18 conduct, and make available to the public and the
19 relevant committees of Congress, an independent re-
20 view of the progress of the projects carried out
21 through grants awarded, or contracts, cooperative
22 agreements, or other agreements entered into, under
23 paragraph (1).

1 “(b) CLEAN HYDROGEN TECHNOLOGY RECYCLING
2 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
3 GRAM.—

4 “(1) IN GENERAL.—In carrying out the pro-
5 grams established under sections 805 and 813, the
6 Secretary shall award multiyear grants to, and enter
7 into contracts, cooperative agreements, or any other
8 agreements authorized under this Act or other Fed-
9 eral law with, eligible entities for research, develop-
10 ment, and demonstration projects to create innova-
11 tive and practical approaches to increase the reuse
12 and recycling of clean hydrogen technologies, includ-
13 ing by—

14 “(A) increasing the efficiency and cost-ef-
15 fectiveness of the recovery of raw materials
16 from clean hydrogen technology components
17 and systems, including enabling technologies
18 such as electrolyzers and fuel cells;

19 “(B) minimizing environmental impacts
20 from the recovery and disposal processes;

21 “(C) addressing any barriers to the re-
22 search, development, demonstration, and com-
23 mercialization of technologies and processes for
24 the disassembly and recycling of devices used

1 for clean hydrogen production, processing, de-
2 livery, storage, and use;

3 “(D) developing alternative materials, de-
4 signs, manufacturing processes, and other as-
5 pects of clean hydrogen technologies;

6 “(E) developing alternative disassembly
7 and resource recovery processes that enable effi-
8 cient, cost-effective, and environmentally re-
9 sponsible disassembly of, and resource recovery
10 from, clean hydrogen technologies; and

11 “(F) developing strategies to increase con-
12 sumer acceptance of, and participation in, the
13 recycling of fuel cells.

14 “(2) DISSEMINATION OF RESULTS.—The Sec-
15 retary shall make available to the public and the rel-
16 evant committees of Congress the results of the
17 projects carried out through grants awarded, or con-
18 tracts, cooperative agreements, or other agreements
19 entered into, under paragraph (1), including any
20 educational and outreach materials developed by the
21 projects.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Secretary to carry
24 out this section \$500,000,000 for the period of fiscal years
25 2022 through 2026.

1 **“SEC. 816. CLEAN HYDROGEN ELECTROLYSIS PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ELECTROLYSIS.—The term ‘electrolysis’
4 means a process that uses electricity to split water
5 into hydrogen and oxygen.

6 “(2) ELECTROLYZER.—The term ‘electrolyzer’
7 means a system that produces hydrogen using elec-
8 trolysis.

9 “(3) PROGRAM.—The term ‘program’ means
10 the program established under subsection (b).

11 “(b) ESTABLISHMENT.—Not later than 90 days after
12 the date of enactment of the Infrastructure Investment
13 and Jobs Act, the Secretary shall establish a research, de-
14 velopment, demonstration, commercialization, and deploy-
15 ment program for purposes of commercialization to im-
16 prove the efficiency, increase the durability, and reduce
17 the cost of producing clean hydrogen using electrolyzers.

18 “(c) GOALS.—The goals of the program are—

19 “(1) to reduce the cost of hydrogen produced
20 using electrolyzers to less than \$2 per kilogram of
21 hydrogen by 2026; and

22 “(2) any other goals the Secretary determines
23 are appropriate.

24 “(d) DEMONSTRATION PROJECTS.—In carrying out
25 the program, the Secretary shall fund demonstration
26 projects—

1 “(1) to demonstrate technologies that produce
2 clean hydrogen using electrolyzers; and

3 “(2) to validate information on the cost, effi-
4 ciency, durability, and feasibility of commercial de-
5 ployment of the technologies described in paragraph
6 (1).

7 “(e) FOCUS.—The program shall focus on research
8 relating to, and the development, demonstration, and de-
9 ployment of—

10 “(1) low-temperature electrolyzers, including
11 liquid-alkaline electrolyzers, membrane-based
12 electrolyzers, and other advanced electrolyzers, capa-
13 ble of converting intermittent sources of electric
14 power to clean hydrogen with enhanced efficiency
15 and durability;

16 “(2) high-temperature electrolyzers that com-
17 bine electricity and heat to improve the efficiency of
18 clean hydrogen production;

19 “(3) advanced reversible fuel cells that combine
20 the functionality of an electrolyzer and a fuel cell;

21 “(4) new highly active, selective, and durable
22 electrolyzer catalysts and electro-catalysts that—

23 “(A) greatly reduce or eliminate the need
24 for platinum group metals; and

1 “(B) enable electrolysis of complex mix-
2 tures with impurities, including seawater;

3 “(5) modular electrolyzers for distributed en-
4 ergy systems and the bulk-power system (as defined
5 in section 215(a) of the Federal Power Act (16
6 U.S.C. 824o(a)));

7 “(6) low-cost membranes or electrolytes and
8 separation materials that are durable in the presence
9 of impurities or seawater;

10 “(7) improved component design and material
11 integration, including with respect to electrodes, po-
12 rous transport layers and bipolar plates, and bal-
13 ance-of-system components, to allow for scale-up and
14 domestic manufacturing of electrolyzers at a high
15 volume;

16 “(8) clean hydrogen storage technologies;

17 “(9) technologies that integrate hydrogen pro-
18 duction with—

19 “(A) clean hydrogen compression and dry-
20 ing technologies;

21 “(B) clean hydrogen storage; and

22 “(C) transportation or stationary systems;

23 and

24 “(10) integrated systems that combine hydro-
25 gen production with renewable power or nuclear

1 power generation technologies, including hybrid sys-
2 tems with hydrogen storage.

3 “(f) GRANTS, CONTRACTS, COOPERATIVE AGREE-
4 MENTS.—

5 “(1) GRANTS.—In carrying out the program,
6 the Secretary shall award grants, on a competitive
7 basis, to eligible entities for projects that the Sec-
8 retary determines would provide the greatest
9 progress toward achieving the goal of the program
10 described in subsection (c).

11 “(2) CONTRACTS AND COOPERATIVE AGREE-
12 MENTS.—In carrying out the program, the Secretary
13 may enter into contracts and cooperative agreements
14 with eligible entities and Federal agencies for
15 projects that the Secretary determines would further
16 the purpose of the program described in subsection
17 (b).

18 “(3) ELIGIBILITY; APPLICATIONS.—

19 “(A) IN GENERAL.—The eligibility of an
20 entity to receive a grant under paragraph (1),
21 to enter into a contract or cooperative agree-
22 ment under paragraph (2), or to receive fund-
23 ing for a demonstration project under sub-
24 section (d) shall be determined by the Sec-
25 retary.

1567

1 “(B) APPLICATIONS.—An eligible entity
2 desiring to receive a grant under paragraph (1),
3 to enter into a contract or cooperative agree-
4 ment under paragraph (2), or to receive fund-
5 ing for a demonstration project under sub-
6 section (d) shall submit to the Secretary an ap-
7 plication at such time, in such manner, and
8 containing such information as the Secretary
9 may require.

10 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to the Secretary to carry
12 out the program \$1,000,000,000 for the period of fiscal
13 years 2022 through 2026, to remain available until ex-
14 pended.

15 **“SEC. 817. LABORATORY MANAGEMENT.**

16 “(a) IN GENERAL.—The National Energy Tech-
17 nology Laboratory, the Idaho National Laboratory, and
18 the National Renewable Energy Laboratory shall continue
19 to work in a crosscutting manner to carry out the pro-
20 grams established under sections 813 and 815.

21 “(b) COORDINATION; CLEARINGHOUSE.—In carrying
22 out subsection (a), the National Energy Technology Lab-
23 oratory shall—

24 “(1) coordinate with—

1568

1 “(A) the Idaho National Laboratory, the
2 National Renewable Energy Laboratory, and
3 other National Laboratories in a cross-cutting
4 manner;

5 “(B) institutions of higher education;

6 “(C) research institutes;

7 “(D) industrial researchers; and

8 “(E) international researchers; and

9 “(2) act as a clearinghouse to collect informa-
10 tion from, and distribute information to, the Na-
11 tional Laboratories and other entities described in
12 subparagraphs (B) through (E) of paragraph (1).”.

13 **SEC. 40315. CLEAN HYDROGEN PRODUCTION QUALIFICA-**
14 **TIONS.**

15 (a) IN GENERAL.—The Energy Policy Act of 2005
16 (42 U.S.C. 16151 et seq.) (as amended by section
17 40314(1)) is amended by adding at the end the following:

18 **“SEC. 822. CLEAN HYDROGEN PRODUCTION QUALIFICA-**
19 **TIONS.**

20 “(a) IN GENERAL.—Not later than 180 days after
21 the date of enactment of the Infrastructure Investment
22 and Jobs Act, the Secretary, in consultation with the Ad-
23 ministrator of the Environmental Protection Agency and
24 after taking into account input from industry and other
25 stakeholders, as determined by the Secretary, shall develop

1 an initial standard for the carbon intensity of clean hydro-
2 gen production that shall apply to activities carried out
3 under this title.

4 “(b) REQUIREMENTS.—

5 “(1) IN GENERAL.—The standard developed
6 under subsection (a) shall—

7 “(A) support clean hydrogen production
8 from each source described in section 805(e)(2);

9 “(B) define the term ‘clean hydrogen’ to
10 mean hydrogen produced with a carbon inten-
11 sity equal to or less than 2 kilograms of carbon
12 dioxide-equivalent produced at the site of pro-
13 duction per kilogram of hydrogen produced; and

14 “(C) take into consideration technological
15 and economic feasibility.

16 “(2) ADJUSTMENT.—Not later than the date
17 that is 5 years after the date on which the Secretary
18 develops the standard under subsection (a), the Sec-
19 retary, in consultation with the Administrator of the
20 Environmental Protection Agency and after taking
21 into account input from industry and other stake-
22 holders, as determined by the Secretary, shall—

23 “(A) determine whether the definition of
24 clean hydrogen required under paragraph

1570

1 (1)(B) should be adjusted below the standard
2 described in that paragraph; and

3 “(B) if the Secretary determines the ad-
4 justment described in subparagraph (A) is ap-
5 propriate, carry out the adjustment.

6 “(c) APPLICATION.—The standard developed under
7 subsection (a) shall apply to clean hydrogen production
8 from renewable, fossil fuel with carbon capture, utiliza-
9 tion, and sequestration technologies, nuclear, and other
10 fuel sources using any applicable production technology.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents for the Energy Policy Act of 2005 (Public Law 109–
13 58; 119 Stat. 599) is amended by striking the items relat-
14 ing to sections 813 through 816 and inserting the fol-
15 lowing:

“Sec. 813. Regional clean hydrogen hubs.

“Sec. 814. National clean hydrogen strategy and roadmap.

“Sec. 815. Clean hydrogen manufacturing and recycling.

“Sec. 816. Clean hydrogen electrolysis program.

“Sec. 817. Laboratory management.

“Sec. 818. Technology transfer

“Sec. 819. Miscellaneous provisions.

“Sec. 820. Cost sharing.

“Sec. 821. Savings clause.

“Sec. 822. Clean hydrogen production qualifications.”.

16 **Subtitle C—Nuclear Energy**
17 **Infrastructure**

18 **SEC. 40321. INFRASTRUCTURE PLANNING FOR MICRO AND**
19 **SMALL MODULAR NUCLEAR REACTORS.**

20 (a) DEFINITIONS.—In this section:

1 (1) ADVANCED NUCLEAR REACTOR.— The term
2 “advanced nuclear reactor” has the meaning given
3 the term in section 951(b) of the Energy Policy Act
4 of 2005 (42 U.S.C. 16271(b)).

5 (2) ISOLATED COMMUNITY.—The term “iso-
6 lated community” has the meaning given the term in
7 section 8011(a) of the Energy Act of 2020 (42
8 U.S.C. 17392(a)).

9 (3) MICRO-REACTOR.—The term “micro-reactor”
10 means an advanced nuclear reactor that has an
11 electric power production capacity that is not greater
12 than 50 megawatts.

13 (4) NATIONAL LABORATORY.—The term “Na-
14 tional Laboratory” has the meaning given the term
15 in section 2 of the Energy Policy Act of 2005 (42
16 U.S.C. 15801).

17 (5) SMALL MODULAR REACTOR.—The term
18 “small modular reactor” means an advanced nuclear
19 reactor—

20 (A) with a rated capacity of less than 300
21 electrical megawatts; and

22 (B) that can be constructed and operated
23 in combination with similar reactors at a single
24 site.

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Energy and Natural Resources of the
4 Senate and the Committees on Energy and Commerce and
5 Science, Space, and Technology of the House of Rep-
6 resentatives a report that describes how the Department
7 could enhance energy resilience and reduce carbon emis-
8 sions with the use of micro-reactors and small modular
9 reactors.

10 (c) ELEMENTS.—The report required by subsection
11 (b) shall address the following:

12 (1) An evaluation by the Department of current
13 resilience and carbon reduction requirements for en-
14 ergy for facilities of the Department to determine
15 whether changes are needed to address—

16 (A) the need to provide uninterrupted
17 power to facilities of the Department for at
18 least 3 days during power grid failures;

19 (B) the need for protection against cyber
20 threats and electromagnetic pulses; and

21 (C) resilience to extreme natural events,
22 including earthquakes, volcanic activity, tor-
23 nados, hurricanes, floods, tsunamis, lahars,
24 landslides, seiches, a large quantity of snowfall,
25 and very low or high temperatures.

1 (2) A strategy of the Department for using nu-
2 clear energy to meet resilience and carbon reduction
3 goals of facilities of the Department.

4 (3) A strategy to partner with private industry
5 to develop and deploy micro-reactors and small mod-
6 ular reactors to remote communities in order to re-
7 place diesel generation and other fossil fuels.

8 (4) An assessment by the Department of the
9 value associated with enhancing the resilience of a
10 facility of the Department by transitioning to power
11 from micro-reactors and small modular reactors and
12 to co-located nuclear facilities with the capability to
13 provide dedicated power to the facility of the De-
14 partment during a grid outage or failure.

15 (5) The plans of the Department—

16 (A) for deploying a micro-reactor and a
17 small modular reactor to produce energy for use
18 by a facility of the Department in the United
19 States by 2026;

20 (B) for deploying a small modular reactor
21 to produce energy for use by a facility of the
22 Department in the United States by 2029; and

23 (C) to include micro-reactors and small
24 modular reactors in the planning for meeting
25 future facility energy needs.

1 (d) FINANCIAL AND TECHNICAL ASSISTANCE FOR
2 SITING MICRO-REACTORS, SMALL MODULAR REACTORS,
3 AND ADVANCED NUCLEAR REACTORS.—

4 (1) IN GENERAL.—The Secretary shall offer fi-
5 nancial and technical assistance to entities to con-
6 duct feasibility studies for the purpose of identifying
7 suitable locations for the deployment of micro-reactors,
8 small modular reactors, and advanced nuclear
9 reactors in isolated communities.

10 (2) REQUIREMENT.—Prior to providing finan-
11 cial and technical assistance under paragraph (1),
12 the Secretary shall conduct robust community en-
13 gagement and outreach for the purpose of identi-
14 fying levels of interest in isolated communities.

15 (3) LIMITATION.—The Secretary shall not dis-
16 burse more than 50 percent of the amounts available
17 for financial assistance under this subsection to the
18 National Laboratories.

19 **SEC. 40322. PROPERTY INTERESTS RELATING TO CERTAIN**
20 **PROJECTS AND PROTECTION OF INFORMA-**
21 **TION RELATING TO CERTAIN AGREEMENTS.**

22 (a) PROPERTY INTERESTS RELATING TO FEDER-
23 ALLY FUNDED ADVANCED NUCLEAR REACTOR
24 PROJECTS.—

25 (1) DEFINITIONS.—In this section:

1575

1 (A) ADVANCED NUCLEAR REACTOR.—The
2 term “advanced nuclear reactor” has the mean-
3 ing given the term in section 951(b) of the En-
4 ergy Policy Act of 2005 (42 U.S.C. 16271(b)).

5 (B) PROPERTY INTEREST.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), the term “property interest”
8 means any interest in real property or per-
9 sonal property (as those terms are defined
10 in section 200.1 of title 2, Code of Federal
11 Regulations (as in effect on the date of en-
12 actment of this Act)).

13 (ii) EXCLUSION.—The term “property
14 interest” does not include any interest in
15 intellectual property developed using fund-
16 ing provided under a project described in
17 paragraph (3).

18 (2) ASSIGNMENT OF PROPERTY INTERESTS.—
19 The Secretary may assign to any entity, including
20 the United States, fee title or any other property in-
21 terest acquired by the Secretary under an agreement
22 entered into with respect to a project described in
23 paragraph (3).

24 (3) PROJECT DESCRIBED.—A project referred
25 to in paragraph (2) is—

1576

1 (A) a project for which funding is provided
2 pursuant to the funding opportunity announce-
3 ment of the Department numbered DE-FOA-
4 0002271, including any project for which fund-
5 ing has been provided pursuant to that an-
6 nouncement as of the date of enactment of this
7 Act;

8 (B) any other project for which funding is
9 provided using amounts made available for the
10 Advanced Reactor Demonstration Program of
11 the Department under the heading “Nuclear
12 Energy” under the heading “ENERGY PRO-
13 GRAMS” in title III of division C of the Fur-
14 ther Consolidated Appropriations Act, 2020
15 (Public Law 116-94; 133 Stat. 2670);

16 (C) any other project for which Federal
17 funding is provided under the Advanced Reac-
18 tor Demonstration Program of the Department;
19 or

20 (D) a project—

21 (i) relating to advanced nuclear reac-
22 tors; and

23 (ii) for which Federal funding is pro-
24 vided under a program focused on develop-
25 ment and demonstration.

1 (4) RETROACTIVE VESTING.—The vesting of fee
2 title or any other property interest assigned under
3 paragraph (2) shall be retroactive to the date on
4 which the applicable project first received Federal
5 funding as described in any of subparagraphs (A)
6 through (D) of paragraph (3).

7 (b) CONSIDERATIONS IN COOPERATIVE RESEARCH
8 AND DEVELOPMENT AGREEMENTS.—

9 (1) IN GENERAL.—Section 12(c)(7)(B) of the
10 Stevenson-Wydler Technology Innovation Act of
11 1980 (15 U.S.C. 3710a(c)(7)(B)) is amended—

12 (A) by inserting “(i)” after “(B)”;

13 (B) in clause (i), as so designated, by
14 striking “The director” and inserting “Subject
15 to clause (ii), the director”; and

16 (C) by adding at the end the following:

17 “(II) The agency may authorize
18 the director to provide appropriate
19 protections against dissemination de-
20 scribed in clause (i) for a total period
21 of not more than 30 years if the agen-
22 cy determines that the nature of the
23 information protected against dissemi-
24 nation, including nuclear technology,
25 could reasonably require an extended

1578

1 period of that protection to reach
2 commercialization.”.

3 (2) APPLICABILITY.—

4 (A) DEFINITION.—In this subsection, the
5 term “cooperative research and development
6 agreement” has the meaning given the term in
7 section 12(d) of the Stevenson-Wydler Tech-
8 nology Innovation Act of 1980 (15 U.S.C.
9 3710a(d)).

10 (B) RETROACTIVE EFFECT.—Clause (ii) of
11 section 12(c)(7)(B) of the Stevenson-Wydler
12 Technology Innovation Act of 1980 (15 U.S.C.
13 3710a(c)(7)(B)), as added by subsection (a) of
14 this section, shall apply with respect to any co-
15 operative research and development agreement
16 that is in effect as of the day before the date
17 of enactment of this Act.

18 (c) DEPARTMENT OF ENERGY CONTRACTS.—Section
19 646(g)(5) of the Department of Energy Organization Act
20 (42 U.S.C. 7256(g)(5)) is amended—

21 (1) by striking “(5) The Secretary” and insert-
22 ing the following:

23 “(5) PROTECTION FROM DISCLOSURE.—

24 “(A) IN GENERAL.—The Secretary”; and

25 (2) in subparagraph (A) (as so designated)—

1579

1 (A) by striking “, for up to 5 years after
2 the date on which the information is devel-
3 oped,”; and

4 (B) by striking “agency.” and inserting
5 the following: “agency—

6 “(i) for up to 5 years after the date
7 on which the information is developed; or

8 “(ii) for up to 30 years after the date
9 on which the information is developed, if
10 the Secretary determines that the nature
11 of the technology under the transaction, in-
12 cluding nuclear technology, could reason-
13 ably require an extended period of protec-
14 tion from disclosure to reach commer-
15 cialization.

16 “(B) EXTENSION DURING TERM.—The
17 Secretary may extend the period of protection
18 from disclosure during the term of any trans-
19 action described in subparagraph (A) in accord-
20 ance with that subparagraph.”.

21 **SEC. 40323. CIVIL NUCLEAR CREDIT PROGRAM.**

22 (a) DEFINITIONS.—In this section:

23 (1) CERTIFIED NUCLEAR REACTOR.—The term
24 “certified nuclear reactor” means a nuclear reactor
25 that—

1 (A) competes in a competitive electricity
2 market; and

3 (B) is certified under subsection
4 (c)(2)(A)(i) to submit a sealed bid in accord-
5 ance with subsection (d).

6 (2) CREDIT.—The term “credit” means a credit
7 allocated to a certified nuclear reactor under sub-
8 section (e)(2).

9 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
10 shall establish a civil nuclear credit program—

11 (1) to evaluate nuclear reactors that are pro-
12 jected to cease operations due to economic factors;
13 and

14 (2) to allocate credits to certified nuclear reac-
15 tors that are selected under paragraph (1)(B) of
16 subsection (e) to receive credits under paragraph (2)
17 of that subsection.

18 (c) CERTIFICATION.—

19 (1) APPLICATION.—

20 (A) IN GENERAL.—In order to be certified
21 under paragraph (2)(A)(i), the owner or oper-
22 ator of a nuclear reactor that is projected to
23 cease operations due to economic factors shall
24 submit to the Secretary an application at such
25 time, in such manner, and containing such in-

1581

1 formation as the Secretary determines to be ap-
2 propriate, including—

3 (i) information on the operating costs
4 necessary to make the determination de-
5 scribed in paragraph (2)(A)(ii)(I), includ-
6 ing—

7 (I) the average projected annual
8 operating loss in dollars per mega-
9 watt-hour, inclusive of the cost of
10 operational and market risks, ex-
11 pected to be incurred by the nuclear
12 reactor over the 4-year period for
13 which credits would be allocated;

14 (II) any private or publicly avail-
15 able data with respect to current or
16 projected bulk power market prices;

17 (III) out-of-market revenue
18 streams;

19 (IV) operations and maintenance
20 costs;

21 (V) capital costs, including fuel;
22 and

23 (VI) operational and market
24 risks;

1582

1 (ii) an estimate of the potential incre-
2 mental air pollutants that would result if
3 the nuclear reactor were to cease oper-
4 ations;

5 (iii) known information on the source
6 of produced uranium and the location
7 where the uranium is converted, enriched,
8 and fabricated into fuel assemblies for the
9 nuclear reactor for the 4-year period for
10 which credits would be allocated; and

11 (iv) a detailed plan to sustain oper-
12 ations at the conclusion of the applicable
13 4-year period for which credits would be
14 allocated—

15 (I) without receiving additional
16 credits; or

17 (II) with the receipt of additional
18 credits of a lower amount than the
19 credits allocated during that 4-year
20 credit period.

21 (B) TIMELINE.—The Secretary shall ac-
22 cept applications described in subparagraph
23 (A)—

1583

1 (i) until the date that is 120 days
2 after the date of enactment of this Act;
3 and

4 (ii) not less frequently than every year
5 thereafter.

6 (C) PAYMENTS FROM STATE PROGRAMS.—

7 (i) IN GENERAL.—The owner or oper-
8 ator of a nuclear reactor that receives a
9 payment from a State zero-emission credit,
10 a State clean energy contract, or any other
11 State program with respect to that nuclear
12 reactor shall be eligible to submit an appli-
13 cation under subparagraph (A) with re-
14 spect to that nuclear reactor during any
15 application period beginning after the 120-
16 day period beginning on the date of enact-
17 ment of this Act.

18 (ii) REQUIREMENT.—An application
19 submitted by an owner or operator de-
20 scribed in clause (i) with respect to a nu-
21 clear reactor described in that clause shall
22 include all projected payments from State
23 programs in determining the average pro-
24 jected annual operating loss described in
25 subparagraph (A)(i)(I), unless the credits

1584

1 allocated to the nuclear reactor pursuant
2 to that application will be used to reduce
3 those payments.

4 (2) DETERMINATION TO CERTIFY.—

5 (A) DETERMINATION.—

6 (i) IN GENERAL.—Not later than 60
7 days after the applicable date under sub-
8 paragraph (B) of paragraph (1), the Sec-
9 retary shall determine whether to certify,
10 in accordance with clauses (ii) and (iii),
11 each nuclear reactor for which an applica-
12 tion is submitted under subparagraph (A)
13 of that paragraph.

14 (ii) MINIMUM REQUIREMENTS.—To
15 the maximum extent practicable, the Sec-
16 retary shall only certify a nuclear reactor
17 under clause (i) if—

18 (I) after considering the informa-
19 tion submitted under paragraph
20 (1)(A)(i), the Secretary determines
21 that the nuclear reactor is projected
22 to cease operations due to economic
23 factors;

24 (II) after considering the esti-
25 mate submitted under paragraph

1585

1 (1)(A)(ii), the Secretary determines
2 that pollutants would increase if the
3 nuclear reactor were to cease oper-
4 ations and be replaced with other
5 types of power generation; and

6 (III) the Nuclear Regulatory
7 Commission has reasonable assurance
8 that the nuclear reactor—

9 (aa) will continue to be oper-
10 ated in accordance with the cur-
11 rent licensing basis (as defined in
12 section 54.3 of title 10, Code of
13 Federal Regulations (or successor
14 regulations) of the nuclear reac-
15 tor; and

16 (bb) poses no significant
17 safety hazards.

18 (iii) PRIORITY.—In determining
19 whether to certify a nuclear reactor under
20 clause (i), the Secretary shall give priority
21 to a nuclear reactor that uses, to the max-
22 imum extent available, uranium that is
23 produced, converted, enriched, and fab-
24 ricated into fuel assemblies in the United
25 States.

1586

1 (B) NOTICE.—For each application re-
2 ceived under paragraph (1)(A), the Secretary
3 shall provide to the applicable owner or oper-
4 ator, as applicable—

5 (i) a notice of the certification of the
6 applicable nuclear reactor; or

7 (ii) a notice that describes the reasons
8 why the certification of the applicable nu-
9 clear reactor was denied.

10 (d) BIDDING PROCESS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary shall establish a deadline by which
13 each certified nuclear reactor shall submit to the
14 Secretary a sealed bid that—

15 (A) describes the price per megawatt-hour
16 of the credits desired by the certified nuclear
17 reactor, which shall not exceed the average pro-
18 jected annual operating loss described in sub-
19 section (c)(1)(A)(i)(I); and

20 (B) includes a commitment, subject to the
21 receipt of credits, to provide a specific number
22 of megawatt-hours of generation during the 4-
23 year period for which credits would be allocated.

24 (2) REQUIREMENT.—The deadline established
25 under paragraph (1) shall be not later than 30 days

1 after the first date on which the Secretary has made
2 the determination described in paragraph (2)(A)(i)
3 of subsection (c) with respect to each application
4 submitted under paragraph (1)(A) of that sub-
5 section.

6 (e) ALLOCATION.—

7 (1) AUCTION.—Notwithstanding section 169 of
8 the Atomic Energy Act of 1954 (42 U.S.C. 2209),
9 the Secretary shall—

10 (A) in consultation with the heads of appli-
11 cable Federal agencies, establish a process for
12 evaluating bids submitted under subsection
13 (d)(1) through an auction process; and

14 (B) select certified nuclear reactors to be
15 allocated credits.

16 (2) CREDITS.—Subject to subsection (f)(2), on
17 selection under paragraph (1), a certified nuclear re-
18 actor shall be allocated credits for a 4-year period
19 beginning on the date of the selection.

20 (3) REQUIREMENT.—To the maximum extent
21 practicable, the Secretary shall use the amounts
22 made available for credits under this section to allo-
23 cate credits to as many certified nuclear reactors as
24 possible.

25 (f) RENEWAL.—

1 (1) IN GENERAL.—The owner or operator of a
2 certified nuclear reactor may seek to recertify the
3 nuclear reactor in accordance with this section.

4 (2) LIMITATION.—Notwithstanding any other
5 provision of this section, the Secretary may not allo-
6 cate any credits after September 30, 2031.

7 (g) ADDITIONAL REQUIREMENTS.—

8 (1) AUDIT.—During the 4-year period begin-
9 ning on the date on which a certified nuclear reactor
10 first receives a credit, the Secretary shall periodically
11 audit the certified nuclear reactor.

12 (2) RECAPTURE.—The Secretary shall, by regu-
13 lation, provide for the recapture of the allocation of
14 any credit to a certified nuclear reactor that, during
15 the period described in paragraph (1)—

16 (A) terminates operations; or

17 (B) does not operate at an annual loss in
18 the absence of an allocation of credits to the
19 certified nuclear reactor.

20 (3) CONFIDENTIALITY.—The Secretary shall es-
21 tablish procedures to ensure that any confidential,
22 private, proprietary, or privileged information that is
23 included in a sealed bid submitted under this section
24 is not publicly disclosed or otherwise improperly
25 used.

1 (h) REPORT.—Not later than January 1, 2024, the
2 Comptroller General of the United States shall submit to
3 Congress a report with respect to the credits allocated to
4 certified nuclear reactors, which shall include—

5 (1) an evaluation of the effectiveness of the
6 credits in avoiding air pollutants while ensuring grid
7 reliability;

8 (2) a quantification of the ratepayer savings
9 achieved under this section; and

10 (3) any recommendations to renew or expand
11 the credits.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary to carry
14 out this section \$6,000,000,000 for the period of fiscal
15 years 2022 through 2026.

16 **Subtitle D—Hydropower**

17 **SEC. 40331. HYDROELECTRIC PRODUCTION INCENTIVES.**

18 Section 242 of the Energy Policy Act of 2005 (42
19 U.S.C. 15881) is amended—

20 (1) in subsection (b)(2), by striking “before the
21 date of the enactment of this section” and inserting
22 “before the date of enactment of the Infrastructure
23 Investment and Jobs Act”;

24 (2) in the undesignated matter following sub-
25 section (b)(3), by striking “the date of the enact-

1591

1 (ii) by inserting “in any 1 fiscal year”

2 before the period at the end; and

3 (3) by striking subsection (c) and inserting the

4 following:

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There

6 is authorized to be appropriated to carry out this section

7 \$75,000,000 for fiscal year 2022 to remain available until

8 expended.”.

9 (b) CONFORMING AMENDMENT.—The table of con-

10 tents for the Energy Policy Act of 2005 (Public Law 109–

11 58; 119 Stat. 595) is amended by striking the item relat-

12 ing to section 243 and inserting the following:

“243. Hydroelectric efficiency improvement incentives.”.

13 **SEC. 40333. MAINTAINING AND ENHANCING**

14 **HYDROELECTRICITY INCENTIVES.**

15 (a) IN GENERAL.—Subtitle C of title II of the Energy

16 Policy Act of 2005 (Public Law 109–58; 119 Stat. 674)

17 is amended by adding at the end the following:

18 **“SEC. 247. MAINTAINING AND ENHANCING**

19 **HYDROELECTRICITY INCENTIVES.**

20 “(a) DEFINITION OF QUALIFIED HYDROELECTRIC

21 FACILITY.—In this section, the term ‘qualified hydro-

22 electric facility’ means a hydroelectric project that—

23 “(1)(A) is licensed by the Federal Energy Reg-

24 ulatory Commission; or

1 “(B) is a hydroelectric project constructed, op-
2 erated, or maintained pursuant to a permit or valid
3 existing right-of-way granted prior to June 10,
4 1920, or a license granted pursuant to the Federal
5 Power Act (16 U.S.C. 791a et seq.);

6 “(2) is placed into service before the date of en-
7 actment of this section; and

8 “(3)(A) is in compliance with all applicable
9 Federal, Tribal, and State requirements; or

10 “(B) would be brought into compliance with the
11 requirements described in subparagraph (A) as a re-
12 sult of the capital improvements carried out using
13 an incentive payment under this section.

14 “(b) INCENTIVE PAYMENTS.—The Secretary shall
15 make incentive payments to the owners or operators of
16 qualified hydroelectric facilities for capital improvements
17 directly related to—

18 “(1) improving grid resiliency, including—

19 “(A) adapting more quickly to changing
20 grid conditions;

21 “(B) providing ancillary services (including
22 black start capabilities, voltage support, and
23 spinning reserves);

24 “(C) integrating other variable sources of
25 electricity generation; and

1 “(D) managing accumulated reservoir sedi-
2 ments;

3 “(2) improving dam safety to ensure acceptable
4 performance under all loading conditions (including
5 static, hydrologic, and seismic conditions), includ-
6 ing—

7 “(A) the maintenance or upgrade of spill-
8 ways or other appurtenant structures;

9 “(B) dam stability improvements, includ-
10 ing erosion repair and enhanced seepage con-
11 trols; and

12 “(C) upgrades or replacements of flood-
13 gates or natural infrastructure restoration or
14 protection to improve flood risk reduction; or

15 “(3) environmental improvements, including—

16 “(A) adding or improving safe and effec-
17 tive fish passage, including new or upgraded
18 turbine technology, fish ladders, fishways, and
19 all other associated technology, equipment, or
20 other fish passage technology to a qualified hy-
21 droelectric facility;

22 “(B) improving the quality of the water re-
23 tained or released by a qualified hydroelectric
24 facility;

1 “(C) promoting downstream sediment
2 transport processes and habitat maintenance;
3 and

4 “(D) improving recreational access to the
5 project vicinity, including roads, trails, boat in-
6 gress and egress, flows to improve recreation,
7 and infrastructure that improves river recre-
8 ation opportunity.

9 “(c) LIMITATIONS.—

10 “(1) COSTS.—Incentive payments under this
11 section shall not exceed 30 percent of the costs of
12 the applicable capital improvement.

13 “(2) MAXIMUM AMOUNT.—Not more than 1 in-
14 centive payment may be made under this section
15 with respect to capital improvements at a single
16 qualified hydroelectric facility in any 1 fiscal year,
17 the amount of which shall not exceed \$5,000,000.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to the Secretary to carry
20 out this section \$553,600,000 for fiscal year 2022, to re-
21 main available until expended.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents for the Energy Policy Act of 2005 (Public Law 109–
24 58; 119 Stat. 595) is amended by inserting after the item
25 relating to section 246 the following:

“247. Maintaining and enhancing hydroelectricity incentives.”.

1 **SEC. 40334. PUMPED STORAGE HYDROPOWER WIND AND**
2 **SOLAR INTEGRATION AND SYSTEM RELI-**
3 **ABILITY INITIATIVE.**

4 Section 3201 of the Energy Policy Act of 2020 (42
5 U.S.C. 17232) is amended—

6 (1) by redesignating subsections (e) through (g)
7 as subsections (f) through (h), respectively; and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) PUMPED STORAGE HYDROPOWER WIND AND
11 SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIA-
12 TIVE.—

13 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
14 this subsection, the term ‘eligible entity’ means—

15 “(A)(i) an electric utility, including—

16 “(I) a political subdivision of a State,
17 such as a municipally owned electric util-
18 ity; or

19 “(II) an instrumentality of a State
20 composed of municipally owned electric
21 utilities;

22 “(ii) an electric cooperative; or

23 “(iii) an investor-owned utility;

24 “(B) an Indian Tribe or Tribal organiza-
25 tion;

26 “(C) a State energy office;

1 “(D) an institution of higher education;
2 and

3 “(E) a consortium of the entities described
4 in subparagraphs (A) through (D).

5 “(2) DEMONSTRATION PROJECT.—

6 “(A) IN GENERAL.—Not later than Sep-
7 tember 30, 2023, the Secretary shall, to the
8 maximum extent practicable, enter into an
9 agreement with an eligible entity to provide fi-
10 nancial assistance to the eligible entity to carry
11 out project design, transmission studies, power
12 market assessments, and permitting for a
13 pumped storage hydropower project to facilitate
14 the long-duration storage of intermittent renew-
15 able electricity.

16 “(B) PROJECT REQUIREMENTS.—To be el-
17 igible for financial assistance under subpara-
18 graph (A), a project shall—

19 “(i) be designed to provide not less
20 than 1,000 megawatts of storage capacity;

21 “(ii) be able to provide energy and ca-
22 pacity for use in more than 1 organized
23 electricity market;

1597

1 “(iii) be able to store electricity gen-
2 erated by intermittent renewable electricity
3 projects located on Tribal land; and

4 “(iv) have received a preliminary per-
5 mit from the Federal Energy Regulatory
6 Commission.

7 “(C) MATCHING REQUIREMENT.—An eligi-
8 ble entity receiving financial assistance under
9 subparagraph (A) shall provide matching funds
10 equal to or greater than the amount of financial
11 assistance provided under that subparagraph.

12 “(3) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection \$2,000,000 for each of fiscal years
15 2022 through 2026.”.

16 **SEC. 40335. AUTHORITY FOR PUMPED STORAGE HYDRO-**
17 **POWER DEVELOPMENT USING MULTIPLE BU-**
18 **REAU OF RECLAMATION RESERVOIRS.**

19 Section 9(c) of the Reclamation Project Act of 1939
20 (43 U.S.C. 485h(c)) is amended—

21 (1) in paragraph (1), in the fourth sentence, by
22 striking “, including small conduit hydropower devel-
23 opment” and inserting “and reserve to the Secretary
24 the exclusive authority to develop small conduit hy-
25 dropower using Bureau of Reclamation facilities and

1 pumped storage hydropower exclusively using Bu-
2 reau of Reclamation reservoirs”; and

3 (2) in paragraph (8), by striking “has been
4 filed with the Federal Energy Regulatory Commis-
5 sion as of the date of the enactment of the Bureau
6 of Reclamation Small Conduit Hydropower Develop-
7 ment and Rural Jobs Act” and inserting “was filed
8 with the Federal Energy Regulatory Commission be-
9 fore August 9, 2013, and is still pending”.

10 **SEC. 40336. LIMITATIONS ON ISSUANCE OF CERTAIN**
11 **LEASES OF POWER PRIVILEGE.**

12 (a) DEFINITIONS.—In this section:

13 (1) COMMISSION.—The term “Commission”
14 means the Federal Energy Regulatory Commission.

15 (2) DIRECTOR.—The term “Director” means
16 the Director of the Office of Hearings and Appeals.

17 (3) OFFICE OF HEARINGS AND APPEALS.—The
18 term “Office of Hearings and Appeals” means the
19 Office of Hearings and Appeals of the Department
20 of the Interior.

21 (4) PARTY.—The term “party”, with respect to
22 a study plan agreement, means each of the following
23 parties to the study plan agreement:

24 (A) The proposed lessee.

25 (B) The Tribes.

1 (5) PROJECT.—The term “project” means a
2 proposed pumped storage facility that—

3 (A) would use multiple Bureau of Rec-
4 lamation reservoirs; and

5 (B) as of June 1, 2017, was subject to a
6 preliminary permit issued by the Commission
7 pursuant to section 4(f) of the Federal Power
8 Act (16 U.S.C. 797(f)).

9 (6) PROPOSED LESSEE.—The term “proposed
10 lessee” means the proposed lessee of a project.

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (8) STUDY PLAN.—The term “study plan”
14 means the plan described in subsection (d)(1).

15 (9) STUDY PLAN AGREEMENT.—The term
16 “study plan agreement” means an agreement en-
17 tered into under subsection (b)(1) and described in
18 subsection (c).

19 (10) TRIBES.—The term “Tribes” means—

20 (A) the Confederated Tribes of the Colville
21 Reservation; and

22 (B) the Spokane Tribe of Indians of the
23 Spokane Reservation.

24 (b) REQUIREMENT FOR ISSUANCE OF LEASES OF
25 POWER PRIVILEGE.—The Secretary shall not issue a lease

1 of power privilege pursuant to section 9(c)(1) of the Rec-
2 lamation Project Act of 1939 (43 U.S.C. 485h(c)(1)) (as
3 amended by section 40335) for a project unless—

4 (1) the proposed lessee and the Tribes have en-
5 tered into a study plan agreement; or

6 (2) the Secretary or the Director, as applicable,
7 makes a final determination for—

8 (A) a study plan agreement under sub-
9 section (c)(2); or

10 (B) a study plan under subsection (d).

11 (c) STUDY PLAN AGREEMENT REQUIREMENTS.—

12 (1) IN GENERAL.—A study plan agreement
13 shall—

14 (A) establish the deadlines for the pro-
15 posed lessee to formally respond in writing to
16 comments and study requests about the project
17 previously submitted to the Commission;

18 (B) allow for the parties to submit addi-
19 tional comments and study requests if any as-
20 pect of the project, as proposed, differs from an
21 aspect of the project, as described in a
22 preapplication document provided to the Com-
23 mission;

24 (C) except as expressly agreed to by the
25 parties or as provided in paragraph (2) or sub-

1601

1 section (d), require that the proposed lessee
2 conduct each study described in—

3 (i) a study request about the project
4 previously submitted to the Commission; or

5 (ii) any additional study request sub-
6 mitted in accordance with the study plan
7 agreement;

8 (D) require that the proposed lessee study
9 any potential adverse economic effects of the
10 project on the Tribes, including effects on—

11 (i) annual payments to the Confed-
12 erated Tribes of the Colville Reservation
13 under section 5(b) of the Confederated
14 Tribes of the Colville Reservation Grand
15 Coulee Dam Settlement Act (Public Law
16 103–436; 108 Stat. 4579); and

17 (ii) annual payments to the Spokane
18 Tribe of Indians of the Spokane Reserva-
19 tion authorized after the date of enactment
20 of this Act, the amount of which derives
21 from the annual payments described in
22 clause (i);

23 (E) establish a protocol for communication
24 and consultation between the parties;

1 (F) provide mechanisms for resolving dis-
2 putes between the parties regarding implemen-
3 tation and enforcement of the study plan agree-
4 ment; and

5 (G) contain other provisions determined to
6 be appropriate by the parties.

7 (2) DISPUTES.—

8 (A) IN GENERAL.—If the parties cannot
9 agree to the terms of a study plan agreement
10 or implementation of those terms, the parties
11 shall submit to the Director, for final deter-
12 mination on the terms or implementation of the
13 study plan agreement, notice of the dispute,
14 consistent with paragraph (1)(F), to the extent
15 the parties have agreed to a study plan agree-
16 ment.

17 (B) INCLUSION.—A dispute covered by
18 subparagraph (A) may include the view of a
19 proposed lessee that an additional study request
20 submitted in accordance with paragraph (1)(B)
21 is not reasonably calculated to assist the Sec-
22 retary in evaluating the potential impacts of the
23 project.

24 (C) TIMING.—The Director shall issue a
25 determination regarding a dispute under sub-

1 paragraph (A) not later than 120 days after the
2 date on which the Director receives notice of
3 the dispute under that subparagraph.

4 (d) STUDY PLAN.—

5 (1) IN GENERAL.—The proposed lessee shall
6 submit to the Secretary for approval a study plan
7 that details the proposed methodology for per-
8 forming each of the studies—

9 (A) identified in the study plan agreement
10 of the proposed lessee; or

11 (B) determined by the Director in a final
12 determination regarding a dispute under sub-
13 section (c)(2).

14 (2) INITIAL DETERMINATION.—Not later than
15 60 days after the date on which the Secretary re-
16 ceives the study plan under paragraph (1), the Sec-
17 retary shall make an initial determination that—

18 (A) approves the study plan;

19 (B) rejects the study plan on the grounds
20 that the study plan—

21 (i) lacks sufficient detail on a pro-
22 posed methodology for a study identified in
23 the study plan agreement; or

24 (ii) is inconsistent with the study plan
25 agreement; or

1604

1 (C) imposes additional study plan require-
2 ments that the Secretary determines are nec-
3 essary to adequately define the potential effects
4 of the project on—

5 (i) the exercise of the paramount
6 hunting, fishing, and boating rights of the
7 Tribes reserved pursuant to the Act of
8 June 29, 1940 (54 Stat. 703, chapter 460;
9 16 U.S.C. 835d et seq.);

10 (ii) the annual payments described in
11 clauses (i) and (ii) of subsection (c)(1)(D);

12 (iii) the Columbia Basin project (as
13 defined in section 1 of the Act of May 27,
14 1937 (50 Stat. 208, chapter 269; 57 Stat.
15 14, chapter 14; 16 U.S.C. 835));

16 (iv) historic properties and cultural or
17 spiritually significant resources; and

18 (v) the environment.

19 (3) OBJECTIONS.—

20 (A) IN GENERAL.—Not later than 30 days
21 after the date on which the Secretary makes an
22 initial determination under paragraph (2), the
23 Tribes or the proposed lessee may submit to the
24 Director an objection to the initial determina-
25 tion.

1605

1 (B) FINAL DETERMINATION.—Not later
2 than 120 days after the date on which the Di-
3 rector receives an objection under subparagraph
4 (A), the Director shall—

5 (i) hold a hearing on the record re-
6 garding the objection; and

7 (ii) make a final determination that
8 establishes the study plan, including a de-
9 scription of studies the proposed lessee is
10 required to perform.

11 (4) NO OBJECTIONS.—If no objections are sub-
12 mitted by the deadline described in paragraph
13 (3)(A), the initial determination of the Secretary
14 under paragraph (2) shall be final.

15 (e) CONDITIONS OF LEASE.—

16 (1) CONSISTENCY WITH RIGHTS OF TRIBES;
17 PROTECTION, MITIGATION, AND ENHANCEMENT OF
18 FISH AND WILDLIFE.—

19 (A) IN GENERAL.—Any lease of power
20 privilege issued by the Secretary for a project
21 under subsection (b) shall contain conditions—

22 (i) to ensure that the project is con-
23 sistent with, and will not interfere with,
24 the exercise of the paramount hunting,
25 fishing, and boating rights of the Tribes

1 reserved pursuant to the Act of June 29,
2 1940 (54 Stat. 703, chapter 460; 16
3 U.S.C. 835d et seq.); and

4 (ii) to adequately and equitably pro-
5 tect, mitigate damages to, and enhance
6 fish and wildlife, including related spawn-
7 ing grounds and habitat, affected by the
8 development, operation, and management
9 of the project.

10 (B) RECOMMENDATIONS OF THE
11 TRIBES.—The conditions required under sub-
12 paragraph (A) shall be based on joint rec-
13 ommendations of the Tribes.

14 (C) RESOLVING INCONSISTENCIES.—

15 (i) IN GENERAL.—If the Secretary de-
16 termines that any recommendation of the
17 Tribes under subparagraph (B) is not rea-
18 sonably calculated to ensure the project is
19 consistent with subparagraph (A) or is in-
20 consistent with the requirements of the
21 Reclamation Project Act of 1939 (43
22 U.S.C. 485 et seq.), the Secretary shall at-
23 tempt to resolve any such inconsistency
24 with the Tribes, giving due weight to the

1607

1 recommendations and expertise of the
2 Tribes.

3 (ii) PUBLICATION OF FINDINGS.—If,
4 after an attempt to resolve an inconsis-
5 tency under clause (i), the Secretary does
6 not adopt in whole or in part a rec-
7 ommendation of the Tribes under subpara-
8 graph (B), the Secretary shall issue each
9 of the following findings, including a state-
10 ment of the basis for each of the findings:

11 (I) A finding that adoption of the
12 recommendation is inconsistent with
13 the requirements of the Reclamation
14 Project Act of 1939 (43 U.S.C. 485 et
15 seq.).

16 (II) A finding that the conditions
17 selected by the Secretary to be con-
18 tained in the lease of power privilege
19 under subparagraph (A) comply with
20 the requirements of clauses (i) and
21 (ii) of that subparagraph.

22 (2) ANNUAL CHARGES PAYABLE BY LI-
23 CENSEE.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), any lease of power privilege issued

1 by the Secretary for a project under subsection
2 (b) shall contain conditions that require the les-
3 see of the project to make direct payments to
4 the Tribes through reasonable annual charges
5 in an amount that recompenses the Tribes for
6 any adverse economic effect of the project iden-
7 tified in a study performed pursuant to the
8 study plan agreement for the project.

9 (B) AGREEMENT.—

10 (i) IN GENERAL.—The amount of the
11 annual charges described in subparagraph
12 (A) shall be established through agreement
13 between the proposed lessee and the
14 Tribes.

15 (ii) CONDITION.—The agreement
16 under clause (i), including any modifica-
17 tion of the agreement, shall be deemed to
18 be a condition to the lease of power privi-
19 lege issued by the Secretary for a project
20 under subsection (b).

21 (C) DISPUTE RESOLUTION.—

22 (i) IN GENERAL.—If the proposed les-
23 see and the Tribes cannot agree to the
24 terms of an agreement under subpara-
25 graph (B)(i), the proposed lessee and the

1 Tribes shall submit notice of the dispute to
2 the Director.

3 (ii) RESOLUTION.—The Director shall
4 resolve the dispute described in clause (i)
5 not later than 180 days after the date on
6 which the Director receives notice of the
7 dispute under that clause.

8 (3) ADDITIONAL CONDITIONS.—The Secretary
9 may include in any lease of power privilege issued by
10 the Secretary for a project under subsection (b)
11 other conditions determined appropriate by the Sec-
12 retary, on the condition that the conditions shall be
13 consistent with the Reclamation Project Act of 1939
14 (43 U.S.C. 485 et seq.).

15 (4) CONSULTATION.—In establishing conditions
16 under this subsection, the Secretary shall consult
17 with the Tribes.

18 (f) DEADLINES.—The Secretary or any officer of the
19 Office of Hearing and Appeals before whom a proceeding
20 is pending under this section may extend any deadline or
21 enlarge any timeframe described in this section—

22 (1) at the discretion of the Secretary or the of-
23 ficer; or

24 (2) on a showing of good cause by any party.

1610

1 (g) JUDICIAL REVIEW.—Any final action of the Sec-
2 retary or the Director made pursuant to this section shall
3 be subject to judicial review in accordance with chapter
4 7 of title 5, United States Code.

5 (h) EFFECT ON OTHER PROJECTS.—Nothing in this
6 section establishes any precedent or is binding on any Bu-
7 reau of Reclamation lease of power privilege, other than
8 for a project.

9 **Subtitle E—Miscellaneous**

10 **SEC. 40341. SOLAR ENERGY TECHNOLOGIES ON CURRENT** 11 **AND FORMER MINE LAND.**

12 Section 3004 of the Energy Act of 2020 (42 U.S.C.
13 16238) is amended—

14 (1) in subsection (a)—

15 (A) by redesignating paragraphs (6)
16 through (15) as paragraphs (7) through (16),
17 respectively; and

18 (B) by inserting after paragraph (5) the
19 following:

20 “(6) MINE LAND.—The term ‘mine land’
21 means—

22 “(A) land subject to titles IV and V of the
23 Surface Mining Control and Reclamation Act of
24 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251
25 et seq.); and

1 “(B) land that has been claimed or pat-
2 ented subject to sections 2319 through 2344 of
3 the Revised Statutes (commonly known as the
4 ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.)”;
5 and

6 (2) in subsection (b)(6)(B)—

7 (A) in the matter preceding clause (i), by
8 inserting “, in consultation with the Secretary
9 of the Interior and the Administrator of the
10 Environmental Protection Agency for purposes
11 of clause (iv),” after “the Secretary”;

12 (B) in clause (iii), by striking “and” after
13 the semicolon;

14 (C) by redesignating clause (iv) as clause
15 (v); and

16 (D) by inserting after clause (iii) the fol-
17 lowing:

18 “(iv) a description of the technical
19 and economic viability of siting solar en-
20 ergy technologies on current and former
21 mine land, including necessary interconnec-
22 tion and transmission siting and the im-
23 pact on local job creation; and”.

1612

1 **SEC. 40342. CLEAN ENERGY DEMONSTRATION PROGRAM**
2 **ON CURRENT AND FORMER MINE LAND.**

3 (a) DEFINITIONS.—In this section:

4 (1) CLEAN ENERGY PROJECT.—The term
5 “clean energy project” means a project that dem-
6 onstrates 1 or more of the following technologies:

7 (A) Solar.

8 (B) Micro-grids.

9 (C) Geothermal.

10 (D) Direct air capture.

11 (E) Fossil-fueled electricity generation with
12 carbon capture, utilization, and sequestration.

13 (F) Energy storage, including pumped
14 storage hydropower and compressed air storage.

15 (G) Advanced nuclear technologies.

16 (2) ECONOMICALLY DISTRESSED AREA.—The
17 term “economically distressed area” means an area
18 described in section 301(a) of the Public Works and
19 Economic Development Act of 1965 (42 U.S.C.
20 3161(a)).

21 (3) MINE LAND.—The term “mine land”
22 means—

23 (A) land subject to titles IV and V of the
24 Surface Mining Control and Reclamation Act of
25 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251
26 et seq.); and

1 (B) land that has been claimed or patented
2 subject to sections 2319 through 2344 of the
3 Revised Statutes (commonly known as the
4 “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

5 (4) PROGRAM.—The term “program” means
6 the demonstration program established under sub-
7 section (b).

8 (b) ESTABLISHMENT.—The Secretary shall establish
9 a program to demonstrate the technical and economic via-
10 bility of carrying out clean energy projects on current and
11 former mine land.

12 (c) SELECTION OF DEMONSTRATION PROJECTS.—

13 (1) IN GENERAL.—In carrying out the program,
14 the Secretary shall select not more than 5 clean en-
15 ergy projects, to be carried out in geographically di-
16 verse regions, at least 2 of which shall be solar
17 projects.

18 (2) ELIGIBILITY.—To be eligible to be selected
19 for participation in the program under paragraph
20 (1), a clean energy project shall demonstrate, as de-
21 termined by the Secretary, a technology on a current
22 or former mine land site with a reasonable expecta-
23 tion of commercial viability.

24 (3) PRIORITY.—In selecting clean energy
25 projects for participation in the program under

1614

1 paragraph (1), the Secretary shall prioritize clean
2 energy projects that will—

3 (A) be carried out in a location where the
4 greatest number of jobs can be created from the
5 successful demonstration of the clean energy
6 project;

7 (B) provide the greatest net impact in
8 avoiding or reducing greenhouse gas emissions;

9 (C) provide the greatest domestic job cre-
10 ation (both directly and indirectly) during the
11 implementation of the clean energy project;

12 (D) provide the greatest job creation and
13 economic development in the vicinity of the
14 clean energy project, particularly—

15 (i) in economically distressed areas;

16 and

17 (ii) with respect to dislocated workers
18 who were previously employed in manufac-
19 turing, coal power plants, or coal mining;

20 (E) have the greatest potential for techno-
21 logical innovation and commercial deployment;

22 (F) have the lowest levelized cost of gen-
23 erated or stored energy;

1615

1 (G) have the lowest rate of greenhouse gas
2 emissions per unit of electricity generated or
3 stored; and

4 (H) have the shortest project time from
5 permitting to completion.

6 (4) PROJECT SELECTION.—The Secretary shall
7 solicit proposals for clean energy projects and select
8 clean energy project finalists in consultation with the
9 Secretary of the Interior, the Administrator of the
10 Environmental Protection Agency, and the Secretary
11 of Labor.

12 (5) COMPATIBILITY WITH EXISTING OPER-
13 ATIONS.—Prior to selecting a clean energy project
14 for participation in the program under paragraph
15 (1), the Secretary shall consult with, as applicable,
16 mining claimholders or operators or the relevant Of-
17 fice of Surface Mining Reclamation and Enforce-
18 ment Abandoned Mine Land program office to con-
19 firm—

20 (A) that the proposed project is compatible
21 with any current mining, exploration, or rec-
22 lamation activities; and

23 (B) the valid existing rights of any mining
24 claimholders or operators.

1616

1 (d) CONSULTATION.—The Secretary shall consult
2 with the Director of the Office of Surface Mining Rec-
3 lamation and Enforcement and the Administrator of the
4 Environmental Protection Agency, acting through the Of-
5 fice of Brownfields and Land Revitalization, to determine
6 whether it is necessary to promulgate regulations or issue
7 guidance in order to prioritize and expedite the siting of
8 clean energy projects on current and former mine land
9 sites.

10 (e) TECHNICAL ASSISTANCE.—The Secretary shall
11 provide technical assistance to project applicants selected
12 for participation in the program under subsection (c) to
13 assess the needed interconnection, transmission, and other
14 grid components and permitting and siting necessary to
15 interconnect, on current and former mine land where the
16 project will be sited, any generation or storage with the
17 electric grid.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out this section \$500,000,000 for the period of fiscal years
21 2022 through 2026.

1617

1 **SEC. 40343. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR**
2 **ENERGY AND RELATED PURPOSES ON THE**
3 **OUTER CONTINENTAL SHELF.**

4 Section 8(p)(1)(C) of the Outer Continental Shelf
5 Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by in-
6 serting “storage,” before “or transmission”.

7 **TITLE IV—ENABLING ENERGY**
8 **INFRASTRUCTURE INVEST-**
9 **MENT AND DATA COLLEC-**
10 **TION**

11 **Subtitle A—Department of Energy**
12 **Loan Program**

13 **SEC. 40401. DEPARTMENT OF ENERGY LOAN PROGRAMS.**

14 (a) TITLE XVII INNOVATIVE ENERGY LOAN GUAR-
15 ANTEE PROGRAM.—

16 (1) REASONABLE PROSPECT OF REPAYMENT.—

17 Section 1702(d)(1) of the Energy Policy Act of 2005
18 (42 U.S.C. 16512(d)(1)) is amended—

19 (A) by striking the paragraph designation
20 and heading and all that follows through “No
21 guarantee” and inserting the following:

22 “(1) REQUIREMENT.—

23 “(A) IN GENERAL.—No guarantee”; and

24 (B) by adding at the end the following:

25 “(B) REASONABLE PROSPECT OF REPAY-
26 MENT.—The Secretary shall base a determina-

1618

1 tion of whether there is reasonable prospect of
2 repayment under subparagraph (A) on a com-
3 prehensive evaluation of whether the borrower
4 has a reasonable prospect of repaying the guar-
5 anteed obligation for the eligible project, includ-
6 ing, as applicable, an evaluation of—

7 “(i) the strength of the contractual
8 terms of the eligible project (if commer-
9 cially reasonably available);

10 “(ii) the forecast of noncontractual
11 cash flows supported by market projections
12 from reputable sources, as determined by
13 the Secretary;

14 “(iii) cash sweeps and other structure
15 enhancements;

16 “(iv) the projected financial strength
17 of the borrower—

18 “(I) at the time of loan close;

19 and

20 “(II) throughout the loan term
21 after the project is completed;

22 “(v) the financial strength of the in-
23 vestors and strategic partners of the bor-
24 rower, if applicable; and

1619

1 “(vi) other financial metrics and anal-
2 yses that are relied on by the private lend-
3 ing community and nationally recognized
4 credit rating agencies, as determined ap-
5 propriate by the Secretary.”.

6 (2) LOAN GUARANTEES FOR PROJECTS THAT
7 INCREASE THE DOMESTICALLY PRODUCED SUPPLY
8 OF CRITICAL MINERALS.—

9 (A) IN GENERAL.—Section 1703(b) of the
10 Energy Policy Act of 2005 (42 U.S.C.
11 16513(b)) is amended by adding at the end the
12 following:

13 “(13) Projects that increase the domestically
14 produced supply of critical minerals (as defined in
15 section 7002(a) of the Energy Act of 2020 (30
16 U.S.C. 1606(a)), including through the production,
17 processing, manufacturing, recycling, or fabrication
18 of mineral alternatives.”.

19 (B) PROHIBITION ON USE OF PREVIOUSLY
20 APPROPRIATED FUNDS.—Amounts appropriated
21 to the Department of Energy before the date of
22 enactment of this Act shall not be made avail-
23 able for the cost of loan guarantees made under
24 paragraph (13) of section 1703(b) of the En-
25 ergy Policy Act of 2005 (42 U.S.C. 16513(b)).

1620

1 (C) PROHIBITION ON USE OF PREVIOUSLY
2 AVAILABLE COMMITMENT AUTHORITY.—
3 Amounts made available to the Department of
4 Energy for commitments to guarantee loans
5 under section 1703 of the Energy Policy Act of
6 2005 (42 U.S.C. 16513) before the date of en-
7 actment of this Act shall not be made available
8 for commitments to guarantee loans for projects
9 described in paragraph (13) of section 1703(b)
10 of the Energy Policy Act of 2005 (42 U.S.C.
11 16513(b)).

12 (3) CONFLICTS OF INTEREST.—Section 1702 of
13 the Energy Policy Act of 2005 (42 U.S.C. 16512)
14 is amended by adding at the end the following:

15 “(r) CONFLICTS OF INTEREST.—For each project se-
16 lected for a guarantee under this title, the Secretary shall
17 certify that political influence did not impact the selection
18 of the project.”.

19 (b) ADVANCED TECHNOLOGY VEHICLE MANUFAC-
20 TURING.—

21 (1) ELIGIBILITY.—Section 136(a)(1) of the En-
22 ergy Independence and Security Act of 2007 (42
23 U.S.C. 17013(a)(1)) is amended—

24 (A) in subparagraph (C), by striking the
25 period at the end and inserting a semicolon;

1621

1 (B) by redesignating subparagraphs (A)
2 through (C) as clauses (i) through (iii), respec-
3 tively, and indenting appropriately;

4 (C) in the matter preceding clause (i) (as
5 so redesignated), by striking “means an ultra”
6 and inserting the following: “means—

7 “(A) an ultra”; and

8 (D) by adding at the end the following:

9 “(B) a medium duty vehicle or a heavy
10 duty vehicle that exceeds 125 percent of the
11 greenhouse gas emissions and fuel efficiency
12 standards established by the final rule of the
13 Environmental Protection Agency entitled
14 ‘Greenhouse Gas Emissions and Fuel Efficiency
15 Standards for Medium- and Heavy-Duty En-
16 gines and Vehicles—Phase 2’ (81 Fed. Reg.
17 73478 (October 25, 2016));

18 “(C) a train or locomotive;

19 “(D) a maritime vessel;

20 “(E) an aircraft; and

21 “(F) hyperloop technology.”.

22 (2) REASONABLE PROSPECT OF REPAYMENT.—
23 Section 136(d) of the Energy Independence and Se-
24 curity Act of 2007 (42 U.S.C. 17013(d)) is amend-
25 ed—

1622

1 (A) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) SELECTION OF ELIGIBLE PROJECTS.—

4 “(A) IN GENERAL.—The Secretary shall
5 select eligible projects to receive loans under
6 this subsection if the Secretary determines
7 that—

8 “(i) the loan recipient—

9 “(I) has a reasonable prospect of
10 repaying the principal and interest on
11 the loan;

12 “(II) will provide sufficient infor-
13 mation to the Secretary for the Sec-
14 retary to ensure that the qualified in-
15 vestment is expended efficiently and
16 effectively; and

17 “(III) has met such other criteria
18 as may be established and published
19 by the Secretary; and

20 “(ii) the amount of the loan (when
21 combined with amounts available to the
22 loan recipient from other sources) will be
23 sufficient to carry out the project.

24 “(B) REASONABLE PROSPECT OF REPAY-
25 MENT.—The Secretary shall base a determina-

1 tion of whether there is a reasonable prospect
2 of repayment of the principal and interest on a
3 loan under subparagraph (A)(i)(I) on a com-
4 prehensive evaluation of whether the loan re-
5 cipient has a reasonable prospect of repaying
6 the principal and interest, including, as applica-
7 ble, an evaluation of—

8 “(i) the strength of the contractual
9 terms of the eligible project (if commer-
10 cially reasonably available);

11 “(ii) the forecast of noncontractual
12 cash flows supported by market projections
13 from reputable sources, as determined by
14 the Secretary;

15 “(iii) cash sweeps and other structure
16 enhancements;

17 “(iv) the projected financial strength
18 of the loan recipient—

19 “(I) at the time of loan close;

20 and

21 “(II) throughout the loan term
22 after the project is completed;

23 “(v) the financial strength of the in-
24 vestors and strategic partners of the loan
25 recipient, if applicable; and

1624

1 “(vi) other financial metrics and anal-
2 yses that are relied on by the private lend-
3 ing community and nationally recognized
4 credit rating agencies, as determined ap-
5 propriate by the Secretary.”; and

6 (B) in paragraph (4)—

7 (i) in subparagraph (C), by striking
8 “and” after the semicolon;

9 (ii) in subparagraph (D), by striking
10 the period at the end and inserting “;
11 and”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(E) shall be subject to the condition that
15 the loan is not subordinate to other financing.”.

16 (3) ADDITIONAL REFORMS.—Section 136 of the
17 Energy Independence and Security Act of 2007 (42
18 U.S.C. 17013) is amended—

19 (A) in subsection (b) by striking “ultra ef-
20 ficient vehicle manufacturers, and component
21 suppliers” and inserting “ultra efficient vehicle
22 manufacturers, advanced technology vehicle
23 manufacturers, and component suppliers”;

24 (B) in subsection (h)—

1625

1 (i) in the subsection heading, by strik-
2 ing “AUTOMOBILE” and inserting “AD-
3 VANCED TECHNOLOGY VEHICLE”; and

4 (ii) in paragraph (1)(B), by striking
5 “automobiles, or components of auto-
6 mobiles” and inserting “advanced tech-
7 nology vehicles, or components of advanced
8 technology vehicles”;

9 (C) by striking subsection (i);

10 (D) by redesignating subsection (j) as sub-
11 section (i); and

12 (E) by adding at the end the following:

13 “(j) COORDINATION.—In carrying out this section,
14 the Secretary shall coordinate with relevant vehicle, bio-
15 energy, and hydrogen and fuel cell demonstration project
16 activities supported by the Department.

17 “(k) OUTREACH.—In carrying out this section, the
18 Secretary shall—

19 “(1) provide assistance with the completion of
20 applications for awards or loans under this section;
21 and

22 “(2) conduct outreach, including through con-
23 ferences and online programs, to disseminate infor-
24 mation on awards and loans under this section to
25 potential applicants.

1 “(l) PROHIBITION ON USE OF APPROPRIATED
2 FUNDS.—Amounts appropriated to the Secretary before
3 the date of enactment of this subsection shall not be avail-
4 able to the Secretary to provide awards under subsection
5 (b) or loans under subsection (d) for the costs of activities
6 that were not eligible for those awards or loans on the
7 day before that date.

8 “(m) REPORT.—Not later than 2 years after the date
9 of enactment of this subsection, and every 3 years there-
10 after, the Secretary shall submit to Congress a report on
11 the status of projects supported by a loan under this sec-
12 tion, including—

13 “(1) a list of projects receiving a loan under
14 this section, including the loan amount and con-
15 struction status of each project;

16 “(2) the status of the loan repayment for each
17 project, including future repayment projections;

18 “(3) data regarding the number of direct and
19 indirect jobs retained, restored, or created by fi-
20 nanced projects;

21 “(4) the number of new projects projected to
22 receive a loan under this section in the next 2 years,
23 including the projected aggregate loan amount over
24 the next 2 years;

1 “(5) evaluation of ongoing compliance with the
2 assurances and commitments, and of the predictions,
3 made by applicants pursuant to paragraphs (2) and
4 (3) of subsection (d);

5 “(6) the total number of applications received
6 by the Department each year; and

7 “(7) any other metrics the Secretary determines
8 appropriate.”.

9 (4) CONFLICTS OF INTEREST.—Section 136(d)
10 of the Energy Independence and Security Act of
11 2007 (42 U.S.C. 17013(d)) is amended by adding at
12 the end the following:

13 “(5) CONFLICTS OF INTEREST.—For each eligi-
14 ble project selected to receive a loan under this sub-
15 section, the Secretary shall certify that political in-
16 fluence did not impact the selection of the eligible
17 project.”.

18 (c) STATE LOAN ELIGIBILITY.—

19 (1) DEFINITIONS.—Section 1701 of the Energy
20 Policy Act of 2005 (42 U.S.C. 16511) is amended
21 by adding at the end the following:

22 “(6) STATE.—The term ‘State’ has the mean-
23 ing given the term in section 202 of the Energy
24 Conservation and Production Act (42 U.S.C. 6802).

1 “(7) STATE ENERGY FINANCING INSTITU-
2 TION.—

3 “(A) IN GENERAL.—The term ‘State en-
4 ergy financing institution’ means a quasi-inde-
5 pendent entity or an entity within a State agen-
6 cy or financing authority established by a
7 State—

8 “(i) to provide financing support or
9 credit enhancements, including loan guar-
10 antees and loan loss reserves, for eligible
11 projects; and

12 “(ii) to create liquid markets for eligi-
13 ble projects, including warehousing and
14 securitization, or take other steps to reduce
15 financial barriers to the deployment of ex-
16 isting and new eligible projects.

17 “(B) INCLUSION.—The term ‘State energy
18 financing institution’ includes an entity or orga-
19 nization established to achieve the purposes de-
20 scribed in clauses (i) and (ii) of subparagraph
21 (A) by an Indian Tribal entity or an Alaska
22 Native Corporation.”.

23 (2) TERMS AND CONDITIONS.—Section 1702 of
24 the Energy Policy Act of 2005 (42 U.S.C. 16512)
25 is amended—

1 (A) in subsection (a), by inserting “, in-
2 cluding projects receiving financial support or
3 credit enhancements from a State energy fi-
4 nancing institution,” after “for projects”;

5 (B) in subsection (d)(1), by inserting “, in-
6 cluding a guarantee for a project receiving fi-
7 nancial support or credit enhancements from a
8 State energy financing institution,” after “No
9 guarantee”; and

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

11 “(r) STATE ENERGY FINANCING INSTITUTIONS.—

12 “(1) ELIGIBILITY.—To be eligible for a guar-
13 antee under this title, a project receiving financial
14 support or credit enhancements from a State energy
15 financing institution—

16 “(A) shall meet the requirements of section
17 1703(a)(1); and

18 “(B) shall not be required to meet the re-
19 quirements of section 1703(a)(2).

20 “(2) PARTNERSHIPS AUTHORIZED.—In car-
21 rying out a project receiving a loan guarantee under
22 this title, State energy financing institutions may
23 enter into partnerships with private entities, Tribal
24 entities, and Alaska Native corporations.

1630

1 “(3) PROHIBITION ON USE OF APPROPRIATED
2 FUNDS.—Amounts appropriated to the Department
3 of Energy before the date of enactment of this sub-
4 section shall not be available to be used for the cost
5 of loan guarantees for projects receiving financing
6 support or credit enhancements under this sub-
7 section.”.

8 (d) LOAN GUARANTEES FOR CERTAIN ALASKA NAT-
9 URAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—
10 Section 116 of the Alaska Natural Gas Pipeline Act (15
11 U.S.C. 720n) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “to West
14 Coast States”; and

15 (B) in paragraph (3), in the second sen-
16 tence, by striking “to the continental United
17 States”;

18 (2) in subsection (b)(1), in the first sentence,
19 by striking “to West Coast States”; and

20 (3) in subsection (g)(4)—

21 (A) by inserting by striking “plants
22 liquification plants and” and inserting “plants,
23 liquification plants, and”;

24 (B) by striking “to the West Coast”; and

1631

1 (C) by striking “to the continental United
2 States”.

3 **Subtitle B—Energy Information**
4 **Administration**

5 **SEC. 40411. DEFINITIONS.**

6 In this subtitle:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Energy In-
9 formation Administration.

10 (2) ANNUAL CRITICAL MINERALS OUTLOOK.—
11 The term “Annual Critical Minerals Outlook” means
12 the Annual Critical Minerals Outlook prepared
13 under section 7002(j)(1)(B) of the Energy Act of
14 2020 (30 U.S.C. 1606(j)(1)(B)).

15 (3) CRITICAL MINERAL.—The term “critical
16 mineral” has the meaning given the term in section
17 7002(a) of the Energy Act of 2020 (30 U.S.C.
18 1606(a)).

19 (4) HOUSEHOLD ENERGY BURDEN.—The term
20 “household energy burden” means the quotient ob-
21 tained by dividing—

22 (A) the residential energy expenditures (as
23 defined in section 440.3 of title 10, Code of
24 Federal Regulations (as in effect on the date of

1 enactment of this Act)) of the applicable house-
2 hold; by

3 (B) the annual income of that household.

4 (5) HOUSEHOLD WITH A HIGH ENERGY BUR-
5 DEN.—The term “household with a high energy bur-
6 den” has the meaning given the term in section
7 440.3 of title 10, Code of Federal Regulations (as
8 in effect on the date of enactment of this Act).

9 (6) LARGE MANUFACTURING FACILITY.—The
10 term “large manufacturing facility” means a manu-
11 facturing facility that—

12 (A) annually consumes more than 35,000
13 megawatt-hours of electricity; or

14 (B) has a peak power demand of more
15 than 10 megawatts.

16 (7) LOAD-SERVING ENTITY.—The term “load-
17 serving entity” has the meaning given the term in
18 section 217(a) of the Federal Power Act (16 U.S.C.
19 824q(a)).

20 (8) MISCELLANEOUS ELECTRIC LOAD.—The
21 term “miscellaneous electric load” means electricity
22 that—

23 (A) is used by an appliance or device—

24 (i) within a building; or

25 (ii) to serve a building; and

1 (B) is not used for heating, ventilation, air
2 conditioning, lighting, water heating, or refrig-
3 eration.

4 (9) REGIONAL TRANSMISSION ORGANIZATION.—
5 The term “Regional Transmission Organization”
6 has the meaning given the term in section 3 of the
7 Federal Power Act (16 U.S.C. 796).

8 (10) RURAL AREA.—The term “rural area” has
9 the meaning given the term in section 609(a) of the
10 Public Utility Regulatory Policies Act of 1978 (7
11 U.S.C. 918c(a)).

12 **SEC. 40412. DATA COLLECTION IN THE ELECTRICITY SEC-**
13 **TOR.**

14 (a) DASHBOARD.—

15 (1) ESTABLISHMENT.—

16 (A) IN GENERAL.—Not later than 90 days
17 after the date of enactment of this Act, the Ad-
18 ministrator shall establish an online database to
19 track the operation of the bulk power system in
20 the contiguous 48 States (referred to in this
21 section as the “Dashboard”).

22 (B) IMPROVEMENT OF EXISTING DASH-
23 BOARD.—The Dashboard may be established
24 through the improvement, in accordance with

1 this subsection, of an existing dashboard of the
2 Energy Information Administration, such as—

3 (i) the U.S. Electric System Oper-
4 ating Data dashboard; or

5 (ii) the Hourly Electric Grid Monitor.

6 (2) EXPANSION.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this Act, the Ad-
9 ministrator shall expand the Dashboard to in-
10 clude, to the maximum extent practicable, hour-
11 ly operating data collected from the electricity
12 balancing authorities that operate the bulk
13 power system in all of the several States, each
14 territory of the United States, and the District
15 of Columbia.

16 (B) TYPES OF DATA.—The hourly oper-
17 ating data collected under subparagraph (A)
18 may include data relating to—

19 (i) total electricity demand;

20 (ii) electricity demand by subregion;

21 (iii) short-term electricity demand
22 forecasts;

23 (iv) total electricity generation;

24 (v) net electricity generation by fuel
25 type, including renewables;

1635

- 1 (vi) electricity stored and discharged;
2 (vii) total net electricity interchange;
3 (viii) electricity interchange with di-
4 rectly interconnected balancing authorities;
5 and
6 (ix) where available, the estimated
7 marginal greenhouse gas emissions per
8 megawatt hour of electricity generated—
9 (I) within the metered boundaries
10 of each balancing authority; and
11 (II) for each pricing node.

12 (b) MIX OF ENERGY SOURCES.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Administrator
15 shall establish, in accordance with section 40419 and
16 this subsection and to the extent the Administrator
17 determines to be appropriate, a system to harmonize
18 the operating data on electricity generation collected
19 under subsection (a) with—

20 (A) measurements of greenhouse gas and
21 other pollutant emissions collected by the Envi-
22 ronmental Protection Agency;

23 (B) other data collected by the Environ-
24 mental Protection Agency or other relevant

1 Federal agencies, as the Administrator deter-
2 mines to be appropriate; and

3 (C) data collected by State or regional en-
4 ergy credit registries.

5 (2) OUTCOMES.—The system established under
6 paragraph (1) shall result in an integrated dataset
7 that includes, for any given time—

8 (A) the net generation of electricity by
9 megawatt hour within the metered boundaries
10 of each balancing authority; and

11 (B) where available, the average and mar-
12 ginal greenhouse gas emissions by megawatt
13 hour of electricity generated within the metered
14 boundaries of each balancing authority.

15 (3) REAL-TIME DATA DISSEMINATION.—To the
16 maximum extent practicable, the system established
17 under paragraph (1) shall disseminate data—

18 (A) on a real-time basis; and

19 (B) through an application programming
20 interface that is publicly accessible.

21 (4) COMPLEMENTARY EFFORTS.—The system
22 established under paragraph (1) shall complement
23 any existing data dissemination efforts of the Ad-
24 ministrator that make use of electricity generation
25 data, such as electricity demand by subregion and

1 electricity interchange with directly interconnected
2 balancing authorities.

3 (c) OBSERVED CHARACTERISTICS OF BULK POWER
4 SYSTEM RESOURCE INTEGRATION.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Administrator
7 shall establish a system to provide to the public
8 timely data on the integration of energy resources
9 into the bulk power system and the electric distribu-
10 tion grids in the United States, and the observed ef-
11 fects of that integration.

12 (2) REQUIREMENTS.—In carrying out para-
13 graph (1), the Administrator shall seek to improve
14 the temporal and spatial resolution of data relating
15 to how grid operations are changing, such as
16 through—

17 (A) thermal generator cycling to accommo-
18 date intermittent generation;

19 (B) generation unit self-scheduling prac-
20 tices;

21 (C) renewable source curtailment;

22 (D) utility-scale storage;

23 (E) load response;

24 (F) aggregations of distributed energy re-
25 sources at the distribution system level;

1 (G) power interchange between directly
2 connected balancing authorities;

3 (H) expanding Regional Transmission Or-
4 ganization balancing authorities;

5 (I) improvements in real-time—

6 (i) accuracy of locational marginal
7 prices; and

8 (ii) signals to flexible demand; and

9 (J) disruptions to grid operations, includ-
10 ing disruptions caused by cyber sources, phys-
11 ical sources, extreme weather events, or other
12 sources.

13 (d) DISTRIBUTION SYSTEM OPERATIONS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Administrator
16 shall establish a system to provide to the public
17 timely data on the operations of load-serving entities
18 in the electricity grids of the United States.

19 (2) REQUIREMENTS.—

20 (A) IN GENERAL.—In carrying out para-
21 graph (1), the Administrator shall—

22 (i) not less frequently than annually,
23 provide data on—

1639

1 (I) the delivered generation re-
2 source mix for each load-serving enti-
3 ty; and

4 (II) the distributed energy re-
5 sources operating within each service
6 area of a load-serving entity;

7 (ii) harmonize the data on delivered
8 generation resource mix described in clause
9 (i)(I) with measurements of greenhouse
10 gas emissions collected by the Environ-
11 mental Protection Agency;

12 (iii) to the maximum extent prac-
13 ticable, disseminate the data described in
14 clause (i)(I) and the harmonized data de-
15 scribed in clause (ii) on a real-time basis;
16 and

17 (iv) provide historical data, beginning
18 with the earliest calendar year practicable,
19 but not later than calendar year 2020, on
20 the delivered generation resource mix de-
21 scribed in clause (i)(I).

22 (B) DATA ON THE DELIVERED GENERA-
23 TION RESOURCE MIX.—In collecting the data
24 described in subparagraph (A)(i)(I), the Admin-
25 istrator shall—

1640

1 (i) use existing voluntary industry
2 methodologies, including reporting proto-
3 cols, databases, and emissions and energy
4 use tracking software that provide con-
5 sistent, timely, and accessible carbon emis-
6 sions intensity rates for delivered elec-
7 tricity;

8 (ii) consider that generation and
9 transmission entities may provide data on
10 behalf of load-serving entities;

11 (iii) to the extent that the Adminis-
12 trator determines necessary, and in a man-
13 ner designed to protect confidential infor-
14 mation, require each load-serving entity to
15 submit additional information as needed to
16 determine the delivered generation re-
17 source mix of the load-serving entity, in-
18 cluding financial or contractual agreements
19 for power and generation resource type at-
20 tributes with respect to power owned by or
21 retired by the load-serving entity; and

22 (iv) for any portion of the generation
23 resource mix of a load-serving entity that
24 is otherwise unaccounted for, develop a
25 methodology to assign to the load-serving

1 entity a share of the otherwise unac-
2 counted for resource mix of the relevant
3 balancing authority.

4 **SEC. 40413. EXPANSION OF ENERGY CONSUMPTION SUR-**
5 **VEYS.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Administrator shall im-
8 plement measures to expand the Manufacturing Energy
9 Consumption Survey, the Commercial Building Energy
10 Consumption Survey, and the Residential Energy Con-
11 sumption Survey to include data on energy end use in
12 order to facilitate the identification of—

13 (1) opportunities to improve energy efficiency
14 and energy productivity;

15 (2) changing patterns of energy use; and

16 (3) opportunities to better understand and
17 manage miscellaneous electric loads.

18 (b) REQUIREMENTS.—

19 (1) IN GENERAL.—In carrying out subsection
20 (a), the Administrator shall—

21 (A) increase the scope and frequency of
22 data collection on energy end uses and services;

23 (B) use new data collection methods and
24 tools in order to obtain more comprehensive

1642

1 data and reduce the burden on survey respond-
2 ents, including by—

3 (i) accessing other existing data
4 sources; and

5 (ii) if feasible, developing online and
6 real-time reporting systems;

7 (C) identify and report community-level
8 economic and environmental impacts, including
9 with respect to—

10 (i) the reliability and security of the
11 energy supply; and

12 (ii) local areas with households with a
13 high energy burden; and

14 (D) improve the presentation of data, in-
15 cluding by—

16 (i) enabling the presentation of data
17 in an interactive cartographic format on a
18 national, regional, State, and local level
19 with the functionality of viewing various
20 economic, energy, and demographic meas-
21 ures on an individual basis or in combina-
22 tion; and

23 (ii) incorporating the results of the
24 data collection, methods, and tools de-
25 scribed in subparagraphs (A) and (B) into

1 existing and new digital distribution meth-
2 ods.

3 (2) MANUFACTURING ENERGY CONSUMPTION
4 SURVEY.—With respect to the Manufacturing En-
5 ergy Consumption Survey, the Administrator shall—

6 (A) implement measures to provide more
7 detailed representations of data by region;

8 (B) for large manufacturing facilities,
9 break out process heat use by required process
10 temperatures in order to facilitate the identi-
11 fication of opportunities for cost reductions and
12 energy efficiency or energy productivity im-
13 provements;

14 (C) collect information on—

15 (i) energy source-switching capabili-
16 ties, especially with respect to thermal
17 processes and the efficiency of thermal
18 processes;

19 (ii) the use of electricity, biofuels, hy-
20 drogen, or other alternative fuels to
21 produce process heat; and

22 (iii) the use of demand response; and

23 (D) identify current and potential future
24 industrial clusters in which multiple firms and
25 facilities in a defined geographic area share the

1 costs and benefits of infrastructure for clean
2 manufacturing, such as—

3 (i) hydrogen generation, production,
4 transport, use, and storage infrastructure;
5 and

6 (ii) carbon dioxide capture, transport,
7 use, and storage infrastructure.

8 (3) RESIDENTIAL ENERGY CONSUMPTION SUR-
9 VEY.—With respect to the Residential Energy Con-
10 sumption Survey, the Administrator shall—

11 (A) implement measures to provide more
12 detailed representations of data by—

13 (i) geographic area, including by State
14 (for each State);

15 (ii) building type, including multi-fam-
16 ily buildings;

17 (iii) household income;

18 (iv) location in a rural area; and

19 (v) other demographic characteristics,
20 as determined by the Administrator; and

21 (B) report measures of—

22 (i) household electrical service capac-
23 ity;

24 (ii) access to utility demand-side man-
25 agement programs and bill credits;

1645

1 (iii) characteristics of the energy mix
2 used to generate electricity in different re-
3 gions; and

4 (iv) the household energy burden for
5 households—

6 (I) in different geographic areas;

7 (II) by electricity, heating, and
8 other end-uses; and

9 (III) with different demographic
10 characteristics that correlate with in-
11 creased household energy burden, in-
12 cluding—

13 (aa) having a low household
14 income;

15 (bb) being a minority house-
16 hold;

17 (cc) residing in manufac-
18 tured or multifamily housing;

19 (dd) being in a fixed or re-
20 tirement income household;

21 (ee) residing in rental hous-
22 ing; and

23 (ff) other factors, as deter-
24 mined by the Administrator.

1 **SEC. 40414. DATA COLLECTION ON ELECTRIC VEHICLE IN-**
2 **TEGRATION WITH THE ELECTRICITY GRIDS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator shall de-
5 velop and implement measures to expand data collection
6 with respect to electric vehicle integration with the elec-
7 tricity grids.

8 (b) SOURCES OF DATA.—The sources of the data col-
9 lected pursuant to subsection (a) may include—

10 (1) host-owned or charging-network-owned elec-
11 tric vehicle charging stations;

12 (2) aggregators of charging-network electricity
13 demand;

14 (3) electric utilities offering managed-charging
15 programs;

16 (4) individual, corporate, or public owners of
17 electric vehicles; and

18 (5) balancing authority analyses of—

19 (A) transformer loading congestion; and

20 (B) distribution-system congestion.

21 (c) CONSULTATION AND COORDINATION.—In car-
22 rying out subsection (a), the Administrator may consult
23 and enter into agreements with other institutions having
24 relevant data and data collection capabilities, such as—

25 (1) the Secretary of Transportation;

26 (2) the Secretary;

1 (3) the Administrator of the Environmental
2 Protection Agency;

3 (4) States or State agencies; and

4 (5) private entities.

5 **SEC. 40415. PLAN FOR THE MODELING AND FORECASTING**
6 **OF DEMAND FOR MINERALS USED IN THE EN-**
7 **ERGY SECTOR.**

8 (a) PLAN.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Adminis-
11 trator, in coordination with the Director of the
12 United States Geological Survey, shall develop a
13 plan for the modeling and forecasting of demand for
14 energy technologies, including for energy production,
15 transmission, or storage purposes, that use minerals
16 that are or could be designated as critical minerals.

17 (2) INCLUSIONS.—The plan developed under
18 paragraph (1) shall identify—

19 (A) the type and quantity of minerals con-
20 sumed, delineated by energy technology;

21 (B) existing markets for manufactured en-
22 ergy-producing, energy-transmission, and en-
23 ergy-storing equipment; and

24 (C) emerging or potential markets for new
25 energy-producing, energy-transmission, and en-

1 energy-storing technologies entering commer-
2 cialization.

3 (b) METRICS.—The plan developed under subsection
4 (a)(1) shall produce forecasts of energy technology de-
5 mand—

6 (1) over the 1-year, 5-year, and 10-year periods
7 beginning on the date on which development of the
8 plan is completed;

9 (2) by economic sector; and

10 (3) according to any other parameters that the
11 Administrator, in collaboration with the Secretary of
12 the Interior, acting through the Director of the
13 United States Geological Survey, determines are
14 needed for the Annual Critical Minerals Outlook.

15 (c) COLLABORATION.—The Administrator shall de-
16 velop the plan under subsection (a)(1) in consultation
17 with—

18 (1) the Secretary with respect to the possible
19 trajectories of emerging energy-producing and en-
20 ergy-storing technologies; and

21 (2) the Secretary of the Interior, acting through
22 the Director of the United States Geological Sur-
23 vey—

24 (A) to ensure coordination;

25 (B) to avoid duplicative effort; and

1649

1 (C) to align the analysis of demand with
2 data and analysis of where the minerals are
3 produced, refined, and subsequently processed
4 into materials and parts that are used to build
5 energy technologies.

6 **SEC. 40416. EXPANSION OF INTERNATIONAL ENERGY DATA.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator shall im-
9 plement measures to expand and improve the international
10 energy data resources of the Energy Information Adminis-
11 tration in order to understand—

12 (1) the production and use of energy in various
13 countries;

14 (2) changing patterns of energy use internation-
15 ally;

16 (3) the relative costs and environmental impacts
17 of energy production and use internationally; and

18 (4) plans for or construction of major energy
19 facilities or infrastructure.

20 (b) REQUIREMENTS.—In carrying out subsection (a),
21 the Administrator shall—

22 (1) work with, and leverage the data resources
23 of, the International Energy Agency;

1 (2) include detail on energy consumption by
2 fuel, economic sector, and end use within countries
3 for which data are available;

4 (3) collect relevant measures of energy use, in-
5 cluding—

6 (A) cost; and

7 (B) emissions intensity; and

8 (4) provide tools that allow for straightforward
9 country-to-country comparisons of energy production
10 and consumption across economic sectors and end
11 uses.

12 **SEC. 40417. PLAN FOR THE NATIONAL ENERGY MODELING**
13 **SYSTEM.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Administrator shall develop a plan to iden-
16 tify any need or opportunity to update or further the capa-
17 bilities of the National Energy Modeling System, including
18 with respect to—

19 (1) treating energy demand endogenously;

20 (2) increased natural gas usage and increased
21 market penetration of renewable energy;

22 (3) flexible operating modes of nuclear power
23 plants, such as load following and frequency control;

24 (4) tools to model multiple-output energy sys-
25 tems that provide hydrogen, high-value heat, elec-

1 tricity, and chemical synthesis services, including
2 interactions of those energy systems with the elec-
3 tricity grids, pipeline networks, and the broader
4 economy;

5 (5) demand response and improved representa-
6 tion of energy storage, including long-duration stor-
7 age, in capacity expansion models;

8 (6) electrification, particularly with respect to
9 the transportation, industrial, and buildings sectors;

10 (7) increasing model resolution to represent all
11 hours of the year and all electricity generators;

12 (8) wholesale electricity market design and the
13 appropriate valuation of all services that support the
14 reliability of electricity grids, such as—

15 (A) battery storage; and

16 (B) synthetic inertia from grid-tied invert-
17 ers;

18 (9) economic modeling of the role of energy effi-
19 ciency, demand response, electricity storage, and a
20 variety of distributed generation technologies;

21 (10) the production, transport, use, and storage
22 of carbon dioxide, hydrogen, and hydrogen carriers;

23 (11) greater flexibility in—

24 (A) the modeling of the environmental im-
25 pacts of electricity systems, such as—

1652

1 (i) emissions of greenhouse gases and
2 other pollutants; and

3 (ii) the use of land and water re-
4 sources; and

5 (B) the ability to support climate mod-
6 eling, such as the climate modeling performed
7 by the Office of Biological and Environmental
8 Research in the Office of Science of the Depart-
9 ment;

10 (12) technologies that are in an early stage of
11 commercial deployment and have been identified by
12 the Secretary as candidates for large-scale dem-
13 onstration projects, such as—

14 (A) carbon capture, transport, use, and
15 storage from any source or economic sector;

16 (B) direct air capture;

17 (C) hydrogen production, including via
18 electrolysis;

19 (D) synthetic and biogenic hydrocarbon
20 liquid and gaseous fuels;

21 (E) supercritical carbon dioxide combus-
22 tion turbines;

23 (F) industrial fuel cell and hydrogen com-
24 bustion equipment; and

25 (G) industrial electric boilers;

1 (13) increased and improved data sources and
2 tools, including—

3 (A) the establishment of technology and
4 cost baselines, including technology learning
5 rates;

6 (B) economic and employment impacts of
7 energy system policies and energy prices on
8 households, as a function of household income
9 and region; and

10 (C) the use of behavioral economics to in-
11 form demand modeling in all sectors; and

12 (14) striving to migrate toward a single, con-
13 sistent, and open-source modeling platform, and in-
14 creasing open access to model systems, data, and
15 outcomes, for—

16 (A) disseminating reference scenarios that
17 can be transparently and broadly replicated;
18 and

19 (B) promoting the development of the re-
20 searcher and analyst workforce needed to con-
21 tinue the development and validation of im-
22 proved energy system models in the future.

1 **SEC. 40418. REPORT ON COSTS OF CARBON ABATEMENT IN**
2 **THE ELECTRICITY SECTOR.**

3 Not later than 270 days after the date of enactment
4 of this Act, the Administrator shall submit to Congress
5 a report on—

6 (1) the potential use of levelized cost of carbon
7 abatement or a similar metric in analyzing genera-
8 tors of electricity, including an identification of limi-
9 tations and appropriate uses of the metric;

10 (2) the feasibility and impact of incorporating
11 levelized cost of carbon abatement in long-term fore-
12 casts—

13 (A) to compare technical approaches and
14 understand real-time changes in fossil-fuel and
15 nuclear dispatch;

16 (B) to compare the system-level costs of
17 technology options to reduce emissions; and

18 (C) to compare the costs of policy options,
19 including current policies, regarding valid and
20 verifiable reductions and removals of carbon;
21 and

22 (3)(A) a potential process to measure carbon
23 dioxide emissions intensity per unit of output pro-
24 duction for a range of—

25 (i) energy sources;

26 (ii) sectors; and

1655

1 (iii) geographic regions; and

2 (B) a corresponding process to provide an
3 empirical framework for reporting the status
4 and costs of carbon dioxide reduction relative to
5 specified goals.

6 **SEC. 40419. HARMONIZATION OF EFFORTS AND DATA.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Administrator shall establish a system to
9 harmonize, to the maximum extent practicable and con-
10 sistent with data integrity—

11 (1) the data collection efforts of the Adminis-
12 trator, including any data collection required under
13 this subtitle, with the data collection efforts of—

14 (A) the Environmental Protection Agency,
15 as the Administrator determines to be appro-
16 priate;

17 (B) other relevant Federal agencies, as the
18 Administrator determines to be appropriate;
19 and

20 (C) State or regional energy credit reg-
21 istries, as the Administrator determines to be
22 appropriate;

23 (2) the data collected under this subtitle, in-
24 cluding the operating data on electricity generation
25 collected under section 40412(a), with data collected

1656

1 by the entities described in subparagraphs (A)
2 through (C) of paragraph (1), including any meas-
3 urements of greenhouse gas and other pollutant
4 emissions collected by the Environmental Protection
5 Agency, as the Administrator determines to be ap-
6 propriate; and

7 (3) the efforts of the Administrator to identify
8 and report relevant impacts, opportunities, and pat-
9 terns with respect to energy use, including the iden-
10 tification of community-level economic and environ-
11 mental impacts required under section
12 40413(b)(1)(C), with the efforts of the Environ-
13 mental Protection Agency and other relevant Fed-
14 eral agencies, as determined by the Administrator,
15 to identify similar impacts, opportunities, and pat-
16 terns.

17 **Subtitle C—Miscellaneous**

18 **SEC. 40431. CONSIDERATION OF MEASURES TO PROMOTE** 19 **GREATER ELECTRIFICATION OF THE TRANS-** 20 **PORTATION SECTOR.**

21 (a) IN GENERAL.—Section 111(d) of the Public Util-
22 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
23 (as amended by section 40104(a)(1)) is amended by add-
24 ing at the end the following:

1 “(21) ELECTRIC VEHICLE CHARGING PRO-
2 GRAMS.—Each State shall consider measures to pro-
3 mote greater electrification of the transportation sec-
4 tor, including the establishment of rates that—

5 “(A) promote affordable and equitable
6 electric vehicle charging options for residential,
7 commercial, and public electric vehicle charging
8 infrastructure;

9 “(B) improve the customer experience as-
10 sociated with electric vehicle charging, including
11 by reducing charging times for light-, medium-
12 , and heavy-duty vehicles;

13 “(C) accelerate third-party investment in
14 electric vehicle charging for light-, medium-,
15 and heavy-duty vehicles; and

16 “(D) appropriately recover the marginal
17 costs of delivering electricity to electric vehicles
18 and electric vehicle charging infrastructure.”.

19 (b) COMPLIANCE.—

20 (1) TIME LIMITATION.—Section 112(b) of the
21 Public Utility Regulatory Policies Act of 1978 (16
22 U.S.C. 2622(b)) (as amended by section
23 40104(a)(2)(A)) is amended by adding at the end
24 the following:

1 “(8)(A) Not later than 1 year after the date of
2 enactment of this paragraph, each State regulatory
3 authority (with respect to each electric utility for
4 which the State has ratemaking authority) and each
5 nonregulated utility shall commence consideration
6 under section 111, or set a hearing date for consid-
7 eration, with respect to the standard established by
8 paragraph (21) of section 111(d).

9 “(B) Not later than 2 years after the date
10 of enactment of this paragraph, each State reg-
11 ulatory authority (with respect to each electric
12 utility for which the State has ratemaking au-
13 thority), and each nonregulated electric utility
14 shall complete the consideration and make the
15 determination under section 111 with respect to
16 the standard established by paragraph (21) of
17 section 111(d).”.

18 (2) FAILURE TO COMPLY.—Section 112(c) of
19 the Public Utility Regulatory Policies Act of 1978
20 (16 U.S.C. 2622(c)) (as amended by section
21 40104(a)(2)(B)(i)) is amended by adding at the end
22 the following: “In the case of the standard estab-
23 lished by paragraph (21) of section 111(d), the ref-
24 erence contained in this subsection to the date of en-
25 actment of this Act shall be deemed to be a ref-

1 erence to the date of enactment of that paragraph
2 (21).”.

3 (3) PRIOR STATE ACTIONS.—

4 (A) IN GENERAL.—Section 112 of the
5 Public Utility Regulatory Policies Act of 1978
6 (16 U.S.C. 2622) (as amended by section
7 40104(a)(2)(C)(i)) is amended by adding at the
8 end the following:

9 “(h) OTHER PRIOR STATE ACTIONS.—Subsections
10 (b) and (c) shall not apply to the standard established by
11 paragraph (21) of section 111(d) in the case of any elec-
12 tric utility in a State if, before the date of enactment of
13 this subsection—

14 “(1) the State has implemented for the electric
15 utility the standard (or a comparable standard);

16 “(2) the State regulatory authority for the
17 State or the relevant nonregulated electric utility has
18 conducted a proceeding to consider implementation
19 of the standard (or a comparable standard) for the
20 electric utility; or

21 “(3) the State legislature has voted on the im-
22 plementation of the standard (or a comparable
23 standard) for the electric utility during the 3-year
24 period ending on that date of enactment.”.

1661

1 (2) in subsection (b), by striking paragraph (4).

2 **SEC. 40433. DIGITAL CLIMATE SOLUTIONS REPORT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary, in consulta-
5 tion with appropriate Federal agencies and relevant stake-
6 holders, shall submit to the Committee on Energy and
7 Natural Resources of the Senate and the Committee on
8 Energy and Commerce of the House of Representatives
9 a report that assesses using digital tools and platforms
10 as climate solutions, including—

11 (1) artificial intelligence and machine learning;

12 (2) blockchain technologies and distributed
13 ledgers;

14 (3) crowdsourcing platforms;

15 (4) the Internet of Things;

16 (5) distributed computing for the grid; and

17 (6) software and systems.

18 (b) CONTENTS.—The report required under sub-
19 section (a) shall include—

20 (1) as practicable, a full inventory and assess-
21 ment of digital climate solutions;

22 (2) an analysis of how the private sector can
23 utilize the digital tools and platforms included in the
24 inventory under paragraph (1) to accelerate digital
25 climate solutions; and

1 (3) a summary of opportunities to enhance the
2 standardization of voluntary and regulatory climate
3 disclosure protocols, including enabling the data to
4 be disseminated through an application program-
5 ming interface that is accessible to the public.

6 **SEC. 40434. STUDY AND REPORT BY THE SECRETARY OF**
7 **ENERGY ON JOB LOSS AND IMPACTS ON CON-**
8 **SUMER ENERGY COSTS DUE TO THE REVOCATION OF THE PERMIT FOR THE KEYSTONE XL**
9 **PIPELINE.**
10

11 (a) DEFINITION OF EXECUTIVE ORDER.—In this
12 section, the term “Executive Order” means Executive
13 Order 13990 (86 Fed. Reg. 7037; relating to protecting
14 public health and the environment and restoring science
15 to tackle the climate crisis).

16 (b) STUDY AND REPORT.—The Secretary shall—

17 (1) conduct a study to estimate—

18 (A) the total number of jobs that were lost
19 as a direct or indirect result of section 6 of the
20 Executive Order over the 10-year period begin-
21 ning on the date on which the Executive Order
22 was issued; and

23 (B) the impact on consumer energy costs
24 that are projected to result as a direct or indi-
25 rect result of section 6 of the Executive Order

1663

1 over the 10-year period beginning on the date
2 on which the Executive Order was issued; and
3 (2) not later than 90 days after the date of en-
4 actment of this Act, submit to Congress a report de-
5 scribing the findings of the study conducted under
6 paragraph (1).

7 **SEC. 40435. STUDY ON IMPACT OF ELECTRIC VEHICLES.**

8 Not later than 120 days after the date of enactment
9 of this Act, the Secretary shall conduct, and submit to
10 Congress a report describing the results of, a study on
11 the cradle to grave environmental impact of electric vehi-
12 cles.

13 **SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN**
14 **CHINA ON THE ELECTRIC VEHICLE SUPPLY**
15 **CHAIN.**

16 Not later than 120 days after the date of enactment
17 of this Act, the Secretary, in coordination with the Sec-
18 retary of State and the Secretary of Commerce, shall
19 study the impact of forced labor in China on the electric
20 vehicle supply chain.

1 **TITLE V—ENERGY EFFICIENCY**
2 **AND BUILDING INFRASTRUC-**
3 **TURE**

4 **Subtitle A—Residential and**
5 **Commercial Energy Efficiency**

6 **SEC. 40501. DEFINITIONS.**

7 In this subtitle:

8 (1) **PRIORITY STATE.**—The term “priority
9 State” means a State that—

10 (A) is eligible for funding under the State
11 Energy Program; and

12 (B)(i) is among the 15 States with the
13 highest annual per-capita combined residential
14 and commercial sector energy consumption, as
15 most recently reported by the Energy Informa-
16 tion Administration; or

17 (ii) is among the 15 States with the high-
18 est annual per-capita energy-related carbon di-
19 oxide emissions by State, as most recently re-
20 ported by the Energy Information Administra-
21 tion.

22 (2) **PROGRAM.**—The term “program” means
23 the program established under section 40502(a).

24 (3) **STATE.**—The term “State” means a State
25 (as defined in section 3 of the Energy Policy and

1 Conservation Act (42 U.S.C. 6202)), acting through
2 a State energy office.

3 (4) STATE ENERGY PROGRAM.—The term
4 “State Energy Program” means the State Energy
5 Program established under part D of title III of the
6 Energy Policy and Conservation Act (42 U.S.C.
7 6321 et seq.).

8 **SEC. 40502. ENERGY EFFICIENCY REVOLVING LOAN FUND**
9 **CAPITALIZATION GRANT PROGRAM.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, under the State Energy
12 Program, the Secretary shall establish a program under
13 which the Secretary shall provide capitalization grants to
14 States to establish a revolving loan fund under which the
15 State shall provide loans and grants, as applicable, in ac-
16 cordance with this section.

17 (b) DISTRIBUTION OF FUNDS.—

18 (1) ALL STATES.—

19 (A) IN GENERAL.—Of the amounts made
20 available under subsection (j), the Secretary
21 shall use 40 percent to provide capitalization
22 grants to States that are eligible for funding
23 under the State Energy Program, in accordance
24 with the allocation formula established under

1 section 420.11 of title 10, Code of Federal Reg-
2 ulations (or successor regulations).

3 (B) REMAINING FUNDING.—After applying
4 the allocation formula described in subpara-
5 graph (A), the Secretary shall redistribute any
6 unclaimed funds to the remaining States seek-
7 ing capitalization grants under that subpara-
8 graph.

9 (2) PRIORITY STATES.—

10 (A) IN GENERAL.—Of the amounts made
11 available under subsection (j), the Secretary
12 shall use 60 percent to provide supplemental
13 capitalization grants to priority States in ac-
14 cordance with an allocation formula determined
15 by the Secretary.

16 (B) REMAINING FUNDING.—After applying
17 the allocation formula described in subpara-
18 graph (A), the Secretary shall redistribute any
19 unclaimed funds to the remaining priority
20 States seeking supplemental capitalization
21 grants under that subparagraph.

22 (C) GRANT AMOUNT.—

23 (i) MAXIMUM AMOUNT.—The amount
24 of a supplemental capitalization grant pro-

1667

1 vided to a State under this paragraph shall
2 not exceed \$15,000,000.

3 (ii) SUPPLEMENT NOT SUPPLANT.—A
4 supplemental capitalization grant received
5 by a State under this paragraph shall sup-
6 plement, not supplant, a capitalization
7 grant received by that State under para-
8 graph (1).

9 (c) APPLICATIONS FOR CAPITALIZATION GRANTS.—
10 A State seeking a capitalization grant under the program
11 shall submit to the Secretary an application at such time,
12 in such manner, and containing such information as the
13 Secretary may require, including—

14 (1) a detailed explanation of how the grant will
15 be used, including a plan to establish a new revolv-
16 ing loan fund or use an existing revolving loan fund;

17 (2) the need of eligible recipients for loans and
18 grants in the State for assistance with conducting
19 energy audits;

20 (3) a description of the expected benefits that
21 building infrastructure and energy system upgrades
22 and retrofits will have on communities in the State;
23 and

24 (4) in the case of a priority State seeking a
25 supplemental capitalization grant under subsection

1668

1 (b)(2), a justification for needing the supplemental
2 funding.

3 (d) TIMING.—

4 (1) IN GENERAL.—The Secretary shall establish
5 a timeline with dates by, or periods by the end of,
6 which a State shall—

7 (A) on receipt of a capitalization grant
8 under the program, deposit the grant funds into
9 a revolving loan fund; and

10 (B) begin using the capitalization grant as
11 described in subsection (e)(1).

12 (2) USE OF GRANT.—Under the timeline estab-
13 lished under paragraph (1), a State shall be required
14 to begin using a capitalization grant not more than
15 180 days after the date on which the grant is re-
16 ceived.

17 (e) USE OF GRANT FUNDS.—

18 (1) IN GENERAL.—A State that receives a cap-
19 italization grant under the program—

20 (A) shall provide loans in accordance with
21 paragraph (2); and

22 (B) may provide grants in accordance with
23 paragraph (3).

24 (2) LOANS.—

25 (A) COMMERCIAL ENERGY AUDIT.—

1669

1 (i) IN GENERAL.—A State that re-
2 ceives a capitalization grant under the pro-
3 gram may provide a loan to an eligible re-
4 cipient described in clause (iv) to conduct
5 a commercial energy audit.

6 (ii) AUDIT REQUIREMENTS.—A com-
7 mercial energy audit conducted using a
8 loan provided under clause (i) shall—

9 (I) determine the overall con-
10 sumption of energy of the facility of
11 the eligible recipient;

12 (II) identify and recommend
13 lifecycle cost-effective opportunities to
14 reduce the energy consumption of the
15 facility of the eligible recipient, includ-
16 ing through energy efficient—

17 (aa) lighting;

18 (bb) heating, ventilation,
19 and air conditioning systems;

20 (cc) windows;

21 (dd) appliances; and

22 (ee) insulation and building
23 envelopes;

24 (III) estimate the energy and
25 cost savings potential of the opportu-

1670

1 nities identified in subclause (II)
2 using software approved by the Sec-
3 retary;

4 (IV) identify—

5 (aa) the period and level of
6 peak energy demand for each
7 building within the facility of the
8 eligible recipient; and

9 (bb) the sources of energy
10 consumption that are contrib-
11 uting the most to that period of
12 peak energy demand;

13 (V) recommend controls and
14 management systems to reduce or re-
15 distribute peak energy consumption;
16 and

17 (VI) estimate the total energy
18 and cost savings potential for the fa-
19 cility of the eligible recipient if all rec-
20 ommended upgrades and retrofits are
21 implemented, using software approved
22 by the Secretary.

23 (iii) ADDITIONAL AUDIT INCLU-
24 SIONS.—A commercial energy audit con-
25 ducted using a loan provided under clause

1671

1 (i) may recommend strategies to increase
2 energy efficiency of the facility of the eligi-
3 ble recipient through use of electric sys-
4 tems or other high-efficiency systems uti-
5 lizing fuels, including natural gas and hy-
6 drogen.

7 (iv) ELIGIBLE RECIPIENTS.—An eligi-
8 ble recipient under clause (i) is a business
9 that—

10 (I) conducts the majority of its
11 business in the State that provides the
12 loan under that clause; and

13 (II) owns or operates—

14 (aa) 1 or more commercial
15 buildings; or

16 (bb) commercial space with-
17 in a building that serves multiple
18 functions, such as a building for
19 commercial and residential oper-
20 ations.

21 (B) RESIDENTIAL ENERGY AUDITS.—

22 (i) IN GENERAL.—A State that re-
23 ceives a capitalization grant under the pro-
24 gram may provide a loan to an eligible re-

1672

1 recipient described in clause (iv) to conduct
2 a residential energy audit.

3 (ii) RESIDENTIAL ENERGY AUDIT RE-
4 QUIREMENTS.—A residential energy audit
5 conducted using a loan under clause (i)
6 shall—

7 (I) utilize the same evaluation
8 criteria as the Home Performance As-
9 sessment used in the Energy Star
10 program established under section
11 324A of the Energy Policy and Con-
12 servation Act (42 U.S.C. 6294a);

13 (II) recommend lifecycle cost-ef-
14 fective opportunities to reduce energy
15 consumption within the residential
16 building of the eligible recipient, in-
17 cluding through energy efficient—

18 (aa) lighting;

19 (bb) heating, ventilation,
20 and air conditioning systems;

21 (cc) windows;

22 (dd) appliances; and

23 (ee) insulation and building
24 envelopes;

1673

1 (III) recommend controls and
2 management systems to reduce or re-
3 distribute peak energy consumption;

4 (IV) compare the energy con-
5 sumption of the residential building of
6 the eligible recipient to comparable
7 residential buildings in the same geo-
8 graphic area; and

9 (V) provide a Home Energy
10 Score, or equivalent score (as deter-
11 mined by the Secretary), for the resi-
12 dential building of the eligible recipi-
13 ent by using the Home Energy Score
14 Tool of the Department or an equiva-
15 lent scoring tool.

16 (iii) ADDITIONAL AUDIT INCLU-
17 SIONS.—A residential energy audit con-
18 ducted using a loan provided under clause
19 (i) may recommend strategies to increase
20 energy efficiency of the facility of the eligi-
21 ble recipient through use of electric sys-
22 tems or other high-efficiency systems uti-
23 lizing fuels, including natural gas and hy-
24 drogen.

1674

1 (iv) ELIGIBLE RECIPIENTS.—An eligi-
2 ble recipient under clause (i) is—

3 (I) an individual who owns—

4 (aa) a single family home;

5 (bb) a condominium or du-
6 plex; or

7 (cc) a manufactured housing
8 unit; or

9 (II) a business that owns or oper-
10 ates a multifamily housing facility.

11 (C) COMMERCIAL AND RESIDENTIAL EN-
12 ERGY UPGRADES AND RETROFITS.—

13 (i) IN GENERAL.—A State that re-
14 ceives a capitalization grant under the pro-
15 gram may provide a loan to an eligible re-
16 cipient described in clause (ii) to carry out
17 upgrades or retrofits of building infrastruc-
18 ture and systems that—

19 (I) are recommended in the com-
20 mercial energy audit or residential en-
21 ergy audit, as applicable, completed
22 for the building or facility of the eligi-
23 ble recipient;

24 (II) satisfy at least 1 of the cri-
25 teria in the Home Performance As-

1675

1 assessment used in the Energy Star
2 program established under section
3 324A of the Energy Policy and Con-
4 servation Act (42 U.S.C. 6294a);

5 (III) improve, with respect to the
6 building or facility of the eligible re-
7 cipient—

8 (aa) the physical comfort of
9 the building or facility occupants;

10 (bb) the energy efficiency of
11 the building or facility; or

12 (cc) the quality of the air in
13 the building or facility; and

14 (IV)(aa) are lifecycle cost-effec-
15 tive; and

16 (bb)(AA) reduce the energy in-
17 tensity of the building or facility of
18 the eligible recipient; or

19 (BB) improve the control and
20 management of energy usage of the
21 building or facility to reduce demand
22 during peak times.

23 (ii) **ELIGIBLE RECIPIENTS.**—An eligi-
24 ble recipient under clause (i) is an eligible

1676

1 recipient described in subparagraph (A)(iv)
2 or (B)(iv) that—

3 (I) has completed a commercial
4 energy audit described in subpara-
5 graph (A) or a residential energy
6 audit described in subparagraph (B)
7 using a loan provided under the appli-
8 cable subparagraph; or

9 (II) has completed a commercial
10 energy audit or residential energy
11 audit that—

12 (aa) was not funded by a
13 loan under this paragraph; and

14 (bb)(AA) meets the require-
15 ments for the applicable audit
16 under subparagraph (A) or (B),
17 as applicable; or

18 (BB) the Secretary deter-
19 mines is otherwise satisfactory.

20 (iii) LOAN TERM.—

21 (I) IN GENERAL.—A loan pro-
22 vided under this subparagraph shall
23 be required to be fully amortized by
24 the earlier of—

1677

1 (aa) subject to subclause
2 (II), the year in which the up-
3 grades or retrofits carried out
4 using the loan exceed their ex-
5 pected useful life; and

6 (bb) 15 years after those up-
7 grades or retrofits are installed.

8 (II) CALCULATION.—For pur-
9 poses of subclause (I)(aa), in the case
10 of a loan being used to fund multiple
11 upgrades or retrofits, the longest-lived
12 upgrade or retrofit shall be used to
13 calculate the year in which the up-
14 grades or retrofits carried out using
15 the loan exceed their expected useful
16 life.

17 (D) REFERRAL TO QUALIFIED CONTRAC-
18 TORS.—Following the completion of an audit
19 under subparagraph (A) or (B) by an eligible
20 recipient of a loan under the applicable sub-
21 paragraph, the State may refer the eligible re-
22 cipient to a qualified contractor, as determined
23 by the State, to estimate—

24 (i) the upfront capital cost of each
25 recommended upgrade; and

1678

1 (ii) the total upfront capital cost of
2 implementing all recommended upgrades.

3 (E) LOAN RECIPIENTS.—Each State pro-
4 viding loans under this paragraph shall, to the
5 maximum extent practicable, provide loans to
6 eligible recipients that do not have access to
7 private capital.

8 (3) GRANTS AND TECHNICAL ASSISTANCE.—

9 (A) IN GENERAL.—A State that receives a
10 capitalization grant under the program may use
11 not more than 25 percent of the grant funds to
12 provide grants or technical assistance to eligible
13 entities described in subparagraph (B) to carry
14 out the activities described in subparagraphs
15 (A), (B), and (C) of paragraph (2).

16 (B) ELIGIBLE ENTITY.—An entity eligible
17 for a grant or technical assistance under sub-
18 paragraph (A) is—

19 (i) a business that—

20 (I) is an eligible recipient de-
21 scribed in paragraph (2)(A)(iv); and

22 (II) has fewer than 500 employ-
23 ees; or

24 (ii) a low-income individual (as de-
25 fined in section 3 of the Workforce Innova-

1 tion and Opportunity Act (29 U.S.C.
2 3102)) that owns a residential building.

3 (4) FINAL ASSESSMENT.—A State that provides
4 a capitalization grant under paragraph (2)(C) to an
5 eligible recipient described in clause (ii) of that para-
6 graph may, not later than 1 year after the date on
7 which the upgrades or retrofits funded by the grant
8 under that paragraph are completed, provide to the
9 eligible recipient a loan or, in accordance with para-
10 graph (3), a grant to conduct a final energy audit
11 that assesses the total energy savings from the up-
12 grades or retrofits.

13 (5) ADMINISTRATIVE EXPENSES.—A State that
14 receives a capitalization grant under the program
15 may use not more than 10 percent of the grant
16 funds for administrative expenses.

17 (f) COORDINATION WITH EXISTING PROGRAMS.—A
18 State receiving a capitalization grant under the program
19 is encouraged to utilize and build on existing programs
20 and infrastructure within the State that may aid the State
21 in carrying out a revolving loan fund program.

22 (g) LEVERAGING PRIVATE CAPITAL.—A State receiv-
23 ing a capitalization grant under the program shall, to the
24 maximum extent practicable, use the grant to leverage pri-
25 vate capital.

1 (h) OUTREACH.—The Secretary shall engage in out-
2 reach to inform States of the availability of capitalization
3 grants under the program.

4 (i) REPORT.—Each State that receives a capitaliza-
5 tion grant under the program shall, not later than 2 years
6 after a grant is received, submit to the Secretary a report
7 that describes—

8 (1) the number of recipients to which the State
9 has distributed—

10 (A) loans for—

11 (i) commercial energy audits under
12 subsection (e)(2)(A);

13 (ii) residential energy audits under
14 subsection (e)(2)(B);

15 (iii) energy upgrades and retrofits
16 under subsection (e)(2)(C); and

17 (B) grants under subsection (e)(3); and

18 (2) the average capital cost of upgrades and
19 retrofits across all commercial energy audits and
20 residential energy audits that were conducted in the
21 State using loans provided by the State under sub-
22 section (e).

23 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary to carry

1681

1 out this section \$250,000,000 for fiscal year 2022, to re-
2 main available until expended.

3 **SEC. 40503. ENERGY AUDITOR TRAINING GRANT PROGRAM.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED CERTIFICATION.—The term “cov-
6 ered certification” means any of the following certifi-
7 cations:

8 (A) The American Society of Heating, Re-
9 frigerating and Air-Conditioning Engineers
10 Building Energy Assessment Professional cer-
11 tification.

12 (B) The Association of Energy Engineers
13 Certified Energy Auditor certification.

14 (C) The Building Performance Institute
15 Home Energy Professional Energy Auditor cer-
16 tification.

17 (D) The Residential Energy Services Net-
18 work Home Energy Rater certification.

19 (E) Any other third-party certification rec-
20 ognized by the Department.

21 (F) Any third-party certification that the
22 Secretary determines is equivalent to the certifi-
23 cations described in subparagraphs (A) through
24 (E).

1 (2) ELIGIBLE STATE.—The term “eligible
2 State” means a State that—

3 (A) has a demonstrated need for assistance
4 for training energy auditors; and

5 (B) meets any additional criteria deter-
6 mined necessary by the Secretary.

7 (b) ESTABLISHMENT.—Under the State Energy Pro-
8 gram, the Secretary shall establish a competitive grant
9 program under which the Secretary shall award grants to
10 eligible States to train individuals to conduct energy au-
11 dits or surveys of commercial and residential buildings.

12 (c) APPLICATIONS.—

13 (1) IN GENERAL.—A State seeking a grant
14 under subsection (b) shall submit to the Secretary
15 an application at such time, in such manner, and
16 containing such information as the Secretary may
17 require, including the energy auditor training pro-
18 gram plan described in paragraph (2).

19 (2) ENERGY AUDITOR TRAINING PROGRAM
20 PLAN.—An energy auditor training program plan
21 submitted with an application under paragraph (1)
22 shall include—

23 (A)(i) a proposed training curriculum for
24 energy audit trainees; and

1 (ii) an identification of the covered certifi-
2 cation that those trainees will receive on com-
3 pletion of that training curriculum;

4 (B) the expected per-individual cost of
5 training;

6 (C) a plan for connecting trainees with em-
7 ployment opportunities; and

8 (D) any additional information required by
9 the Secretary.

10 (d) AMOUNT OF GRANT.—The amount of a grant
11 awarded to an eligible State under subsection (b)—

12 (1) shall be determined by the Secretary, taking
13 into account the population of the eligible State; and

14 (2) shall not exceed \$2,000,000 for any eligible
15 State.

16 (e) USE OF FUNDS.—

17 (1) IN GENERAL.—An eligible State that re-
18 ceives a grant under subsection (b) shall use the
19 grant funds—

20 (A) to cover any cost associated with indi-
21 viduals being trained or certified to conduct en-
22 ergy audits by—

23 (i) the State; or

24 (ii) a State-certified third party train-
25 ing program; and

1684

1 (B) subject to paragraph (2), to pay the
2 wages of a trainee during the period in which
3 the trainee receives training and certification.

4 (2) LIMITATION.—Not more than 10 percent of
5 grant funds provided under subsection (b) to an eli-
6 gible State may be used for the purpose described in
7 paragraph (1)(B).

8 (f) CONSULTATION.—In carrying out this section, the
9 Secretary shall consult with the Secretary of Labor.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry
12 out this section \$40,000,000 for the period of fiscal years
13 2022 through 2026.

14 **Subtitle B—Buildings**

15 **SEC. 40511. COST-EFFECTIVE CODES IMPLEMENTATION** 16 **FOR EFFICIENCY AND RESILIENCE.**

17 (a) IN GENERAL.—Title III of the Energy Conserva-
18 tion and Production Act (42 U.S.C. 6831 et seq.) is
19 amended by adding at the end the following:

20 **“SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR** 21 **EFFICIENCY AND RESILIENCE.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means—

1685

1 “(A) a relevant State agency, as deter-
2 mined by the Secretary, such as a State build-
3 ing code agency, State energy office, or Tribal
4 energy office; and

5 “(B) a partnership.

6 “(2) PARTNERSHIP.—The term ‘partnership’
7 means a partnership between an eligible entity de-
8 scribed in paragraph (1)(A) and 1 or more of the
9 following entities:

10 “(A) Local building code agencies.

11 “(B) Codes and standards developers.

12 “(C) Associations of builders and design
13 and construction professionals.

14 “(D) Local and utility energy efficiency
15 programs.

16 “(E) Consumer, energy efficiency, and en-
17 vironmental advocates.

18 “(F) Other entities, as determined by the
19 Secretary.

20 “(3) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of Energy.

22 “(b) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish within the Building Technologies Office of the
25 Department of Energy a program under which the

1 Secretary shall award grants on a competitive basis
2 to eligible entities to enable sustained cost-effective
3 implementation of updated building energy codes.

4 “(2) UPDATED BUILDING ENERGY CODE.—An
5 update to a building energy code under this section,
6 including an amendment that results in increased ef-
7 ficiency compared to the previously adopted building
8 energy code, shall include any update made available
9 after the existing building energy code, even if it is
10 not the most recent updated code available.

11 “(c) CRITERIA; PRIORITY.—In awarding grants
12 under subsection (b), the Secretary shall—

13 “(1) consider—

14 “(A) prospective energy savings and plans
15 to measure the savings, including utilizing the
16 Environmental Protection Agency Portfolio
17 Manager, the Home Energy Score rating of the
18 Office of Energy Efficiency and Renewable En-
19 ergy of the Department of Energy, the Energy
20 Star Building rating methodologies of the Envi-
21 ronmental Protection Agency, and other meth-
22 odologies determined appropriate by the Sec-
23 retary;

24 “(B) the long-term sustainability of those
25 measures and savings;

1 “(C) prospective benefits, and plans to as-
2 sess the benefits, including benefits relating
3 to—

4 “(i) resilience and peak load reduc-
5 tion;

6 “(ii) occupant safety and health; and

7 “(iii) environmental performance;

8 “(D) the demonstrated capacity of the eli-
9 gible entity to carry out the proposed project;
10 and

11 “(E) the need of the eligible entity for as-
12 sistance; and

13 “(2) give priority to applications from partner-
14 ships.

15 “(d) ELIGIBLE ACTIVITIES.—

16 “(1) IN GENERAL.—An eligible entity awarded
17 a grant under this section may use the grant
18 funds—

19 “(A) to create or enable State or regional
20 partnerships to provide training and materials
21 to—

22 “(i) builders, contractors and sub-
23 contractors, architects, and other design
24 and construction professionals, relating to

1688

1 meeting updated building energy codes in a
2 cost-effective manner; and

3 “(ii) building code officials, relating to
4 improving implementation of and compli-
5 ance with building energy codes;

6 “(B) to collect and disseminate quan-
7 titative data on construction and codes imple-
8 mentation, including code pathways, perform-
9 ance metrics, and technologies used;

10 “(C) to develop and implement a plan for
11 highly effective codes implementation, including
12 measuring compliance;

13 “(D) to address various implementation
14 needs in rural, suburban, and urban areas; and

15 “(E) to implement updates in energy codes
16 for—

17 “(i) new residential and commercial
18 buildings (including multifamily buildings);
19 and

20 “(ii) additions and alterations to ex-
21 isting residential and commercial buildings
22 (including multifamily buildings).

23 “(2) RELATED TOPICS.—Training and mate-
24 rials provided using a grant under this section may

1 include information on the relationship between en-
2 ergy codes and—

3 “(A) cost-effective, high-performance, and
4 zero-net-energy buildings;

5 “(B) improving resilience, health, and safe-
6 ty;

7 “(C) water savings and other environ-
8 mental impacts; and

9 “(D) the economic impacts of energy
10 codes.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary to carry
13 out this section \$225,000,000 for the period of fiscal years
14 2022 through 2026.”.

15 (b) CONFORMING AMENDMENT.—Section 303 of the
16 Energy Conservation and Production Act (42 U.S.C.
17 6832) is amended, in the matter preceding paragraph (1),
18 by striking “As used in” and inserting “Except as other-
19 wise provided, in”.

20 **SEC. 40512. BUILDING, TRAINING, AND ASSESSMENT CEN-**
21 **TERS.**

22 (a) IN GENERAL.—The Secretary shall provide
23 grants to institutions of higher education (as defined in
24 section 101 of the Higher Education Act of 1965 (20
25 U.S.C. 1001)) and Tribal Colleges or Universities (as de-

1 fined in section 316(b) of that Act (20 U.S.C. 1059c(b)))

2 to establish building training and assessment centers—

3 (1) to identify opportunities for optimizing en-
4 ergy efficiency and environmental performance in
5 buildings;

6 (2) to promote the application of emerging con-
7 cepts and technologies in commercial and institu-
8 tional buildings;

9 (3) to train engineers, architects, building sci-
10 entists, building energy permitting and enforcement
11 officials, and building technicians in energy-efficient
12 design and operation;

13 (4) to assist institutions of higher education
14 and Tribal Colleges or Universities in training build-
15 ing technicians;

16 (5) to promote research and development for
17 the use of alternative energy sources and distributed
18 generation to supply heat and power for buildings,
19 particularly energy-intensive buildings; and

20 (6) to coordinate with and assist State-accred-
21 ited technical training centers, community colleges,
22 Tribal Colleges or Universities, and local offices of
23 the National Institute of Food and Agriculture and
24 ensure appropriate services are provided under this
25 section to each region of the United States.

1 (b) COORDINATION AND NONDUPLICATION.—

2 (1) IN GENERAL.—The Secretary shall coordi-
3 nate the program with the industrial research and
4 assessment centers program under section 457 of
5 the Energy Independence and Security Act of 2007
6 (as added by section 40521(b)) and with other Fed-
7 eral programs to avoid duplication of effort.

8 (2) COLLOCATION.—To the maximum extent
9 practicable, building, training, and assessment cen-
10 ters established under this section shall be collocated
11 with industrial research and assessment centers (as
12 defined in section 40531).

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary to carry
15 out this section \$10,000,000 for fiscal year 2022, to re-
16 main available until expended.

17 **SEC. 40513. CAREER SKILLS TRAINING.**

18 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
19 tion, the term “eligible entity” means a nonprofit partner-
20 ship that—

21 (1) includes the equal participation of industry,
22 including public or private employers, and labor or-
23 ganizations, including joint labor-management train-
24 ing programs;

1 (2) may include workforce investment boards,
2 community-based organizations, qualified service and
3 conservation corps, educational institutions, small
4 businesses, cooperatives, State and local veterans
5 agencies, and veterans service organizations; and

6 (3) demonstrates—

7 (A) experience in implementing and oper-
8 ating worker skills training and education pro-
9 grams;

10 (B) the ability to identify and involve in
11 training programs carried out under this sec-
12 tion, target populations of individuals who
13 would benefit from training and be actively in-
14 volved in activities relating to energy efficiency
15 and renewable energy industries; and

16 (C) the ability to help individuals achieve
17 economic self-sufficiency.

18 (b) ESTABLISHMENT.—The Secretary shall award
19 grants to eligible entities to pay the Federal share of asso-
20 ciated career skills training programs under which stu-
21 dents concurrently receive classroom instruction and on-
22 the-job training for the purpose of obtaining an industry-
23 related certification to install energy efficient buildings
24 technologies.

1 (c) FEDERAL SHARE.—The Federal share of the cost
2 of carrying out a career skills training program described
3 in subsection (b) shall be 50 percent.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$10,000,000 for fiscal year 2022, to re-
7 main available until expended.

8 **SEC. 40514. COMMERCIAL BUILDING ENERGY CONSUMP-**
9 **TION INFORMATION SHARING.**

10 (a) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Energy In-
13 formation Administration.

14 (2) AGREEMENT.—The term “Agreement”
15 means the agreement entered into under subsection
16 (b).

17 (3) SURVEY.—The term “Survey” means the
18 Commercial Building Energy Consumption Survey.

19 (b) AUTHORIZATION OF AGREEMENT.—Not later
20 than 120 days after the date of enactment of this Act,
21 the Administrator and the Administrator of the Environ-
22 mental Protection Agency shall sign, and submit to Con-
23 gress, an information sharing agreement relating to com-
24 mercial building energy consumption data.

1 (c) CONTENT OF AGREEMENT.—The Agreement
2 shall—

3 (1) provide, to the extent permitted by law,
4 that—

5 (A) the Administrator shall have access to
6 building-specific data in the Portfolio Manager
7 database of the Environmental Protection
8 Agency; and

9 (B) the Administrator of the Environ-
10 mental Protection Agency shall have access to
11 building-specific data collected by the Survey;

12 (2) describe the manner in which the Adminis-
13 trator shall use the data described in paragraph (1)
14 and subsection (d);

15 (3) describe and compare—

16 (A) the methodologies that the Energy In-
17 formation Administration, the Environmental
18 Protection Agency, and State and local govern-
19 ment managers use to maximize the quality, re-
20 liability, and integrity of data collected through
21 the Survey, the Portfolio Manager database of
22 the Environmental Protection Agency, and
23 State and local building energy disclosure laws
24 (including regulations), respectively, and the

1695

1 manner in which those methodologies can be
2 improved; and

3 (B) consistencies and variations in data for
4 the same buildings captured in—

5 (i)(I) the 2018 Survey cycle; and

6 (II) each subsequent Survey cycle;

7 and

8 (ii) the Portfolio Manager database of
9 the Environmental Protection Agency; and

10 (4) consider whether, and the methods by
11 which, the Administrator may collect and publish
12 new iterations of Survey data every 3 years—

13 (A) using the Survey processes of the Ad-
14 ministrator; or

15 (B) as supplemented by information in the
16 Portfolio Manager database of the Environ-
17 mental Protection Agency.

18 (d) DATA.—The data referred in subsection (c)(2) in-
19 cludes data that—

20 (1) is collected through the Portfolio Manager
21 database of the Environmental Protection Agency;

22 (2) is required to be publicly available on the
23 internet under State and local government building
24 energy disclosure laws (including regulations); and

1 (3) includes information on private sector build-
2 ings that are not less than 250,000 square feet.

3 (e) PROTECTION OF INFORMATION.—In carrying out
4 the agreement, the Administrator and the Administrator
5 of the Environmental Protection Agency shall protect in-
6 formation in accordance with—

7 (1) section 552(b)(4) of title 5, United States
8 Code (commonly known as the “Freedom of Infor-
9 mation Act”);

10 (2) subchapter III of chapter 35 of title 44,
11 United States Code; and

12 (3) any other applicable law (including regula-
13 tions).

14 **Subtitle C—Industrial Energy**
15 **Efficiency**

16 **PART I—INDUSTRY**

17 **SEC. 40521. FUTURE OF INDUSTRY PROGRAM AND INDUS-**
18 **TRIAL RESEARCH AND ASSESSMENT CEN-**
19 **TERS.**

20 (a) FUTURE OF INDUSTRY PROGRAM.—

21 (1) IN GENERAL.—Section 452 of the Energy
22 Independence and Security Act of 2007 (42 U.S.C.
23 17111) is amended—

1697

1 (A) by striking the section heading and in-
2 serting the following: “future of industry pro-
3 gram”;

4 (B) in subsection (a)(2)—

5 (i) by redesignating subparagraph (E)
6 as subparagraph (F); and

7 (ii) by inserting after subparagraph
8 (D) the following:

9 “(E) water and wastewater treatment fa-
10 cilities, including systems that treat municipal,
11 industrial, and agricultural waste; and”;

12 (C) by striking subsection (e); and

13 (D) by redesignating subsection (f) as sub-
14 section (e).

15 (2) CONFORMING AMENDMENT.—Section
16 454(b)(2)(C) of the Energy Independence and Secu-
17 rity Act of 2007 (42 U.S.C. 17113(b)(2)(C)) is
18 amended by striking “energy-intensive industries”
19 and inserting “Future of Industry”.

20 (b) INDUSTRIAL RESEARCH AND ASSESSMENT CEN-
21 TERS.—Subtitle D of title IV of the Energy Independence
22 and Security Act of 2007 (42 U.S.C. 17111 et seq.) is
23 amended by adding at the end the following:

1698

1 **“SEC. 457. INDUSTRIAL RESEARCH AND ASSESSMENT CEN-**
2 **TERS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) COVERED PROJECT.—The term ‘covered
5 project’ means a project—

6 “(A) that has been recommended in an en-
7 ergy assessment described in paragraph (2)(A)
8 conducted for an eligible entity; and

9 “(B) with respect to which the plant site
10 of that eligible entity—

11 “(i) improves—

12 “(I) energy efficiency;

13 “(II) material efficiency;

14 “(III) cybersecurity; or

15 “(IV) productivity; or

16 “(ii) reduces—

17 “(I) waste production;

18 “(II) greenhouse gas emissions;

19 or

20 “(III) nongreenhouse gas pollu-
21 tion.

22 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means a small- or medium-sized manufacturer
24 that has had an energy assessment completed by—

25 “(A) an industrial research and assessment
26 center;

1699

1 “(B) a Department of Energy Combined
2 Heat and Power Technical Assistance Partner-
3 ship jointly with an industrial research and as-
4 sessment center; or

5 “(C) a third-party assessor that provides
6 an assessment equivalent to an assessment de-
7 scribed in subparagraph (A) or (B), as deter-
8 mined by the Secretary.

9 “(3) ENERGY SERVICE PROVIDER.—The term
10 ‘energy service provider’ means—

11 “(A) any business providing technology or
12 services to improve the energy efficiency, water
13 efficiency, power factor, or load management of
14 a manufacturing site or other industrial process
15 in an energy-intensive industry (as defined in
16 section 452(a)); and

17 “(B) any utility operating under a utility
18 energy service project.

19 “(4) INDUSTRIAL RESEARCH AND ASSESSMENT
20 CENTER.—The term ‘industrial research and assess-
21 ment center’ means—

22 “(A) an institution of higher education-
23 based industrial research and assessment center
24 that is funded by the Secretary under sub-
25 section (b); and

1700

1 “(B) an industrial research and assess-
2 ment center at a trade school, community col-
3 lege, or union training program that is funded
4 by the Secretary under subsection (f).

5 “(5) PROGRAM.—The term ‘Program’ means
6 the program for implementation grants established
7 under subsection (i)(1).

8 “(6) SMALL- OR MEDIUM-SIZED MANUFAC-
9 TURER.—The term ‘small- or medium-sized manu-
10 facturer’ means a manufacturing firm—

11 “(A) the gross annual sales of which are
12 less than \$100,000,000;

13 “(B) that has fewer than 500 employees at
14 the plant site of the manufacturing firm; and

15 “(C) the annual energy bills of which total
16 more than \$100,000 but less than \$3,500,000.

17 “(b) INSTITUTION OF HIGHER EDUCATION-BASED
18 INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

19 “(1) IN GENERAL.—The Secretary shall provide
20 funding to institution of higher education-based in-
21 dustrial research and assessment centers.

22 “(2) PURPOSE.—The purpose of each institu-
23 tion of higher education-based industrial research
24 and assessment center shall be—

1701

1 “(A) to provide in-depth assessments of
2 small- and medium-sized manufacturer plant
3 sites to evaluate the facilities, services, and
4 manufacturing operations of the plant sites;

5 “(B) to identify opportunities for opti-
6 mizing energy efficiency and environmental per-
7 formance, including implementation of—

8 “(i) smart manufacturing;

9 “(ii) energy management systems;

10 “(iii) sustainable manufacturing;

11 “(iv) information technology advance-
12 ments for supply chain analysis, logistics,
13 system monitoring, industrial and manu-
14 facturing processes, and other purposes;
15 and

16 “(v) waste management systems;

17 “(C) to promote applications of emerging
18 concepts and technologies in small- and me-
19 dium-sized manufacturers (including water and
20 wastewater treatment facilities and federally
21 owned manufacturing facilities);

22 “(D) to promote research and development
23 for the use of alternative energy sources to sup-
24 ply heat, power, and new feedstocks for energy-
25 intensive industries;

1 “(E) to coordinate with appropriate Fed-
2 eral and State research offices;

3 “(F) to provide a clearinghouse for indus-
4 trial process and energy efficiency technical as-
5 sistance resources; and

6 “(G) to coordinate with State-accredited
7 technical training centers and community col-
8 leges, while ensuring appropriate services to all
9 regions of the United States.

10 “(c) COORDINATION.—To increase the value and ca-
11 pabilities of the industrial research and assessment cen-
12 ters, the centers shall—

13 “(1) coordinate with Manufacturing Extension
14 Partnership Centers of the National Institute of
15 Standards and Technology;

16 “(2) coordinate with the Federal Energy Man-
17 agement Program and the Building Technologies Of-
18 fice of the Department of Energy to provide building
19 assessment services to manufacturers;

20 “(3) increase partnerships with the National
21 Laboratories of the Department of Energy to lever-
22 age the expertise, technologies, and research and de-
23 velopment capabilities of the National Laboratories
24 for national industrial and manufacturing needs;

1 “(4) increase partnerships with energy service
2 providers and technology providers to leverage pri-
3 vate sector expertise and accelerate deployment of
4 new and existing technologies and processes for en-
5 ergy efficiency, power factor, and load management;

6 “(5) identify opportunities for reducing green-
7 house gas emissions and other air emissions; and

8 “(6) promote sustainable manufacturing prac-
9 tices for small- and medium-sized manufacturers.

10 “(d) OUTREACH.—The Secretary shall provide fund-
11 ing for—

12 “(1) outreach activities by the industrial re-
13 search and assessment centers to inform small- and
14 medium-sized manufacturers of the information,
15 technologies, and services available; and

16 “(2) coordination activities by each industrial
17 research and assessment center to leverage efforts
18 with—

19 “(A) Federal, State, and Tribal efforts;

20 “(B) the efforts of utilities and energy
21 service providers;

22 “(C) the efforts of regional energy effi-
23 ciency organizations; and

24 “(D) the efforts of other industrial re-
25 search and assessment centers.

1 “(e) CENTERS OF EXCELLENCE.—

2 “(1) ESTABLISHMENT.—The Secretary shall es-
3 tablish a Center of Excellence at not more than 5
4 of the highest-performing industrial research and as-
5 sessment centers, as determined by the Secretary.

6 “(2) DUTIES.—A Center of Excellence shall co-
7 ordinate with and advise the industrial research and
8 assessment centers located in the region of the Cen-
9 ter of Excellence, including—

10 “(A) by mentoring new directors and staff
11 of the industrial research and assessment cen-
12 ters with respect to—

13 “(i) the availability of resources; and

14 “(ii) best practices for carrying out
15 assessments, including through the partici-
16 pation of the staff of the Center of Excel-
17 lence in assessments carried out by new in-
18 dustrial research and assessment centers;

19 “(B) by providing training to staff and
20 students at the industrial research and assess-
21 ment centers on new technologies, practices,
22 and tools to expand the scope and impact of the
23 assessments carried out by the centers;

24 “(C) by assisting the industrial research
25 and assessment centers with specialized tech-

1 nical opportunities, including by providing a
2 clearinghouse of available expertise and tools to
3 assist the centers and clients of the centers in
4 assessing and implementing those opportunities;

5 “(D) by identifying and coordinating with
6 regional, State, local, Tribal, and utility energy
7 efficiency programs for the purpose of facili-
8 tating efforts by industrial research and assess-
9 ment centers to connect industrial facilities re-
10 ceiving assessments from those centers with re-
11 gional, State, local, and utility energy efficiency
12 programs that could aid the industrial facilities
13 in implementing any recommendations resulting
14 from the assessments;

15 “(E) by facilitating coordination between
16 the industrial research and assessment centers
17 and other Federal programs described in para-
18 graphs (1) through (3) of subsection (c); and

19 “(F) by coordinating the outreach activi-
20 ties of the industrial research and assessment
21 centers under subsection (d)(1).

22 “(3) FUNDING.—For each fiscal year, out of
23 any amounts made available to carry out this section
24 under subsection (j), the Secretary shall use not less
25 than \$500,000 to support each Center of Excellence.

1706

1 “(f) EXPANSION OF INDUSTRIAL RESEARCH AND AS-
2 ASSESSMENT CENTERS.—

3 “(1) IN GENERAL.—The Secretary shall provide
4 funding to establish additional industrial research
5 and assessment centers at trade schools, community
6 colleges, and union training programs.

7 “(2) PURPOSE.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), to the maximum extent practicable,
10 an industrial research and assessment center
11 established under paragraph (1) shall have the
12 same purpose as an institution of higher edu-
13 cation-based industrial research center that is
14 funded by the Secretary under subsection
15 (b)(1).

16 “(B) CONSIDERATION OF CAPABILITIES.—
17 In evaluating or establishing the purpose of an
18 industrial research and assessment center es-
19 tablished under paragraph (1), the Secretary
20 shall take into consideration the varying capa-
21 bilities of trade schools, community colleges,
22 and union training programs.

23 “(g) WORKFORCE TRAINING.—

24 “(1) INTERNSHIPS.—The Secretary shall pay
25 the Federal share of associated internship programs

1 under which students work with or for industries,
2 manufacturers, and energy service providers to im-
3 plement the recommendations of industrial research
4 and assessment centers.

5 “(2) APPRENTICESHIPS.—The Secretary shall
6 pay the Federal share of associated apprenticeship
7 programs under which—

8 “(A) students work with or for industries,
9 manufacturers, and energy service providers to
10 implement the recommendations of industrial
11 research and assessment centers; and

12 “(B) employees of facilities that have re-
13 ceived an assessment from an industrial re-
14 search and assessment center work with or for
15 an industrial research and assessment center to
16 gain knowledge on engineering practices and
17 processes to improve productivity and energy
18 savings.

19 “(3) FEDERAL SHARE.—The Federal share of
20 the cost of carrying out internship programs de-
21 scribed in paragraph (1) and apprenticeship pro-
22 grams described in paragraph (2) shall be 50 per-
23 cent.

24 “(h) SMALL BUSINESS LOANS.—The Administrator
25 of the Small Business Administration shall, to the max-

1 imum extent practicable, expedite consideration of applica-
2 tions from eligible small business concerns for loans under
3 the Small Business Act (15 U.S.C. 631 et seq.) to imple-
4 ment recommendations developed by the industrial re-
5 search and assessment centers.

6 “(i) IMPLEMENTATION GRANTS.—

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a program under which the Secretary shall pro-
9 vide grants to eligible entities to implement covered
10 projects.

11 “(2) APPLICATION.—An eligible entity seeking
12 a grant under the Program shall submit to the Sec-
13 retary an application at such time, in such manner,
14 and containing such information as the Secretary
15 may require, including a demonstration of need for
16 financial assistance to implement the proposed cov-
17 ered project.

18 “(3) PRIORITY.—In awarding grants under the
19 Program, the Secretary shall give priority to eligible
20 entities that—

21 “(A) have had an energy assessment com-
22 pleted by an industrial research and assessment
23 center; and

24 “(B) propose to carry out a covered project
25 with a greater potential for—

1 “(i) energy efficiency gains; or

2 “(ii) greenhouse gas emissions reduc-
3 tions.

4 “(4) GRANT AMOUNT.—

5 “(A) MAXIMUM AMOUNT.—The amount of
6 a grant provided to an eligible entity under the
7 Program shall not exceed \$300,000.

8 “(B) FEDERAL SHARE.—A grant awarded
9 under the Program for a covered project shall
10 be in an amount that is not more than 50 per-
11 cent of the cost of the covered project.

12 “(C) SUPPLEMENT.—A grant received by
13 an eligible entity under the Program shall sup-
14 plement, not supplant, any private or State
15 funds available to the eligible entity to carry
16 out the covered project.

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary for the
19 period of fiscal years 2022 through 2026—

20 “(1) \$150,000,000 to carry out subsections (a)
21 through (h); and

22 “(2) \$400,000,000 to carry out subsection (i).”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of the Energy Independence and Security Act of 2007 (42

1 U.S.C. prec. 17001) is amended by adding at the end of
2 the items relating to subtitle D of title IV the following:

“Sec. 457. Industrial research and assessment centers.”.

3 **SEC. 40522. SUSTAINABLE MANUFACTURING INITIATIVE.**

4 (a) IN GENERAL.—Part E of title III of the Energy
5 Policy and Conservation Act (42 U.S.C. 6341 et seq.) is
6 amended by adding at the end the following:

7 **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

8 “(a) IN GENERAL.—As part of the Office of Energy
9 Efficiency and Renewable Energy of the Department of
10 Energy, the Secretary, on the request of a manufacturer,
11 shall carry out onsite technical assessments to identify op-
12 portunities for—

13 “(1) maximizing the energy efficiency of indus-
14 trial processes and cross-cutting systems;

15 “(2) preventing pollution and minimizing waste;

16 “(3) improving efficient use of water in manu-
17 facturing processes;

18 “(4) conserving natural resources; and

19 “(5) achieving such other goals as the Secretary
20 determines to be appropriate.

21 “(b) COORDINATION.—To implement any rec-
22 ommendations resulting from an onsite technical assess-
23 ment carried out under subsection (a) and to accelerate
24 the adoption of new and existing technologies and proc-

1 esses that improve energy efficiency, the Secretary shall
2 coordinate with—

3 “(1) the Advanced Manufacturing Office of the
4 Department of Energy;

5 “(2) the Building Technologies Office of the
6 Department of Energy;

7 “(3) the Federal Energy Management Program
8 of the Department of Energy; and

9 “(4) the private sector and other appropriate
10 agencies, including the National Institute of Stand-
11 ards and Technology.

12 “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR
13 SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-
14 NOLOGIES AND PROCESSES.—As part of the industrial ef-
15 ficiency programs of the Department of Energy, the Sec-
16 retary shall carry out a joint industry-government partner-
17 ship program to research, develop, and demonstrate new
18 sustainable manufacturing and industrial technologies and
19 processes that maximize the energy efficiency of industrial
20 plants, reduce pollution, and conserve natural resources.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 of the Energy Policy and Conservation Act (42 U.S.C.
23 prec. 6201) is amended by adding at the end of the items
24 relating to part E of title III the following:

“376. Sustainable manufacturing initiative.”.

1 **PART II—SMART MANUFACTURING**

2 **SEC. 40531. DEFINITIONS.**

3 In this part:

4 (1) **ENERGY MANAGEMENT SYSTEM.**—The term
5 “energy management system” means a business
6 management process based on standards of the
7 American National Standards Institute that enables
8 an organization to follow a systematic approach in
9 achieving continual improvement of energy perform-
10 ance, including energy efficiency, security, use, and
11 consumption.

12 (2) **INDUSTRIAL RESEARCH AND ASSESSMENT**
13 **CENTER.**—The term “industrial research and assess-
14 ment center” means a center located at an institu-
15 tion of higher education, a trade school, a commu-
16 nity college, or a union training program that—

17 (A) receives funding from the Department;

18 (B) provides an in-depth assessment of
19 small- and medium-size manufacturer plant
20 sites to evaluate the facilities, services, and
21 manufacturing operations of the plant site; and

22 (C) identifies opportunities for potential
23 savings for small- and medium-size manufac-
24 turer plant sites from energy efficiency improve-
25 ments, waste minimization, pollution preven-
26 tion, and productivity improvement.

1 (3) INFORMATION AND COMMUNICATION TECH-
2 NOLOGY.—The term “information and communica-
3 tion technology” means any electronic system or
4 equipment (including the content contained in the
5 system or equipment) used to create, convert, com-
6 municate, or duplicate data or information, including
7 computer hardware, firmware, software, communica-
8 tion protocols, networks, and data interfaces.

9 (4) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given the term in section 101(a) of the
12 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

13 (5) NORTH AMERICAN INDUSTRY CLASSIFICA-
14 TION SYSTEM.—The term “North American Indus-
15 try Classification System” means the standard used
16 by Federal statistical agencies in classifying business
17 establishments for the purpose of collecting, ana-
18 lyzing, and publishing statistical data relating to the
19 business economy of the United States.

20 (6) SMALL AND MEDIUM MANUFACTURERS.—
21 The term “small and medium manufacturers”
22 means manufacturing firms—

23 (A) classified in the North American In-
24 dustry Classification System as any of sectors
25 31 through 33;

1714

1 (B) with gross annual sales of less than
2 \$100,000,000;

3 (C) with fewer than 500 employees at the
4 plant site; and

5 (D) with annual energy bills totaling more
6 than \$100,000 and less than \$3,500,000.

7 (7) SMART MANUFACTURING.—The term
8 “smart manufacturing” means advanced tech-
9 nologies in information, automation, monitoring,
10 computation, sensing, modeling, artificial intel-
11 ligence, analytics, and networking that—

12 (A) digitally—

13 (i) simulate manufacturing production
14 lines;

15 (ii) operate computer-controlled man-
16 ufacturing equipment;

17 (iii) monitor and communicate pro-
18 duction line status; and

19 (iv) manage and optimize energy pro-
20 ductivity and cost throughout production;

21 (B) model, simulate, and optimize the en-
22 ergy efficiency of a factory building;

23 (C) monitor and optimize building energy
24 performance;

1715

1 (D) model, simulate, and optimize the de-
2 sign of energy efficient and sustainable prod-
3 ucts, including the use of digital prototyping
4 and additive manufacturing to enhance product
5 design;

6 (E) connect manufactured products in net-
7 works to monitor and optimize the performance
8 of the networks, including automated network
9 operations; and

10 (F) digitally connect the supply chain net-
11 work.

12 **SEC. 40532. LEVERAGING EXISTING AGENCY PROGRAMS TO**
13 **ASSIST SMALL AND MEDIUM MANUFACTUR-**
14 **ERS.**

15 The Secretary shall expand the scope of technologies
16 covered by the industrial research and assessment centers
17 of the Department—

18 (1) to include smart manufacturing technologies
19 and practices; and

20 (2) to equip the directors of the industrial re-
21 search and assessment centers with the training and
22 tools necessary to provide technical assistance in
23 smart manufacturing technologies and practices, in-
24 cluding energy management systems, to manufactur-
25 ers.

1716

1 **SEC. 40533. LEVERAGING SMART MANUFACTURING INFRA-**
2 **STRUCTURE AT NATIONAL LABORATORIES.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary shall conduct a study on how the Department
7 can increase access to existing high-performance
8 computing resources in the National Laboratories,
9 particularly for small and medium manufacturers.

10 (2) INCLUSIONS.—In identifying ways to in-
11 crease access to National Laboratories under para-
12 graph (1), the Secretary shall—

13 (A) focus on increasing access to the com-
14 puting facilities of the National Laboratories;
15 and

16 (B) ensure that—

17 (i) the information from the manufac-
18 turer is protected; and

19 (ii) the security of the National Lab-
20 oratory facility is maintained.

21 (3) REPORT.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary shall
23 submit to Congress a report describing the results of
24 the study.

25 (b) ACTIONS FOR INCREASED ACCESS.—The Sec-
26 retary shall facilitate access to the National Laboratories

1717

1 studied under subsection (a) for small and medium manu-
2 facturers so that small and medium manufacturers can
3 fully use the high-performance computing resources of the
4 National Laboratories to enhance the manufacturing com-
5 petitiveness of the United States.

6 **SEC. 40534. STATE MANUFACTURING LEADERSHIP.**

7 (a) FINANCIAL ASSISTANCE AUTHORIZED.—The
8 Secretary may provide financial assistance on a competi-
9 tive basis to States for the establishment of programs to
10 be used as models for supporting the implementation of
11 smart manufacturing technologies.

12 (b) APPLICATIONS.—

13 (1) IN GENERAL.—To be eligible to receive fi-
14 nancial assistance under this section, a State shall
15 submit to the Secretary an application at such time,
16 in such manner, and containing such information as
17 the Secretary may require.

18 (2) CRITERIA.—The Secretary shall evaluate an
19 application for financial assistance under this section
20 on the basis of merit using criteria identified by the
21 Secretary, including—

22 (A) technical merit, innovation, and im-
23 pact;

24 (B) research approach, workplan, and
25 deliverables;

1718

1 (C) academic and private sector partners;

2 and

3 (D) alternate sources of funding.

4 (c) REQUIREMENTS.—

5 (1) TERM.—The term of an award of financial
6 assistance under this section shall not exceed 3
7 years.

8 (2) MAXIMUM AMOUNT.—The amount of an
9 award of financial assistance under this section shall
10 be not more than \$2,000,000.

11 (3) MATCHING REQUIREMENT.—Each State
12 that receives financial assistance under this section
13 shall contribute matching funds in an amount equal
14 to not less than 30 percent of the amount of the fi-
15 nancial assistance.

16 (d) USE OF FUNDS.—A State may use financial as-
17 sistance provided under this section—

18 (1) to facilitate access to high-performance
19 computing resources for small and medium manufac-
20 turers; and

21 (2) to provide assistance to small and medium
22 manufacturers to implement smart manufacturing
23 technologies and practices.

1 (e) EVALUATION.—The Secretary shall conduct semi-
2 annual evaluations of each award of financial assistance
3 under this section—

4 (1) to determine the impact and effectiveness of
5 programs funded with the financial assistance; and

6 (2) to provide guidance to States on ways to
7 better execute the program of the State.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary to carry
10 out this section \$50,000,000 for the period of fiscal years
11 2022 through 2026.

12 **SEC. 40535. REPORT.**

13 The Secretary annually shall submit to Congress and
14 make publicly available a report on the progress made in
15 advancing smart manufacturing in the United States.

16 **Subtitle D—Schools and Nonprofits**

17 **SEC. 40541. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**

18 **MENTS AND RENEWABLE ENERGY IMPROVE-**

19 **MENTS AT PUBLIC SCHOOL FACILITIES.**

20 (a) DEFINITIONS.—In this section:

21 (1) ALTERNATIVE FUELED VEHICLE.—The
22 term “alternative fueled vehicle” has the meaning
23 given the term in section 301 of the Energy Policy
24 Act of 1992 (42 U.S.C. 13211).

1720

1 (2) ALTERNATIVE FUELED VEHICLE INFRA-
2 STRUCTURE.—The term “alternative fueled vehicle
3 infrastructure” means infrastructure used to charge
4 or fuel an alternative fueled vehicle.

5 (3) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means a consortium of—

7 (A) 1 local educational agency; and

8 (B) 1 or more—

9 (i) schools;

10 (ii) nonprofit organizations that have
11 the knowledge and capacity to partner and
12 assist with energy improvements;

13 (iii) for-profit organizations that have
14 the knowledge and capacity to partner and
15 assist with energy improvements; or

16 (iv) community partners that have the
17 knowledge and capacity to partner and as-
18 sist with energy improvements.

19 (4) ENERGY IMPROVEMENT.—The term “en-
20 ergy improvement” means—

21 (A) any improvement, repair, or renovation
22 to a school that results in a direct reduction in
23 school energy costs, including improvements to
24 the envelope, air conditioning system, ventila-
25 tion system, heating system, domestic hot water

1721

1 heating system, compressed air system, dis-
2 tribution system, lighting system, power system,
3 and controls of a building;

4 (B) any improvement, repair, or renovation
5 to, or installation in, a school that—

6 (i) leads to an improvement in teacher
7 and student health, including indoor air
8 quality; and

9 (ii) achieves energy savings;

10 (C) any improvement, repair, or renovation
11 to a school involving the installation of renew-
12 able energy technologies;

13 (D) the installation of alternative fueled
14 vehicle infrastructure on school grounds for—

15 (i) exclusive use of school buses,
16 school fleets, or students; or

17 (ii) the general public; and

18 (E) the purchase or lease of alternative
19 fueled vehicles to be used by a school, including
20 school buses, fleet vehicles, and other oper-
21 ational vehicles.

22 (5) HIGH SCHOOL.—The term “high school”
23 has the meaning given the term in section 8101 of
24 the Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 7801).

1722

1 (6) LOCAL EDUCATIONAL AGENCY.—The term
2 “local educational agency” has the meaning given
3 the term in section 8101 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 7801).

5 (7) NONPROFIT ORGANIZATION.—The term
6 “nonprofit organization” means—

7 (A) an organization described in section
8 501(c)(3) of the Internal Revenue Code of 1986
9 and exempt from tax under section 501(a) of
10 such Code; or

11 (B) a mutual or cooperative electric com-
12 pany described in section 501(c)(12) of such
13 Code.

14 (8) PARTNERING LOCAL EDUCATIONAL AGEN-
15 CY.—The term “partnering local educational agen-
16 cy”, with respect to an eligible entity, means the
17 local educational agency participating in the consor-
18 tium of the eligible entity.

19 (b) GRANTS.—The Secretary shall award competitive
20 grants to eligible entities to make energy improvements
21 in accordance with this section.

22 (c) APPLICATIONS.—

23 (1) IN GENERAL.—An eligible entity desiring a
24 grant under this section shall submit to the Sec-
25 retary an application at such time, in such manner,

1 and containing such information as the Secretary
2 may require.

3 (2) CONTENTS.—The application submitted
4 under paragraph (1) shall include each of the fol-
5 lowing:

6 (A) A needs assessment of the current con-
7 dition of the school and school facilities that
8 would receive the energy improvements if the
9 application were approved.

10 (B) A draft work plan of the intended
11 achievements of the eligible entity at the school.

12 (C) A description of the energy improve-
13 ments that the eligible entity would carry out at
14 the school if the application were approved.

15 (D) A description of the capacity of the eli-
16 gible entity to provide services and comprehen-
17 sive support to make the energy improvements
18 referred to in subparagraph (C).

19 (E) An assessment of the expected needs
20 of the eligible entity for operation and mainte-
21 nance training funds, and a plan for use of
22 those funds, if applicable.

23 (F) An assessment of the expected energy
24 efficiency, energy savings, and safety benefits of
25 the energy improvements.

1 (G) A cost estimate of the proposed energy
2 improvements.

3 (H) An identification of other resources
4 that are available to carry out the activities for
5 which grant funds are requested under this sec-
6 tion, including the availability of utility pro-
7 grams and public benefit funds.

8 (d) PRIORITY.—

9 (1) IN GENERAL.—In awarding grants under
10 this section, the Secretary shall give priority to an
11 eligible entity—

12 (A) that has renovation, repair, and im-
13 provement funding needs;

14 (B)(i) that, as determined by the Sec-
15 retary, serves a high percentage of students, in-
16 cluding students in a high school in accordance
17 with paragraph (2), who are eligible for a free
18 or reduced price lunch under the Richard B.
19 Russell National School Lunch Act (42 U.S.C.
20 1751 et seq.); or

21 (ii) the partnering local educational agency
22 of which is designated with a school district lo-
23 cale code of 41, 42, or 43, as determined by the
24 National Center for Education Statistics in con-
25 sultation with the Bureau of the Census; and

1 (C) that leverages private sector invest-
2 ment through energy-related performance con-
3 tracting.

4 (2) HIGH SCHOOL STUDENTS.—In the case of
5 students in a high school, the percentage of students
6 eligible for a free or reduced price lunch described
7 in paragraph (1)(B)(i) shall be calculated using data
8 from the schools that feed into the high school.

9 (e) COMPETITIVE CRITERIA.—The competitive cri-
10 teria used by the Secretary to award grants under this
11 section shall include the following:

12 (1) The extent of the disparity between the fis-
13 cal capacity of the eligible entity to carry out energy
14 improvements at school facilities and the needs of
15 the partnering local educational agency for those en-
16 ergy improvements, including consideration of—

17 (A) the current and historic ability of the
18 partnering local educational agency to raise
19 funds for construction, renovation, moderniza-
20 tion, and major repair projects for schools;

21 (B) the ability of the partnering local edu-
22 cational agency to issue bonds or receive other
23 funds to support the current infrastructure
24 needs of the partnering local educational agency
25 for schools; and

1 (C) the bond rating of the partnering local
2 educational agency.

3 (2) The likelihood that the partnering local edu-
4 cational agency or eligible entity will maintain, in
5 good condition, any school and school facility that is
6 the subject of improvements.

7 (3) The potential energy efficiency and safety
8 benefits from the proposed energy improvements.

9 (f) USE OF GRANT AMOUNTS.—

10 (1) IN GENERAL.—Except as provided in this
11 subsection, an eligible entity receiving a grant under
12 this section shall use the grant amounts only to
13 make the energy improvements described in the ap-
14 plication submitted by the eligible entity under sub-
15 section (c).

16 (2) OPERATION AND MAINTENANCE TRAIN-
17 ING.—An eligible entity receiving a grant under this
18 section may use not more than 5 percent of the
19 grant amounts for operation and maintenance train-
20 ing for energy efficiency and renewable energy im-
21 provements, such as maintenance staff and teacher
22 training, education, and preventative maintenance
23 training.

24 (3) THIRD-PARTY INVESTIGATION AND ANAL-
25 YSIS.—An eligible entity receiving a grant under this

1 section may use a portion of the grant amounts for
2 a third-party investigation and analysis of the en-
3 ergy improvements carried out by the eligible entity,
4 such as energy audits and existing building commis-
5 sioning.

6 (4) CONTINUING EDUCATION.—An eligible enti-
7 ty receiving a grant under this section may use not
8 more than 3 percent of the grant amounts to develop
9 a continuing education curriculum relating to energy
10 improvements.

11 (g) COMPETITION IN CONTRACTING.—If an eligible
12 entity receiving a grant under this section uses grant
13 funds to carry out repair or renovation through a contract,
14 the eligible entity shall be required to ensure that the con-
15 tract process—

16 (1) through full and open competition, ensures
17 the maximum practicable number of qualified bid-
18 ders, including small, minority, and women-owned
19 businesses; and

20 (2) gives priority to businesses located in, or re-
21 sources common to, the State or geographical area
22 in which the repair or renovation under the contract
23 will be carried out.

1 (h) BEST PRACTICES.—The Secretary shall develop
2 and publish guidelines and best practices for activities car-
3 ried out under this section.

4 (i) REPORT BY ELIGIBLE ENTITY.—An eligible entity
5 receiving a grant under this section shall submit to the
6 Secretary, at such time as the Secretary may require, a
7 report describing—

8 (1) the use of the grant funds for energy im-
9 provements;

10 (2) the estimated cost savings realized by those
11 energy improvements;

12 (3) the results of any third-party investigation
13 and analysis conducted relating to those energy im-
14 provements;

15 (4) the use of any utility programs and public
16 benefit funds; and

17 (5) the use of performance tracking for energy
18 improvements, such as—

19 (A) the Energy Star program established
20 under section 324A of the Energy Policy and
21 Conservation Act (42 U.S.C. 6294a); or

22 (B) the United States Green Building
23 Council Leadership in Energy and Environ-
24 mental Design (LEED) green building rating
25 system for existing buildings.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section \$500,000,000 for the period of fiscal years
4 2022 through 2026.

5 **SEC. 40542. ENERGY EFFICIENCY MATERIALS PILOT PRO-**
6 **GRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) APPLICANT.—The term “applicant” means
9 a nonprofit organization that applies for a grant
10 under this section.

11 (2) ENERGY-EFFICIENCY MATERIAL.—

12 (A) IN GENERAL.—The term “energy-effi-
13 ciency material” means a material (including a
14 product, equipment, or system) the installation
15 of which results in a reduction in use by a non-
16 profit organization of energy or fuel.

17 (B) INCLUSIONS.—The term “energy-effi-
18 ciency material” includes—

19 (i) a roof or lighting system or compo-
20 nent of the system;

21 (ii) a window;

22 (iii) a door, including a security door;

23 and

24 (iv) a heating, ventilation, or air con-
25 ditioning system or component of the sys-

1 tem (including insulation and wiring and
2 plumbing improvements needed to serve a
3 more efficient system).

4 (3) NONPROFIT BUILDING.—The term “non-
5 profit building” means a building operated and
6 owned by an organization that is described in section
7 501(c)(3) of the Internal Revenue Code of 1986 and
8 exempt from tax under section 501(a) of such Code.

9 (b) ESTABLISHMENT.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish a pilot program to award grants for the purpose
12 of providing nonprofit buildings with energy-efficiency ma-
13 terials.

14 (c) GRANTS.—

15 (1) IN GENERAL.—The Secretary may award
16 grants under the program established under sub-
17 section (b).

18 (2) APPLICATION.—The Secretary may award a
19 grant under paragraph (1) if an applicant submits
20 to the Secretary an application at such time, in such
21 form, and containing such information as the Sec-
22 retary may prescribe.

23 (3) CRITERIA FOR GRANT.—In determining
24 whether to award a grant under paragraph (1), the

1 Secretary shall apply performance-based criteria,
2 which shall give priority to applicants based on—

3 (A) the energy savings achieved;

4 (B) the cost effectiveness of the use of en-
5 ergy-efficiency materials;

6 (C) an effective plan for evaluation, meas-
7 urement, and verification of energy savings; and

8 (D) the financial need of the applicant.

9 (4) LIMITATION ON INDIVIDUAL GRANT
10 AMOUNT.—Each grant awarded under this section
11 shall not exceed \$200,000.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary to carry
14 out this section \$50,000,000 for the period of fiscal years
15 2022 through 2026, to remain available until expended.

16 **Subtitle E—Miscellaneous**

17 **SEC. 40551. WEATHERIZATION ASSISTANCE PROGRAM.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary for the
20 weatherization assistance program established under part
21 A of title IV of the Energy Conservation and Production
22 Act (42 U.S.C. 6861 et seq.) \$3,500,000,000 for fiscal
23 year 2022, to remain available until expended.

24 (b) APPLICATION OF WAGE RATE REQUIREMENTS
25 TO WEATHERIZATION ASSISTANCE PROGRAM.—With re-

1 spect to work performed under the weatherization assist-
2 ance program established under part A of title IV of the
3 Energy Conservation and Production Act (42 U.S.C. 6861
4 et seq.) on a project assisted in whole or in part by funding
5 made available under subsection (a), the requirements of
6 section 41101 shall apply only to work performed on mul-
7 tifamily buildings with not fewer than 5 units.

8 **SEC. 40552. ENERGY EFFICIENCY AND CONSERVATION**
9 **BLOCK GRANT PROGRAM.**

10 (a) USE OF FUNDS.—Section 544 of the Energy
11 Independence and Security Act of 2007 (42 U.S.C.
12 17154) is amended—

13 (1) in paragraph (13)(D), by striking “and”
14 after the semicolon;

15 (2) by redesignating paragraph (14) as para-
16 graph (15); and

17 (3) by inserting after paragraph (13) the fol-
18 lowing:

19 “(14) programs for financing energy efficiency,
20 renewable energy, and zero-emission transportation
21 (and associated infrastructure), capital investments,
22 projects, and programs, which may include loan pro-
23 grams and performance contracting programs, for
24 leveraging of additional public and private sector
25 funds, and programs that allow rebates, grants, or

1 other incentives for the purchase and installation of
2 energy efficiency, renewable energy, and zero-emis-
3 sion transportation (and associated infrastructure)
4 measures; and”.

5 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
6 authorized to be appropriated to the Secretary for the En-
7 ergy Efficiency and Conservation Block Grant Program
8 established under section 542(a) of the Energy Independ-
9 ence and Security Act of 2007 (42 U.S.C. 17152(a))
10 \$550,000,000 for fiscal year 2022, to remain available
11 until expended.

12 **SEC. 40553. SURVEY, ANALYSIS, AND REPORT ON EMPLOY-**
13 **MENT AND DEMOGRAPHICS IN THE ENERGY,**
14 **ENERGY EFFICIENCY, AND MOTOR VEHICLE**
15 **SECTORS OF THE UNITED STATES.**

16 (a) **ENERGY JOBS COUNCIL.**—

17 (1) **ESTABLISHMENT.**—The Secretary shall es-
18 tablish a council, to be known as the “Energy Jobs
19 Council” (referred to in this section as the “Coun-
20 cil”).

21 (2) **MEMBERSHIP.**—The Council shall be com-
22 prised of—

23 (A) to be appointed by the Secretary—

24 (i) 1 or more representatives of the
25 Energy Information Administration; and

1734

1 (ii) 1 or more representatives of a
2 State energy office that are serving as
3 members of the State Energy Advisory
4 Board established by section 365(g) of the
5 Energy Policy and Conservation Act (42
6 U.S.C. 6325(g));

7 (B) to be appointed by the Secretary of
8 Commerce—

9 (i) 1 or more representatives of the
10 Department of Commerce; and

11 (ii) 1 or more representatives of the
12 Bureau of the Census;

13 (C) 1 or more representatives of the Bu-
14 reau of Labor Statistics, to be appointed by the
15 Secretary of Labor; and

16 (D) 1 or more representatives of any other
17 Federal agency the assistance of which is re-
18 quired to carry out this section, as determined
19 by the Secretary, to be appointed by the head
20 of the applicable agency.

21 (b) SURVEY AND ANALYSIS.—

22 (1) IN GENERAL.—The Council shall—

23 (A) conduct a survey of employers in the
24 energy, energy efficiency, and motor vehicle sec-
25 tors of the economy of the United States; and

1 (B) perform an analysis of the employment
2 figures and demographics in those sectors, in-
3 cluding the number of personnel in each sector
4 who devote a substantial portion of working
5 hours, as determined by the Secretary, to regu-
6 latory compliance matters.

7 (2) METHODOLOGY.—In conducting the survey
8 and analysis under paragraph (1), the Council shall
9 employ a methodology that—

10 (A) was approved in 2016 by the Office of
11 Management and Budget for use in the docu-
12 ment entitled “OMB Control Number 1910–
13 5179”;

14 (B) uses a representative, stratified sam-
15 pling of businesses in the United States; and

16 (C) is designed to elicit a comparable num-
17 ber of responses from businesses in each State
18 and with the same North American Industry
19 Classification System codes as were received for
20 the 2016 and 2017 reports entitled “U.S. En-
21 ergy and Employment Report”.

22 (3) CONSULTATION.—In conducting the survey
23 and analysis under paragraph (1), the Council shall
24 consult with key stakeholders, including—

1736

1 (A) as the Council determines to be appro-
2 priate, the heads of relevant Federal agencies
3 and offices, including—

4 (i) the Secretary of Commerce;

5 (ii) the Secretary of Transportation;

6 (iii) the Director of the Bureau of the
7 Census;

8 (iv) the Commissioner of the Bureau
9 of Labor Statistics; and

10 (v) the Administrator of the Environ-
11 mental Protection Agency;

12 (B) States;

13 (C) the State Energy Advisory Board es-
14 tablished by section 365(g) of the Energy Pol-
15 icy and Conservation Act (42 U.S.C. 6325(g));
16 and

17 (D) energy industry trade associations.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, and annually
21 thereafter, the Secretary shall—

22 (A) make publicly available on the website
23 of the Department a report, to be entitled the
24 “U.S. Energy and Employment Report”, de-
25 scribing the employment figures and demo-

1 graphics in the energy, energy efficiency, and
2 motor vehicle sectors of the United States, and
3 the average number of hours devoted to regu-
4 latory compliance, based on the survey and
5 analysis conducted under subsection (b); and

6 (B) subject to the requirements of sub-
7 chapter III of chapter 35 of title 44, United
8 States Code, make the data collected by the
9 Council publicly available on the website of the
10 Department.

11 (2) CONTENTS.—

12 (A) IN GENERAL.—The report under para-
13 graph (1) shall include employment figures and
14 demographic data for—

15 (i) the energy sector of the economy
16 of the United States, including—

17 (I) the electric power generation
18 and fuels sector; and

19 (II) the transmission, storage,
20 and distribution sector;

21 (ii) the energy efficiency sector of the
22 economy of the United States; and

23 (iii) the motor vehicle sector of the
24 economy of the United States.

1738

1 (B) INCLUSION.—With respect to each sec-
2 tor described in subparagraph (A), the report
3 under paragraph (1) shall include employment
4 figures and demographic data sorted by—

5 (i) each technology, subtechnology,
6 and fuel type of those sectors; and

7 (ii) subject to the requirements of the
8 Confidential Information Protection and
9 Statistical Efficiency Act of 2002 (44
10 U.S.C. 3501 note; Public Law 107–347)—

11 (I) each State;

12 (II) each territory of the United
13 States;

14 (III) the District of Columbia;

15 and

16 (IV) each county (or equivalent
17 jurisdiction) in the United States.

18 **SEC. 40554. ASSISTING FEDERAL FACILITIES WITH ENERGY**
19 **CONSERVATION TECHNOLOGIES GRANT PRO-**
20 **GRAM.**

21 There is authorized to be appropriated to the Sec-
22 retary to provide grants authorized under section 546(b)
23 of the National Energy Conservation Policy Act (42
24 U.S.C. 8256(b)), \$250,000,000 for fiscal year 2022, to re-
25 main available until expended.

1 **SEC. 40555. REBATES.**

2 There are authorized to be appropriated to the Sec-
3 retary for the period of fiscal years 2022 and 2023—

4 (1) \$10,000,000 for the extended product sys-
5 tem rebate program authorized under section 1005
6 of the Energy Act of 2020 (42 U.S.C. 6311 note;
7 Public Law 116–260); and

8 (2) \$10,000,000 for the energy efficient trans-
9 former rebate program authorized under section
10 1006 of the Energy Act of 2020 (42 U.S.C. 6317
11 note; Public Law 116–260).

12 **SEC. 40556. MODEL GUIDANCE FOR COMBINED HEAT AND**
13 **POWER SYSTEMS AND WASTE HEAT TO**
14 **POWER SYSTEMS.**

15 (a) DEFINITIONS.—In this section:

16 (1) ADDITIONAL SERVICES.—The term “addi-
17 tional services” means the provision of supple-
18 mentary power, backup or standby power, mainte-
19 nance power, or interruptible power to an electric
20 consumer by an electric utility.

21 (2) WASTE HEAT TO POWER SYSTEM.—The
22 term “waste heat to power system” means a system
23 that generates electricity through the recovery of
24 waste energy.

25 (3) OTHER TERMS.—

1 (A) PURPA.—The terms “electric con-
2 sumer”, “electric utility”, “interconnection
3 service”, “nonregulated electric utility”, and
4 “State regulatory authority” have the meanings
5 given those terms in the Public Utility Regu-
6 latory Policies Act of 1978 (16 U.S.C. 2601 et
7 seq.), within the meaning of title I of that Act
8 (16 U.S.C. 2611 et seq.).

9 (B) EPCA.—The terms “combined heat
10 and power system” and “waste energy” have
11 the meanings given those terms in section 371
12 of the Energy Policy and Conservation Act (42
13 U.S.C. 6341).

14 (b) REVIEW.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary, in consultation with the Federal Energy Reg-
18 ulatory Commission and other appropriate entities,
19 shall review existing rules and procedures relating to
20 interconnection service and additional services
21 throughout the United States for electric generation
22 with nameplate capacity up to 150 megawatts con-
23 necting at either distribution or transmission voltage
24 levels to identify barriers to the deployment of com-

1 bined heat and power systems and waste heat to
2 power systems.

3 (2) INCLUSION.—The review under this sub-
4 section shall include a review of existing rules and
5 procedures relating to—

6 (A) determining and assigning costs of
7 interconnection service and additional services;
8 and

9 (B) ensuring adequate cost recovery by an
10 electric utility for interconnection service and
11 additional services.

12 (c) MODEL GUIDANCE.—

13 (1) IN GENERAL.—Not later than 18 months
14 after the date of enactment of this Act, the Sec-
15 retary, in consultation with the Federal Energy Reg-
16 ulatory Commission and other appropriate entities,
17 shall issue model guidance for interconnection serv-
18 ice and additional services for consideration by State
19 regulatory authorities and nonregulated electric utili-
20 ties to reduce the barriers identified under sub-
21 section (b)(1).

22 (2) CURRENT BEST PRACTICES.—The model
23 guidance issued under this subsection shall reflect,
24 to the maximum extent practicable, current best
25 practices to encourage the deployment of combined

1 heat and power systems and waste heat to power
2 systems while ensuring the safety and reliability of
3 the interconnected units and the distribution and
4 transmission networks to which the units connect,
5 including—

6 (A) relevant current standards developed
7 by the Institute of Electrical and Electronic En-
8 gineers; and

9 (B) model codes and rules adopted by—

10 (i) States; or

11 (ii) associations of State regulatory
12 agencies.

13 (3) FACTORS FOR CONSIDERATION.—In estab-
14 lishing the model guidance under this subsection, the
15 Secretary shall take into consideration—

16 (A) the appropriateness of using standards
17 or procedures for interconnection service that
18 vary based on unit size, fuel type, or other rel-
19 evant characteristics;

20 (B) the appropriateness of establishing
21 fast-track procedures for interconnection serv-
22 ice;

23 (C) the value of consistency with Federal
24 interconnection rules established by the Federal

1 Energy Regulatory Commission as of the date
2 of enactment of this Act;

3 (D) the best practices used to model out-
4 age assumptions and contingencies to determine
5 fees or rates for additional services;

6 (E) the appropriate duration, magnitude,
7 or usage of demand charge ratchets;

8 (F) potential alternative arrangements
9 with respect to the procurement of additional
10 services, including—

11 (i) contracts tailored to individual
12 electric consumers for additional services;

13 (ii) procurement of additional services
14 by an electric utility from a competitive
15 market; and

16 (iii) waivers of fees or rates for addi-
17 tional services for small electric consumers;

18 and

19 (G) outcomes such as increased electric re-
20 liability, fuel diversification, enhanced power
21 quality, and reduced electric losses that may re-
22 sult from increased use of combined heat and
23 power systems and waste heat to power sys-
24 tems.

1744

1 **TITLE VI—METHANE**
2 **REDUCTION INFRASTRUCTURE**

3 **SEC. 40601. ORPHANED WELL SITE PLUGGING, REMEDI-**
4 **ATION, AND RESTORATION.**

5 Section 349 of the Energy Policy Act of 2005 (42
6 U.S.C. 15907) is amended to read as follows:

7 **“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDI-**
8 **ATION, AND RESTORATION.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) FEDERAL LAND.—The term ‘Federal land’
11 means land administered by a land management
12 agency within—

13 “(A) the Department of Agriculture; or

14 “(B) the Department of the Interior.

15 “(2) IDLED WELL.—The term ‘idled well’
16 means a well—

17 “(A) that has been nonoperational for not
18 fewer than 4 years; and

19 “(B) for which there is no anticipated ben-
20 eficial future use.

21 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304).

1 “(4) OPERATOR.—The term ‘operator’, with re-
2 spect to an oil or gas operation, means any entity,
3 including a lessee or operating rights owner, that
4 has provided to a relevant authority a written state-
5 ment that the entity is responsible for the oil or gas
6 operation, or any portion of the operation.

7 “(5) ORPHANED WELL.—The term ‘orphaned
8 well’—

9 “(A) with respect to Federal land or Tribal
10 land, means a well—

11 “(i)(I) that is not used for an author-
12 ized purpose, such as production, injection,
13 or monitoring; and

14 “(II)(aa) for which no operator can be
15 located;

16 “(bb) the operator of which is un-
17 able—

18 “(AA) to plug the well; and

19 “(BB) to remediate and reclaim
20 the well site; or

21 “(cc) that is within the National Pe-
22 troleum Reserve–Alaska; and

23 “(B) with respect to State or private
24 land—

1 “(i) has the meaning given the term
2 by the applicable State; or

3 “(ii) if that State uses different termi-
4 nology, has the meaning given another
5 term used by the State to describe a well
6 eligible for plugging, remediation, and rec-
7 lamation by the State.

8 “(6) TRIBAL LAND.—The term ‘Tribal land’
9 means any land or interest in land owned by an In-
10 dian Tribe, the title to which is—

11 “(A) held in trust by the United States; or

12 “(B) subject to a restriction against alien-
13 ation under Federal law.

14 “(b) FEDERAL PROGRAM.—

15 “(1) ESTABLISHMENT.—Not later than 60 days
16 after the date of enactment of the Infrastructure In-
17 vestment and Jobs Act, the Secretary shall establish
18 a program to plug, remediate, and reclaim orphaned
19 wells located on Federal land.

20 “(2) INCLUDED ACTIVITIES.—The program
21 under this subsection shall—

22 “(A) include a method of—

23 “(i) identifying, characterizing, and
24 inventorying orphaned wells and associated

1747

1 pipelines, facilities, and infrastructure on
2 Federal land; and

3 “(ii) ranking those orphaned wells for
4 priority in plugging, remediation, and re-
5 clamation, based on—

6 “(I) public health and safety;

7 “(II) potential environmental
8 harm; and

9 “(III) other subsurface impacts
10 or land use priorities;

11 “(B) distribute funding in accordance with
12 the priorities established under subparagraph
13 (A)(ii) for—

14 “(i) plugging orphaned wells;

15 “(ii) remediating and reclaiming well
16 pads and facilities associated with or-
17 phaned wells;

18 “(iii) remediating soil and restoring
19 native species habitat that has been de-
20 graded due to the presence of orphaned
21 wells and associated pipelines, facilities,
22 and infrastructure; and

23 “(iv) remediating land adjacent to or-
24 phaned wells and decommissioning or re-

1748

1 moving associated pipelines, facilities, and
2 infrastructure;

3 “(C) provide a public accounting of the
4 costs of plugging, remediation, and reclamation
5 for each orphaned well;

6 “(D) seek to determine the identities of po-
7 tentially responsible parties associated with the
8 orphaned well (or a surety or guarantor of such
9 a party), to the extent such information can be
10 ascertained, and make efforts to obtain reim-
11 bursement for expenditures to the extent prac-
12 ticable;

13 “(E) measure or estimate and track—

14 “(i) emissions of methane and other
15 gases associated with orphaned wells; and

16 “(ii) contamination of groundwater or
17 surface water associated with orphaned
18 wells; and

19 “(F) identify and address any dispropor-
20 tionate burden of adverse human health or envi-
21 ronmental effects of orphaned wells on commu-
22 nities of color, low-income communities, and
23 Tribal and indigenous communities.

1 “(3) IDLED WELLS.—The Secretary, acting
2 through the Director of the Bureau of Land Man-
3 agement, shall—

4 “(A) periodically review all idled wells on
5 Federal land; and

6 “(B) reduce the inventory of idled wells on
7 Federal land.

8 “(4) COOPERATION AND CONSULTATION.—In
9 carrying out the program under this subsection, the
10 Secretary shall—

11 “(A) work cooperatively with—

12 “(i) the Secretary of Agriculture;

13 “(ii) affected Indian Tribes; and

14 “(iii) each State within which Federal
15 land is located; and

16 “(B) consult with—

17 “(i) the Secretary of Energy; and

18 “(ii) the Interstate Oil and Gas Com-
19 pact Commission.

20 “(c) FUNDING FOR STATE PROGRAMS.—

21 “(1) IN GENERAL.—The Secretary shall provide
22 to States, in accordance with this subsection—

23 “(A) initial grants under paragraph (3);

24 “(B) formula grants under paragraph (4);

25 and

1750

1 “(C) performance grants under paragraph
2 (5).

3 “(2) ACTIVITIES.—

4 “(A) IN GENERAL.—A State may use
5 funding provided under this subsection for any
6 of the following purposes:

7 “(i) To plug, remediate, and reclaim
8 orphaned wells located on State-owned or
9 privately owned land.

10 “(ii) To identify and characterize un-
11 documented orphaned wells on State and
12 private land.

13 “(iii) To rank orphaned wells based
14 on factors including—

15 “(I) public health and safety;

16 “(II) potential environmental
17 harm; and

18 “(III) other land use priorities.

19 “(iv) To make information regarding
20 the use of funds received under this sub-
21 section available on a public website.

22 “(v) To measure and track—

23 “(I) emissions of methane and
24 other gases associated with orphaned
25 wells; and

1751

1 “(II) contamination of ground-
2 water or surface water associated with
3 orphaned wells.

4 “(vi) To remediate soil and restore
5 native species habitat that has been de-
6 graded due to the presence of orphaned
7 wells and associated pipelines, facilities,
8 and infrastructure.

9 “(vii) To remediate land adjacent to
10 orphaned wells and decommission or re-
11 move associated pipelines, facilities, and in-
12 frastructure.

13 “(viii) To identify and address any
14 disproportionate burden of adverse human
15 health or environmental effects of or-
16 phaned wells on communities of color, low-
17 income communities, and Tribal and indig-
18 enous communities.

19 “(ix) Subject to subparagraph (B), to
20 administer a program to carry out any ac-
21 tivities described in clauses (i) through
22 (viii).

23 “(B) ADMINISTRATIVE COST LIMITA-
24 TION.—

1752

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), a State shall not use
3 more than 10 percent of the funds received
4 under this subsection during a fiscal year
5 for administrative costs under subpara-
6 graph (A)(ix).

7 “(ii) EXCEPTION.—The limitation
8 under clause (i) shall not apply to funds
9 used by a State as described in paragraph
10 (3)(A)(ii).

11 “(3) INITIAL GRANTS.—

12 “(A) IN GENERAL.—Subject to the avail-
13 ability of appropriations, the Secretary shall
14 distribute—

15 “(i) not more than \$25,000,000 to
16 each State that submits to the Secretary,
17 by not later than 180 days after the date
18 of enactment of the Infrastructure Invest-
19 ment and Jobs Act, a request for funding
20 under this clause, including—

21 “(I) an estimate of the number
22 of jobs that will be created or saved
23 through the activities proposed to be
24 funded; and

25 “(II) a certification that—

1753

1 “(aa) the State is a Member
2 State or Associate Member State
3 of the Interstate Oil and Gas
4 Compact Commission;

5 “(bb) there are 1 or more
6 documented orphaned wells lo-
7 cated in the State; and

8 “(cc) the State will use not
9 less than 90 percent of the fund-
10 ing requested under this sub-
11 section to issue new contracts,
12 amend existing contracts, or
13 issue grants for plugging, remedi-
14 ation, and reclamation work by
15 not later than 90 days after the
16 date of receipt of the funds; and

17 “(ii) not more than \$5,000,000 to
18 each State that—

19 “(I) requests funding under this
20 clause;

21 “(II) does not receive a grant
22 under clause (i); and

23 “(III) certifies to the Secretary
24 that—

25 “(aa) the State—

1754

1 “(AA) has in effect a
2 plugging, remediation, and
3 reclamation program for or-
4 phaned wells; or

5 “(BB) the capacity to
6 initiate such a program; or

7 “(bb) the funds provided
8 under this paragraph will be used
9 to carry out any administrative
10 actions necessary to develop an
11 application for a formula grant
12 under paragraph (4) or a per-
13 formance grant under paragraph
14 (5).

15 “(B) DISTRIBUTION.—Subject to the avail-
16 ability of appropriations, the Secretary shall
17 distribute funds to a State under this para-
18 graph by not later than the date that is 30 days
19 after the date on which the State submits to
20 the Secretary the certification required under
21 clause (i)(II) or (ii)(III) of subparagraph (A),
22 as applicable.

23 “(C) DEADLINE FOR EXPENDITURE.—A
24 State that receives funds under this paragraph
25 shall reimburse the Secretary in an amount

1 equal to the amount of the funds that remain
2 unobligated on the date that is 1 year after the
3 date of receipt of the funds.

4 “(D) REPORT.—Not later than 15 months
5 after the date on which a State receives funds
6 under this paragraph, the State shall submit to
7 the Secretary a report that describes the means
8 by which the State used the funds in accord-
9 ance with the certification submitted by the
10 State under subparagraph (A).

11 “(4) FORMULA GRANTS.—

12 “(A) ESTABLISHMENT.—

13 “(i) IN GENERAL.—The Secretary
14 shall establish a formula for the distribu-
15 tion to each State described in clause (ii)
16 of funds under this paragraph.

17 “(ii) DESCRIPTION OF STATES.—A
18 State referred to in clause (i) is a State
19 that, by not later than 45 days after the
20 date of enactment of the Infrastructure In-
21 vestment and Jobs Act, submits to the
22 Secretary a notice of the intent of the
23 State to submit an application under sub-
24 paragraph (B), including a description of

1756

1 the factors described in clause (iii) with re-
2 spect to the State.

3 “(iii) FACTORS.—The formula estab-
4 lished under clause (i) shall account for,
5 with respect to an applicant State, the fol-
6 lowing factors:

7 “(I) Job losses in the oil and gas
8 industry in the State during the pe-
9 riod—

10 “(aa) beginning on March 1,
11 2020; and

12 “(bb) ending on the date of
13 enactment of the Infrastructure
14 Investment and Jobs Act.

15 “(II) The number of documented
16 orphaned wells located in the State,
17 and the projected cost—

18 “(aa) to plug or reclaim
19 those orphaned wells;

20 “(bb) to reclaim adjacent
21 land; and

22 “(cc) to decommission or re-
23 move associated pipelines, facili-
24 ties, and infrastructure.

1757

1 “(iv) PUBLICATION.—Not later than
2 75 days after the date of enactment of the
3 Infrastructure Investment and Jobs Act,
4 the Secretary shall publish on a public
5 website the amount that each State is eli-
6 gible to receive under the formula under
7 this subparagraph.

8 “(B) APPLICATION.—To be eligible to re-
9 ceive a formula grant under this paragraph, a
10 State shall submit to the Secretary an applica-
11 tion that includes—

12 “(i) a description of—

13 “(I) the State program for or-
14 phaned well plugging, remediation,
15 and restoration, including legal au-
16 thorities, processes used to identify
17 and prioritize orphaned wells, procure-
18 ment mechanisms, and other program
19 elements demonstrating the readiness
20 of the State to carry out proposed ac-
21 tivities using the grant;

22 “(II) the activities to be carried
23 out with the grant, including an iden-
24 tification of the estimated health,
25 safety, habitat, and environmental

1758

1 benefits of plugging, remediating, or
2 reclaiming orphaned wells; and

3 “(III) the means by which the in-
4 formation regarding the activities of
5 the State under this paragraph will be
6 made available on a public website;

7 “(ii) an estimate of—

8 “(I) the number of orphaned
9 wells in the State that will be plugged,
10 remediated, or reclaimed;

11 “(II) the projected cost of—

12 “(aa) plugging, remediating,
13 or reclaiming orphaned wells;

14 “(bb) remediating or re-
15 claiming adjacent land; and

16 “(cc) decommissioning or re-
17 moving associated pipelines, fa-
18 cilities, and infrastructure;

19 “(III) the amount of that pro-
20 jected cost that will be offset by the
21 forfeiture of financial assurance in-
22 struments, the estimated salvage of
23 well site equipment, or other proceeds
24 from the orphaned wells and adjacent
25 land;

1759

1 “(IV) the number of jobs that
2 will be created or saved through the
3 activities to be funded under this
4 paragraph; and

5 “(V) the amount of funds to be
6 spent on administrative costs;

7 “(iii) a certification that any financial
8 assurance instruments available to cover
9 plugging, remediation, or reclamation costs
10 will be used by the State; and

11 “(iv) the definitions and processes
12 used by the State to formally identify a
13 well as—

14 “(I) an orphaned well; or

15 “(II) if the State uses different
16 terminology, otherwise eligible for
17 plugging, remediation, and reclama-
18 tion by the State.

19 “(C) DISTRIBUTION.—Subject to the avail-
20 ability of appropriations, the Secretary shall
21 distribute funds to a State under this para-
22 graph by not later than the date that is 60 days
23 after the date on which the State submits to
24 the Secretary a completed application under
25 subparagraph (B).

1760

1 “(D) DEADLINE FOR EXPENDITURE.—A
2 State that receives funds under this paragraph
3 shall reimburse the Secretary in an amount
4 equal to the amount of the funds that remain
5 unobligated on the date that is 5 years after the
6 date of receipt of the funds.

7 “(E) CONSULTATION.—In making a deter-
8 mination under this paragraph regarding the
9 eligibility of a State to receive a formula grant,
10 the Secretary shall consult with—

11 “(i) the Administrator of the Environ-
12 mental Protection Agency;

13 “(ii) the Secretary of Energy; and

14 “(iii) the Interstate Oil and Gas Com-
15 pact Commission.

16 “(5) PERFORMANCE GRANTS.—

17 “(A) ESTABLISHMENT.—The Secretary
18 shall provide to States, in accordance with this
19 paragraph—

20 “(i) regulatory improvement grants
21 under subparagraph (E); and

22 “(ii) matching grants under subpara-
23 graph (F).

24 “(B) APPLICATION.—To be eligible to re-
25 ceive a grant under this paragraph, a State

1761

1 shall submit to the Secretary an application in-
2 cluding—

3 “(i) each element described in an ap-
4 plication for a grant under paragraph
5 (4)(B);

6 “(ii) activities carried out by the State
7 to address orphaned wells located in the
8 State, including—

9 “(I) increasing State spending on
10 well plugging, remediation, and rec-
11 lamation; or

12 “(II) improving regulation of oil
13 and gas wells; and

14 “(iii) the means by which the State
15 will use funds provided under this para-
16 graph—

17 “(I) to lower unemployment in
18 the State; and

19 “(II) to improve economic condi-
20 tions in economically distressed areas
21 of the State.

22 “(C) DISTRIBUTION.—Subject to the avail-
23 ability of appropriations, the Secretary shall
24 distribute funds to a State under this para-
25 graph by not later than the date that is 60 days

1762

1 after the date on which the State submits to
2 the Secretary a completed application under
3 subparagraph (B).

4 “(D) CONSULTATION.—In making a deter-
5 mination under this paragraph regarding the
6 eligibility of a State to receive a grant under
7 subparagraph (E) or (F), the Secretary shall
8 consult with—

9 “(i) the Administrator of the Environ-
10 mental Protection Agency;

11 “(ii) the Secretary of Energy; and

12 “(iii) the Interstate Oil and Gas Com-
13 pact Commission.

14 “(E) REGULATORY IMPROVEMENT
15 GRANTS.—

16 “(i) IN GENERAL.—Beginning on the
17 date that is 180 days after the date on
18 which an initial grant is provided to a
19 State under paragraph (3), the Secretary
20 shall, subject to the availability of appro-
21 priations, provide to the State a regulatory
22 improvement grant under this subpara-
23 graph, if the State meets, during the 10-
24 year period ending on the date on which
25 the State submits to the Secretary an ap-

1763

1 plication under subparagraph (B), 1 of the
2 following criteria:

3 “(I) The State has strengthened
4 plugging standards and procedures
5 designed to ensure that wells located
6 in the State are plugged in an effec-
7 tive manner that protects ground-
8 water and other natural resources,
9 public health and safety, and the envi-
10 ronment.

11 “(II) The State has made im-
12 provements to State programs de-
13 signed to reduce future orphaned well
14 burdens, such as financial assurance
15 reform, alternative funding mecha-
16 nisms for orphaned well programs,
17 and reforms to programs relating to
18 well transfer or temporary abandon-
19 ment.

20 “(ii) LIMITATIONS.—

21 “(I) NUMBER.—The Secretary
22 may issue to a State under this sub-
23 paragraph not more than 1 grant for
24 each criterion described in subclause
25 (I) or (II) of clause (i).

1764

1 “(II) MAXIMUM AMOUNT.—The
2 amount of a single grant provided to
3 a State under this subparagraph shall
4 be not more than \$20,000,000.

5 “(iii) REIMBURSEMENT FOR FAILURE
6 TO MAINTAIN PROTECTIONS.—A State that
7 receives a grant under this subparagraph
8 shall reimburse the Secretary in an
9 amount equal to the amount of the grant
10 in any case in which, during the 10-year
11 period beginning on the date of receipt of
12 the grant, the State enacts a law or regula-
13 tion that, if in effect on the date of sub-
14 mission of the application under subpara-
15 graph (B), would have prevented the State
16 from being eligible to receive the grant
17 under clause (i).

18 “(F) MATCHING GRANTS.—

19 “(i) IN GENERAL.—Beginning on the
20 date that is 180 days after the date on
21 which an initial grant is provided to a
22 State under paragraph (3), the Secretary
23 shall, subject to the availability of appro-
24 priations, provide to the State funding, in

1765

1 an amount equal to the difference be-
2 tween—

3 “(I) the average annual amount
4 expended by the State during the pe-
5 riod of fiscal years 2010 through
6 2019—

7 “(aa) to plug, remediate,
8 and reclaim orphaned wells; and

9 “(bb) to decommission or re-
10 move associated pipelines, facili-
11 ties, or infrastructure; and

12 “(II) the amount that the State
13 certifies to the Secretary the State
14 will expend, during the fiscal year in
15 which the State will receive the grant
16 under this subparagraph—

17 “(aa) to plug, remediate,
18 and reclaim orphaned wells;

19 “(bb) to remediate or re-
20 claim adjacent land; and

21 “(cc) to decommission or re-
22 move associated pipelines, facili-
23 ties, and infrastructure.

24 “(ii) LIMITATIONS.—

1766

1 “(I) FISCAL YEAR.—The Sec-
2 retary may issue to a State under this
3 subparagraph not more than 1 grant
4 for each fiscal year.

5 “(II) TOTAL FUNDS PRO-
6 VIDED.—The Secretary may provide
7 to a State under this subparagraph a
8 total amount equal to not more than
9 \$30,000,000 during the period of fis-
10 cal years 2022 through 2031.

11 “(d) TRIBAL ORPHANED WELL SITE PLUGGING, RE-
12 MEDIATION, AND RESTORATION.—

13 “(1) ESTABLISHMENT.—The Secretary shall es-
14 tablish a program under which the Secretary shall—

15 “(A) provide to Indian Tribes grants in ac-
16 cordance with this subsection; or

17 “(B) on request of an Indian Tribe and in
18 lieu of a grant under subparagraph (A), admin-
19 ister and carry out plugging, remediation, and
20 reclamation activities in accordance with para-
21 graph (7).

22 “(2) ELIGIBLE ACTIVITIES.—

23 “(A) IN GENERAL.—An Indian Tribe may
24 use a grant received under this subsection—

1767

1 “(i) to plug, remediate, or reclaim an
2 orphaned well on Tribal land;

3 “(ii) to remediate soil and restore na-
4 tive species habitat that has been degraded
5 due to the presence of an orphaned well or
6 associated pipelines, facilities, or infra-
7 structure on Tribal land;

8 “(iii) to remediate Tribal land adja-
9 cent to orphaned wells and decommission
10 or remove associated pipelines, facilities,
11 and infrastructure;

12 “(iv) to provide an online public ac-
13 counting of the cost of plugging, remedi-
14 ation, and reclamation for each orphaned
15 well site on Tribal land;

16 “(v) to identify and characterize un-
17 documented orphaned wells on Tribal land;
18 and

19 “(vi) to develop or administer a Tribal
20 program to carry out any activities de-
21 scribed in clauses (i) through (v).

22 “(B) ADMINISTRATIVE COST LIMITA-
23 TION.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), an Indian Tribe shall

1 not use more than 10 percent of the funds
2 received under this subsection during a fis-
3 cal year for administrative costs under
4 subparagraph (A)(vi).

5 “(ii) EXCEPTION.—The limitation
6 under clause (i) shall not apply to any
7 funds used to carry out an administrative
8 action necessary for the development of a
9 Tribal program described in subparagraph
10 (A)(vi).

11 “(3) FACTORS FOR CONSIDERATION.—In deter-
12 mining whether to provide to an Indian Tribe a
13 grant under this subsection, the Secretary shall take
14 into consideration—

15 “(A) the unemployment rate of the Indian
16 Tribe on the date on which the Indian Tribe
17 submits an application under paragraph (4);
18 and

19 “(B) the estimated number of orphaned
20 wells on the Tribal land of the Indian Tribe.

21 “(4) APPLICATION.—To be eligible to receive a
22 grant under this subsection, an Indian Tribe shall
23 submit to the Secretary an application that in-
24 cludes—

25 “(A) a description of—

1769

1 “(i) the Tribal program for orphaned
2 well plugging, remediation, and restora-
3 tion, including legal authorities, processes
4 used to identify and prioritize orphaned
5 wells, procurement mechanisms, and other
6 program elements demonstrating the readi-
7 ness of the Indian Tribe to carry out the
8 proposed activities, or plans to develop
9 such a program; and

10 “(ii) the activities to be carried out
11 with the grant, including an identification
12 of the estimated health, safety, habitat,
13 and environmental benefits of plugging, re-
14 mediating, or reclaiming orphaned wells
15 and remediating or reclaiming adjacent
16 land; and

17 “(B) an estimate of—

18 “(i) the number of orphaned wells
19 that will be plugged, remediated, or re-
20 claimed; and

21 “(ii) the projected cost of—

22 “(I) plugging, remediating, or re-
23 claiming orphaned wells;

24 “(II) remediating or reclaiming
25 adjacent land; and

1770

1 “(III) decommissioning or remov-
2 ing associated pipelines, facilities, and
3 infrastructure.

4 “(5) DISTRIBUTION.—Subject to the availability
5 of appropriations, the Secretary shall distribute
6 funds to an Indian Tribe under this subsection by
7 not later than the date that is 60 days after the date
8 on which the Indian Tribe submits to the Secretary
9 a completed application under paragraph (4).

10 “(6) DEADLINE FOR EXPENDITURE.—An In-
11 dian Tribe that receives funds under this subsection
12 shall reimburse the Secretary in an amount equal to
13 the amount of the funds that remain unobligated on
14 the date that is 5 years after the date of receipt of
15 the funds, except for cases in which the Secretary
16 has granted the Indian Tribe an extended deadline
17 for completion of the eligible activities after con-
18 sultation.

19 “(7) DELEGATION TO SECRETARY IN LIEU OF
20 A GRANT.—

21 “(A) IN GENERAL.—In lieu of a grant
22 under this subsection, an Indian Tribe may
23 submit to the Secretary a request for the Sec-
24 retary to administer and carry out plugging, re-

1771

1 mediation, and reclamation activities relating to
2 an orphaned well on behalf of the Indian Tribe.

3 “(B) ADMINISTRATION.—Subject to the
4 availability of appropriations under subsection
5 (h)(1)(E), on submission of a request under
6 subparagraph (A), the Secretary shall admin-
7 ister or carry out plugging, remediation, and
8 reclamation activities for an orphaned well on
9 Tribal land.

10 “(e) TECHNICAL ASSISTANCE.—The Secretary of
11 Energy, in cooperation with the Secretary and the Inter-
12 state Oil and Gas Compact Commission, shall provide
13 technical assistance to the Federal land management
14 agencies and oil and gas producing States and Indian
15 Tribes to support practical and economical remedies for
16 environmental problems caused by orphaned wells on Fed-
17 eral land, Tribal land, and State and private land, includ-
18 ing the sharing of best practices in the management of
19 oil and gas well inventories to ensure the availability of
20 funds to plug, remediate, and restore oil and gas well sites
21 on cessation of operation.

22 “(f) REPORT TO CONGRESS.—Not later than 1 year
23 after the date of enactment of the Infrastructure Invest-
24 ment and Jobs Act, and not less frequently than annually
25 thereafter, the Secretary shall submit to the Committees

1772

1 on Appropriations and Energy and Natural Resources of
2 the Senate and the Committees on Appropriations and
3 Natural Resources of the House of Representatives a re-
4 port describing the program established and grants award-
5 ed under this section, including—

6 “(1) an updated inventory of wells located on
7 Federal land, Tribal land, and State and private
8 land that are—

9 “(A) orphaned wells; or

10 “(B) at risk of becoming orphaned wells;

11 “(2) an estimate of the quantities of—

12 “(A) methane and other gasses emitted
13 from orphaned wells; and

14 “(B) emissions reduced as a result of plug-
15 ging, remediating, and reclaiming orphaned
16 wells;

17 “(3) the number of jobs created and saved
18 through the plugging, remediation, and reclamation
19 of orphaned wells; and

20 “(4) the acreage of habitat restored using
21 grants awarded to plug, remediate, and reclaim or-
22 phaned wells and to remediate or reclaim adjacent
23 land, together with a description of the purposes for
24 which that land is likely to be used in the future.

25 “(g) EFFECT OF SECTION.—

1773

1 “(1) NO EXPANSION OF LIABILITY.—Nothing in
2 this section establishes or expands the responsibility
3 or liability of any entity with respect to—

4 “(A) plugging any well; or

5 “(B) remediating or reclaiming any well
6 site.

7 “(2) TRIBAL LAND.—Nothing in this section—

8 “(A) relieves the Secretary of any obliga-
9 tion under section 3 of the Act of May 11, 1938
10 (25 U.S.C. 396c; 52 Stat. 348, chapter 198), to
11 plug, remediate, or reclaim an orphaned well lo-
12 cated on Tribal land; or

13 “(B) absolves the United States from a re-
14 sponsibility to plug, remediate, or reclaim an
15 orphaned well located on Tribal land or any
16 other responsibility to an Indian Tribe, includ-
17 ing any responsibility that derives from—

18 “(i) the trust relationship between the
19 United States and Indian Tribes;

20 “(ii) any treaty, law, or Executive
21 order; or

22 “(iii) any agreement between the
23 United States and an Indian Tribe.

24 “(3) OWNER OR OPERATOR NOT ABSOLVED.—

25 Nothing in this section absolves the owner or oper-

1774

1 ator of an oil or gas well of any potential liability
2 for—

3 “(A) reimbursement of any plugging or
4 reclamation costs associated with the well; or

5 “(B) any adverse effect of the well on the
6 environment.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for fiscal year 2022, to
9 remain available until September 30, 2030:

10 “(1) to the Secretary—

11 “(A) \$250,000,000 to carry out the pro-
12 gram under subsection (b);

13 “(B) \$775,000,000 to provide grants
14 under subsection (c)(3);

15 “(C) \$2,000,000,000 to provide grants
16 under subsection (c)(4);

17 “(D) \$1,500,000,000 to provide grants
18 under subsection (c)(5); and

19 “(E) \$150,000,000 to carry out the pro-
20 gram under subsection (d);

21 “(2) to the Secretary of Energy, \$30,000,000
22 to conduct research and development activities in co-
23 operation with the Interstate Oil and Gas Compact
24 Commission to assist the Federal land management
25 agencies, States, and Indian Tribes in—

1775

1 “(A) identifying and characterizing un-
2 documented orphaned wells; and

3 “(B) mitigating the environmental risks of
4 undocumented orphaned wells; and

5 “(3) to the Interstate Oil and Gas Compact
6 Commission, \$2,000,000 to carry out this section.”.

7 **TITLE VII—ABANDONED MINE**
8 **LAND RECLAMATION**

9 **SEC. 40701. ABANDONED MINE RECLAMATION FUND AU-**
10 **THORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated, for deposit into the Abandoned Mine Reclamation
13 Fund established by section 401(a) of the Surface Mining
14 Control and Reclamation Act of 1977 (30 U.S.C. 1231(a))
15 \$11,293,000,000 for fiscal year 2022, to remain available
16 until expended.

17 (b) USE OF FUNDS.—

18 (1) IN GENERAL.—Subject to subsection (g),
19 amounts made available under subsection (a) shall
20 be used to provide, as expeditiously as practicable, to
21 States and Indian Tribes described in paragraph (2)
22 annual grants for abandoned mine land and water
23 reclamation projects under the Surface Mining Con-
24 trol and Reclamation Act of 1977 (30 U.S.C. 1201
25 et seq.).

1776

1 (2) ELIGIBLE GRANT RECIPIENTS.—Grants
2 may be made under paragraph (1) to—

3 (A) States and Indian Tribes that have a
4 State or Tribal program approved under section
5 405 of the Surface Mining Control and Rec-
6 lamation Act of 1977 (30 U.S.C. 1235);

7 (B) States and Indian Tribes that are cer-
8 tified under section 411(a) of that Act (30
9 U.S.C. 1240a(a)); and

10 (C) States and Indian Tribes that are re-
11 ferred to in section 402(g)(8)(B) of that Act
12 (30 U.S.C. 1232(g)(8)(B)).

13 (3) CONTRACT AGGREGATION.—In applying for
14 grants under paragraph (1), States and Indian
15 Tribes may aggregate bids into larger statewide or
16 regional contracts.

17 (e) COVERED ACTIVITIES.—Grants under subsection
18 (b)(1) shall only be used for activities described in sub-
19 sections (a) and (b) of section 403 and section 410 of the
20 Surface Mining Control and Reclamation Act of 1977 (30
21 U.S.C. 1233, 1240).

22 (d) ALLOCATION.—

23 (1) IN GENERAL.—Subject to subsection (e),
24 the Secretary of the Interior shall allocate and dis-
25 tribute amounts made available for grants under

1777

1 subsection (b)(1) to States and Indian Tribes on an
2 equal annual basis over a 15-year period beginning
3 on the date of enactment of this Act, based on the
4 number of tons of coal historically produced in the
5 States or from the applicable Indian land before Au-
6 gust 3, 1977, regardless of whether the State or In-
7 dian Tribe is certified under section 411(a) of the
8 Surface Mining Control and Reclamation Act of
9 1977 (30 U.S.C. 1240a(a)).

10 (2) SURFACE MINING CONTROL AND RECLAMA-
11 TION ACT EXCEPTION.—Section 401(f)(3)(B) of the
12 Surface Mining Control and Reclamation Act of
13 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to
14 grant funds distributed under subsection (b)(1).

15 (3) REPORT TO CONGRESS ON ALLOCATIONS.—

16 (A) IN GENERAL.—Not later than 6 years
17 after the date on which the first allocation to
18 States and Indian Tribes is made under para-
19 graph (1), the Secretary of the Interior shall
20 submit to Congress a report that describes any
21 progress made under this section in addressing
22 outstanding reclamation needs under subsection
23 (a) or (b) of section 403 or section 410 of the
24 Surface Mining Control and Reclamation and
25 Act of 1977 (30 U.S.C. 1233, 1240).

1778

1 (B) INPUT.—The Secretary of the Interior
2 shall—

3 (i) prior to submitting the report
4 under subparagraph (A), solicit the input
5 of the States and Indian Tribes regarding
6 the progress referred to in that subpara-
7 graph; and

8 (ii) include in the report submitted to
9 Congress under that subparagraph a de-
10 scription of any input received under
11 clause (i).

12 (4) REDISTRIBUTION OF FUNDS.—

13 (A) EVALUATION.—Not later than 20
14 years after the date of enactment of this Act,
15 the Secretary of the Interior shall evaluate
16 grant payments to States and Indian Tribes
17 made under this section.

18 (B) UNUSED FUNDS.—On completion of
19 the evaluation under subparagraph (A), States
20 and Indian Tribes shall return any unused
21 funds under this section to the Abandoned Mine
22 Reclamation Fund.

23 (e) TOTAL AMOUNT OF GRANT.—The total amount
24 of grant funding provided under subsection (b)(1) to an
25 eligible State or Indian Tribe shall be not less than

1779

1 \$20,000,000, to the extent that the amount needed for
2 reclamation projects described in that subsection on the
3 land of the State or Indian Tribe is not less than
4 \$20,000,000.

5 (f) PRIORITY.—In addition to the priorities described
6 in section 403(a) of the Surface Mining Control and Rec-
7 lamation Act of 1977 (30 U.S.C. 1233(a)), in providing
8 grants under this section, priority may also be given to
9 reclamation projects described in subsection (b)(1) that
10 provide employment for current and former employees of
11 the coal industry.

12 (g) RESERVATION.—Of the funds made available
13 under subsection (a), \$25,000,000 shall be made available
14 to the Secretary of the Interior to provide States and In-
15 dian Tribes with the financial and technical assistance
16 necessary for the purpose of making amendments to the
17 inventory maintained under section 403(c) of the Surface
18 Mining Control and Reclamation Act of 1977 (30 U.S.C.
19 1233(c)).

20 **SEC. 40702. ABANDONED MINE RECLAMATION FEE.**

21 (a) AMOUNT.—Section 402(a) of the Surface Mining
22 Control and Reclamation Act of 1977 (30 U.S.C. 1232(a))
23 is amended—

24 (1) by striking “28 cents” and inserting “22.4
25 cents”;

1 **SEC. 40704. ABANDONED HARDROCK MINE RECLAMATION.**

2 (a) ESTABLISHMENT.—Not later than 90 days after
3 the date of enactment of this Act, the Secretary of the
4 Interior (referred to in this section as the “Secretary”)
5 shall establish a program to inventory, assess, decommis-
6 sion, reclaim, respond to hazardous substance releases on,
7 and remediate abandoned hardrock mine land based on
8 conditions including need, public health and safety, poten-
9 tial environmental harm, and other land use priorities.

10 (b) AWARD OF GRANTS.—Subject to the availability
11 of funds, the Secretary shall provide grants on a competi-
12 tive or formula basis to States and Indian Tribes that have
13 jurisdiction over abandoned hardrock mine land to reclaim
14 that land.

15 (c) ELIGIBILITY.—Amounts made available under
16 this section may only be used for Federal, State, Tribal,
17 local, and private land that has been affected by past
18 hardrock mining activities, and water resources that tra-
19 verse or are contiguous to such land, including any of the
20 following:

- 21 (1) Land and water resources that were—
- 22 (A) used for, or affected by, hardrock min-
23 ing activities; and
- 24 (B) abandoned or left in an inadequate
25 reclamation status before the date of enactment
26 of this Act.

1 (2) Land for which the Secretary makes a de-
2 termination that there is no continuing reclamation
3 responsibility of a claim holder, liable party, oper-
4 ator, or other person that abandoned the site prior
5 to completion of required reclamation under Federal
6 or State law.

7 (d) ELIGIBLE ACTIVITIES.—

8 (1) IN GENERAL.—Amounts made available to
9 carry out this section shall be used to inventory, as-
10 sess, decommission, reclaim, respond to hazardous
11 substance releases on, and remediate abandoned
12 hardrock mine land based on the priorities described
13 in subsection (a).

14 (2) EXCLUSION.—Amounts made available to
15 carry out this section may not be used to fulfill obli-
16 gations under the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9601 et seq.) agreed to in a legal settlement
19 or imposed by a court, whether for payment of funds
20 or for work to be performed.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section
24 \$3,000,000,000, to remain available until expended,
25 of which—

1783

1 (A) 50 percent shall be for grants to
2 States and Indian Tribes under subsection (b)
3 for eligible activities described in subsection
4 (d)(1); and

5 (B) 50 percent shall be for available to the
6 Secretary for eligible activities described in sub-
7 section (d)(1) on Federal land.

8 (2) TRANSFER.—The Secretary may transfer
9 amounts made available to the Secretary under
10 paragraph (1)(B) to the Secretary of Agriculture for
11 activities described in subsection (a) on National
12 Forest System land.

13 **TITLE VIII—NATURAL RE-**
14 **SOURCES-RELATED INFRA-**
15 **STRUCTURE, WILDFIRE MAN-**
16 **AGEMENT, AND ECOSYSTEM**
17 **RESTORATION**

18 **SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL RE-**
19 **MEDIATION PROGRAM.**

20 (a) ESTABLISHMENT.—Public Law 88–657 (16
21 U.S.C. 532 et seq.) (commonly known as the “Forest
22 Roads and Trails Act”) is amended by adding at the end
23 the following:

1784

1 **“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REME-**
2 **DIATION PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish the Forest Service Legacy Road and Trail Remedi-
5 ation Program (referred to in this section as the ‘Pro-
6 gram’).

7 “(b) ACTIVITIES.—In carrying out the Program, the
8 Secretary shall, taking into account foreseeable changes
9 in weather and hydrology—

10 “(1) restore passages for fish and other aquatic
11 species by—

12 “(A) improving, repairing, or replacing cul-
13 verts and other infrastructure; and

14 “(B) removing barriers, as the Secretary
15 determines appropriate, from the passages;

16 “(2) decommission unauthorized user-created
17 roads and trails that are not a National Forest Sys-
18 tem road or a National Forest System trail, if the
19 applicable unit of the National Forest System has
20 published—

21 “(A) a Motor Vehicle Use Map and the
22 road is not identified as a National Forest Sys-
23 tem road on that Motor Vehicle Use Map; or

24 “(B) a map depicting the authorized trails
25 in the applicable unit of the National Forest

1785

1 System and the trail is not identified as a Na-
2 tional Forest System trail on that map;

3 “(3) prepare previously closed National Forest
4 System roads for long-term storage, in accordance
5 with subsections (c)(1) and (d), in a manner that—

6 “(A) prevents motor vehicle use, as appro-
7 priate to conform to route designations;

8 “(B) prevents the roads from damaging
9 adjacent resources, including aquatic and wild-
10 life resources;

11 “(C) reduces or eliminates the need for
12 road maintenance; and

13 “(D) preserves the roads for future use;

14 “(4) decommission previously closed National
15 Forest System roads and trails in accordance with
16 subsections (c)(1) and (d);

17 “(5) relocate National Forest System roads and
18 trails—

19 “(A) to increase resilience to extreme
20 weather events, flooding, and other natural dis-
21 asters; and

22 “(B) to respond to changing resource con-
23 ditions and public input;

24 “(6) convert National Forest System roads to
25 National Forest System trails, while allowing for

1786

1 continued use for motorized and nonmotorized recre-
2 ation, to the extent the use is compatible with the
3 management status of the road or trail;

4 “(7) decommission temporary roads—

5 “(A) that were constructed before the date
6 of enactment of this section—

7 “(i) for emergency operations; or

8 “(ii) to facilitate a resource extraction
9 project;

10 “(B) that were designated as a temporary
11 road by the Secretary; and

12 “(C)(i) in violation of section 10(b) of the
13 Forest and Rangeland Renewable Resources
14 Planning Act of 1974 (16 U.S.C. 1608(b)), on
15 which vegetation cover has not been reestab-
16 lished; or

17 “(ii) that have not been fully decommis-
18 sioned; and

19 “(8) carry out projects on National Forest Sys-
20 tem roads, trails, and bridges to improve resilience
21 to extreme weather events, flooding, or other natural
22 disasters.

23 “(c) PROJECT SELECTION.—

24 “(1) PROJECT ELIGIBILITY.—

1787

1 “(A) IN GENERAL.—The Secretary may
2 only fund under the Program a project de-
3 scribed in paragraph (3) or (4) of subsection
4 (b) if the Secretary previously and separately—

5 “(i) solicited public comment for
6 changing the management status of the
7 applicable National Forest System road or
8 trail—

9 “(I) to close the road or trail to
10 access; and

11 “(II) to minimize impacts to nat-
12 ural resources; and

13 “(ii) has closed the road or trail to ac-
14 cess as described in clause (i)(I).

15 “(B) REQUIREMENT.—Each project car-
16 ried out under the Program shall be on a Na-
17 tional Forest System road or trail, except with
18 respect to—

19 “(i) a project described in subsection
20 (b)(2); or

21 “(ii) a project carried out on a water-
22 shed for which the Secretary has entered
23 into a cooperative agreement under section
24 323 of the Department of the Interior and

1788

1 Related Agencies Appropriations Act, 1999
2 (16 U.S.C. 1011a).

3 “(2) ANNUAL SELECTION OF PROJECTS FOR
4 FUNDING.—The Secretary shall—

5 “(A) establish a process for annually se-
6 lecting projects for funding under the Program,
7 consistent with the requirements of this section;

8 “(B) solicit and consider public input re-
9 gionally in the ranking of projects for funding
10 under the Program;

11 “(C) give priority for funding under the
12 Program to projects that would—

13 “(i) protect or improve water quality
14 in public drinking water source areas;

15 “(ii) restore the habitat of a threat-
16 ened, endangered, or sensitive fish or wild-
17 life species; or

18 “(iii) maintain future access to the
19 adjacent area for the public, contractors,
20 permittees, or firefighters; and

21 “(D) publish on the website of the Forest
22 Service—

23 “(i) the selection process established
24 under subparagraph (A); and

1789

1 “(ii) a list that includes a description
2 and the proposed outcome of each project
3 funded under the Program in each fiscal
4 year.

5 “(d) IMPLEMENTATION.—In implementing the Pro-
6 gram, the Secretary shall ensure that—

7 “(1) the system of roads and trails on the ap-
8 plicable unit of the National Forest System—

9 “(A) is adequate to meet any increasing
10 demands for timber, recreation, and other uses;

11 “(B) provides for intensive use, protection,
12 development, and management of the land
13 under principles of multiple use and sustained
14 yield of products and services;

15 “(C) does not damage, degrade, or impair
16 adjacent resources, including aquatic and wild-
17 life resources, to the extent practicable;

18 “(D) reflects long-term funding expecta-
19 tions; and

20 “(E) is adequate for supporting emergency
21 operations, such as evacuation routes during
22 wildfires, floods, and other natural disasters;
23 and

1 (1) recommendations for how a program could
2 be implemented through the Office of Surface Min-
3 ing Reclamation and Enforcement to revegetate re-
4 claimed mined sites;

5 (2) identifications of reclaimed mine sites that
6 would be suitable for inclusion in such a program,
7 including sites on land that—

8 (A) is subject to title IV of the Surface
9 Mining Control and Reclamation Act of 1977
10 (30 U.S.C. 1231 et seq.); and

11 (B) is not subject to that title;

12 (3) a description of any barriers to implementa-
13 tion of such a program, including whether the pro-
14 gram would potentially interfere with the authorities
15 contained in, or the implementation of, the Surface
16 Mining Control and Reclamation Act of 1977 (30
17 U.S.C. 1201 et seq.), including the Abandoned Mine
18 Reclamation Fund created by section 401 of that
19 Act (30 U.S.C. 1231) and State reclamation pro-
20 grams under section 405 of that Act (30 U.S.C.
21 1235); and

22 (4) a description of the potential for job cre-
23 ation and workforce needs if such a program was
24 implemented.

1 **SEC. 40803. WILDFIRE RISK REDUCTION.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to the Secretary of the Inte-
4 rior and the Secretary of Agriculture, acting through the
5 Chief of the Forest Service, for the activities described in
6 subsection (c), \$3,369,200,000 for the period of fiscal
7 years 2022 through 2026.

8 (b) TREATMENT.—Of the Federal land or Indian for-
9 est land or rangeland that has been identified as having
10 a very high wildfire hazard potential, the Secretary of the
11 Interior and the Secretary of Agriculture, acting through
12 the Chief of the Forest Service, shall, by not later than
13 September 30, 2027, conduct restoration treatments and
14 improve the Fire Regime Condition Class of 10,000,000
15 acres that are located in—

16 (1) the wildland-urban interface; or

17 (2) a public drinking water source area.

18 (c) ACTIVITIES.—Of the amounts made available
19 under subsection (a) for the period of fiscal years 2022
20 through 2026—

21 (1) \$20,000,000 shall be made available for en-
22 tering into an agreement with the Administrator of
23 the National Oceanic and Atmospheric Administra-
24 tion to establish and operate a program that makes
25 use of the Geostationary Operational Environmental
26 Satellite Program to rapidly detect and report wild-

1793

1 fire starts in all areas in which the Secretary of the
2 Interior or the Secretary of Agriculture has financial
3 responsibility for wildland fire protection and pre-
4 vention, of which—

5 (A) \$10,000,000 shall be made available to
6 the Secretary of the Interior; and

7 (B) \$10,000,000 shall be made available to
8 the Secretary of Agriculture;

9 (2) \$600,000,000 shall be made available for
10 the salaries and expenses of Federal wildland fire-
11 fighters in accordance with subsection (d), of
12 which—

13 (A) \$120,000,000 shall be made available
14 to the Secretary of the Interior; and

15 (B) \$480,000,000 shall be made available
16 to the Secretary of Agriculture;

17 (3) \$10,000,000 shall be made available to the
18 Secretary of the Interior to acquire technology and
19 infrastructure for each Type I and Type II incident
20 management team to maintain interoperability with
21 respect to the radio frequencies used by any re-
22 sponding agency;

23 (4) \$30,000,000 shall be made available to the
24 Secretary of Agriculture to provide financial assist-
25 ance to States, Indian Tribes, and units of local gov-

1 ernment to establish and operate Reverse-911 tele-
2 communication systems;

3 (5) \$50,000,000 shall be made available to the
4 Secretary of the Interior to establish and implement
5 a pilot program to provide to local governments fi-
6 nancial assistance for the acquisition of slip-on tank-
7 er units to establish fleets of vehicles that can be
8 quickly converted to be operated as fire engines;

9 (6) \$1,200,000 shall be made available to the
10 Secretary of Agriculture, in coordination with the
11 Secretary of the Interior, to develop and publish, not
12 later than 180 days after the date of enactment of
13 this Act, and every 5 years thereafter, a map depict-
14 ing at-risk communities (as defined in section 101 of
15 the Healthy Forests Restoration Act of 2003 (16
16 U.S.C. 6511)), including Tribal at-risk communities;

17 (7) \$100,000,000 shall be made available to the
18 Secretary of the Interior and the Secretary of Agri-
19 culture—

20 (A) for—

21 (i) preplanning fire response work-
22 shops that develop—

23 (I) potential operational delinea-
24 tions; and

1795

1 (II) select potential control loca-
2 tions; and

3 (ii) workforce training for staff, non-
4 Federal firefighters, and Native village fire
5 crews for—

6 (I) wildland firefighting; and

7 (II) increasing the pace and scale
8 of vegetation treatments, including
9 training on how to prepare and imple-
10 ment large landscape treatments; and

11 (B) of which—

12 (i) \$50,000,000 shall be made avail-
13 able to the Secretary of the Interior; and

14 (ii) \$50,000,000 shall be made avail-
15 able to the Secretary of Agriculture;

16 (8) \$20,000,000 shall be made available to the
17 Secretary of Agriculture to enter into an agreement
18 with a Southwest Ecological Restoration Institute
19 established under the Southwest Forest Health and
20 Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et
21 seq.)—

22 (A) to compile and display existing data,
23 including geographic data, for hazardous fuel
24 reduction or wildfire prevention treatments un-
25 dertaken by the Secretary of the Interior or the

1796

1 Secretary of Agriculture, including treatments
2 undertaken with funding provided under this
3 title;

4 (B) to compile and display existing data,
5 including geographic data, for large wildfires,
6 as defined by the National Wildfire Coordi-
7 nating Group, that occur in the United States;

8 (C) to facilitate coordination and use of ex-
9 isting and future interagency fuel treatment
10 data, including geographic data, for the pur-
11 poses of—

12 (i) assessing and planning cross-
13 boundary fuel treatments; and

14 (ii) monitoring the effects of treat-
15 ments on wildfire outcomes and ecosystem
16 restoration services, using the data com-
17 piled under subparagraphs (A) and (B);

18 (D) to publish a report every 5 years show-
19 ing the extent to which treatments described in
20 subparagraph (A) and previous wildfires affect
21 the boundaries of wildfires, categorized by—

22 (i) Federal land management agency;

23 (ii) region of the United States; and

24 (iii) treatment type; and

1797

1 (E) to carry out other related activities of
2 a Southwest Ecological Restoration Institute, as
3 authorized by the Southwest Forest Health and
4 Wildfire Prevention Act of 2004 (16 U.S.C.
5 6701 et seq.);

6 (9) \$20,000,000 shall be available for activities
7 conducted under the Joint Fire Science Program, of
8 which—

9 (A) \$10,000,000 shall be made available to
10 the Secretary of the Interior; and

11 (B) \$10,000,000 shall be made available to
12 the Secretary of Agriculture;

13 (10) \$100,000,000 shall be made available to
14 the Secretary of Agriculture for collaboration and
15 collaboration-based activities, including facilitation,
16 certification of collaboratives, and planning and im-
17 plementing projects under the Collaborative Forest
18 Landscape Restoration Program established under
19 section 4003 of the Omnibus Public Land Manage-
20 ment Act of 2009 (16 U.S.C. 7303) in accordance
21 with subsection (e);

22 (11) \$500,000,000 shall be made available to
23 the Secretary of the Interior and the Secretary of
24 Agriculture—

25 (A) for—

1798

1 (i) conducting mechanical thinning
2 and timber harvesting in an ecologically
3 appropriate manner that maximizes the re-
4 tention of large trees, as appropriate for
5 the forest type, to the extent that the trees
6 promote fire-resilient stands; or

7 (ii) precommercial thinning in young
8 growth stands for wildlife habitat benefits
9 to provide subsistence resources; and

10 (B) of which—

11 (i) \$100,000,000 shall be made avail-
12 able to the Secretary of the Interior; and

13 (ii) \$400,000,000 shall be made avail-
14 able to the Secretary of Agriculture;

15 (12) \$500,000,000 shall be made available to
16 the Secretary of Agriculture, in cooperation with
17 States, to award community wildfire defense grants
18 to at-risk communities in accordance with subsection
19 (f);

20 (13) \$500,000,000 shall be made available for
21 planning and conducting prescribed fires and related
22 activities, of which—

23 (A) \$250,000,000 shall be made available
24 to the Secretary of the Interior; and

1799

1 (B) \$250,000,000 shall be made available
2 to the Secretary of Agriculture;

3 (14) \$500,000,000 shall be made available for
4 developing or improving potential control locations,
5 in accordance with paragraph (7)(A)(i)(II), includ-
6 ing installing fuelbreaks (including fuelbreaks stud-
7 ied under subsection (i)), with a focus on shaded
8 fuelbreaks when ecologically appropriate, of which—

9 (A) \$250,000,000 shall be made available
10 to the Secretary of the Interior; and

11 (B) \$250,000,000 shall be made available
12 to the Secretary of Agriculture;

13 (15) \$200,000,000 shall be made available for
14 contracting or employing crews of laborers to modify
15 and remove flammable vegetation on Federal land
16 and for using materials from treatments, to the ex-
17 tent practicable, to produce biochar and other inno-
18 vative wood products, including through the use of
19 existing locally based organizations that engage
20 young adults, Native youth, and veterans in service
21 projects, such as youth and conservation corps, of
22 which—

23 (A) \$100,000,000 shall be made available
24 to the Secretary of the Interior; and

1800

1 (B) \$100,000,000 shall be made available
2 to the Secretary of Agriculture;

3 (16) \$200,000,000 shall be made available for
4 post-fire restoration activities that are implemented
5 not later than 3 years after the date that a wildland
6 fire is contained, of which—

7 (A) \$100,000,000 shall be made available
8 to the Secretary of the Interior; and

9 (B) \$100,000,000 shall be made available
10 to the Secretary of Agriculture;

11 (17) \$8,000,000 shall be made available to the
12 Secretary of Agriculture—

13 (A) to provide feedstock to firewood banks;
14 and

15 (B) to provide financial assistance for the
16 operation of firewood banks; and

17 (18) \$10,000,000 shall be available to the Sec-
18 retary of the Interior and the Secretary of Agri-
19 culture for the procurement and placement of wild-
20 fire detection and real-time monitoring equipment,
21 such as sensors, cameras, and other relevant equip-
22 ment, in areas at risk of wildfire or post-burned
23 areas.

24 (d) WILDLAND FIREFIGHTERS.—

1801

1 (1) IN GENERAL.—Subject to the availability of
2 appropriations, not later than 180 days after the
3 date of enactment of this Act, the Secretary of the
4 Interior and the Secretary of Agriculture shall, using
5 the amounts made available under subsection (c)(2),
6 coordinate with the Director of the Office of Per-
7 sonnel Management to develop a distinct “wildland
8 firefighter” occupational series.

9 (2) HAZARDOUS DUTY DIFFERENTIAL NOT AF-
10 FECTED.—Section 5545(d)(1) of title 5, United
11 States Code, is amended by striking “except” and all
12 that follows through “and” at the end and inserting
13 the following: “except—

14 “(A) an employee in an occupational series
15 covering positions for which the primary duties
16 involve the prevention, control, suppression, or
17 management of wildland fires, as determined by
18 the Office; and

19 “(B) in such other circumstances as the
20 Office may by regulation prescribe; and”.

21 (3) CURRENT EMPLOYEES.—Any individual em-
22 ployed as a wildland firefighter on the date on which
23 the occupational series established under paragraph
24 (1) takes effect may elect—

1802

1 (A) to remain in the occupational series in
2 which the individual is employed; or

3 (B) to be included in the “wildland fire-
4 fighter” occupational series established under
5 that paragraph.

6 (4) PERMANENT EMPLOYEES; INCREASE IN
7 SALARY.—Using the amounts made available under
8 subsection (c)(2), beginning October 1, 2021, the
9 Secretary of the Interior and the Secretary of Agri-
10 culture shall—

11 (A) seek to convert not fewer than 1,000
12 seasonal wildland firefighters to wildland fire-
13 fighters that—

14 (i) are full-time, permanent, year-
15 round Federal employees; and

16 (ii) reduce hazardous fuels on Federal
17 land not fewer than 800 hours per year;
18 and

19 (B) increase the base salary of a Federal
20 wildland firefighter by the lesser of an amount
21 that is commensurate with an increase of
22 \$20,000 per year or an amount equal to 50 per-
23 cent of the base salary, if the Secretary con-
24 cerned, in coordination with the Director of the
25 Office of Personnel Management, makes a writ-

1 ten determination that the position of the Fed-
2 eral wildland firefighter is located within a
3 specified geographic area in which it is difficult
4 to recruit or retain a Federal wildland fire-
5 fighter.

6 (5) NATIONAL WILDFIRE COORDINATING
7 GROUP.—Using the amounts made available under
8 subsection (c)(2), not later than October 1, 2022,
9 the Secretary of the Interior and the Secretary of
10 Agriculture shall—

11 (A) develop and adhere to recommenda-
12 tions for mitigation strategies for wildland fire-
13 fighters to minimize exposure due to line-of-
14 duty environmental hazards; and

15 (B) establish programs for permanent,
16 temporary, seasonal, and year-round wildland
17 firefighters to recognize and address mental
18 health needs, including post-traumatic stress
19 disorder care.

20 (e) COLLABORATIVE FOREST LANDSCAPE RESTORA-
21 TION PROGRAM.—Subject to the availability of appropria-
22 tions, not later than 180 days after the date of enactment
23 of this Act, the Secretary of Agriculture shall, using the
24 amounts made available under subsection (c)(10)—

1 (1) solicit new project proposals under the Col-
2 laborative Forest Landscape Restoration Program
3 established under section 4003 of the Omnibus Pub-
4 lic Land Management Act of 2009 (16 U.S.C. 7303)
5 (referred to in this subsection as the “Program”);

6 (2) provide up to 5 years of additional funding
7 of any proposal originally selected for funding under
8 the Program prior to September 30, 2018—

9 (A) that has been approved for an exten-
10 sion of funding by the Secretary of Agriculture
11 prior to the date of enactment of this Act; or

12 (B) that has been recommended for an ex-
13 tension of funding by the advisory panel estab-
14 lished under section 4003(e) of the Omnibus
15 Public Land Management Act of 2009 (16
16 U.S.C. 7303(e)) prior to the date of enactment
17 of this Act that the Secretary of Agriculture
18 subsequently approves; and

19 (3) select project proposals for funding under
20 the Program in a manner that—

21 (A) gives priority to a project proposal that
22 will treat acres that—

23 (i) have been identified as having very
24 high wildfire hazard potential; and

25 (ii) are located in—

1805

1 (I) the wildland-urban interface;

2 or

3 (II) a public drinking water

4 source area;

5 (B) takes into consideration—

6 (i) the cost per acre of Federal land

7 or Indian forest land or rangeland acres

8 described in subparagraph (A) to be treat-

9 ed; and

10 (ii) the number of acres described in

11 subparagraph (A) to be treated;

12 (C) gives priority to a project proposal that

13 is proposed by a collaborative that has success-

14 fully accomplished treatments consistent with a

15 written plan that included a proposed schedule

16 of completing those treatments, which is not

17 limited to an earlier proposal funded under the

18 Program; and

19 (D) discontinues funding for a project that

20 fails to achieve the results included in a project

21 proposal submitted under paragraph (1) for

22 more than 2 consecutive years.

23 (f) COMMUNITY WILDFIRE DEFENSE GRANT PRO-

24 GRAM.—

1 (1) ESTABLISHMENT.—Subject to the avail-
2 ability of appropriations, not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary of Agriculture shall, using amounts made
5 available under subsection (c)(12), establish a pro-
6 gram, which shall be separate from the program es-
7 tablished under section 203 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5133), under which the Secretary of Ag-
10 riculture, in cooperation with the States, shall award
11 grants to at-risk communities, including Indian
12 Tribes—

13 (A) to develop or revise a community wild-
14 fire protection plan; and

15 (B) to carry out projects described in a
16 community wildfire protection plan that is not
17 more than 10 years old.

18 (2) PRIORITY.—In awarding grants under the
19 program described in paragraph (1), the Secretary
20 of Agriculture shall give priority to an at-risk com-
21 munity that is—

22 (A) in an area identified by the Secretary
23 of Agriculture as having high or very high wild-
24 fire hazard potential;

25 (B) a low-income community; or

1807

1 (C) a community impacted by a severe dis-
2 aster.

3 (3) COMMUNITY WILDFIRE DEFENSE
4 GRANTS.—

5 (A) GRANT AMOUNTS.—A grant—

6 (i) awarded under paragraph (1)(A)
7 shall be for not more than \$250,000; and

8 (ii) awarded under paragraph (1)(B)
9 shall be for not more than \$10,000,000.

10 (B) COST SHARING REQUIREMENT.—

11 (i) IN GENERAL.—Except as provided
12 in clause (ii), the non-Federal cost (includ-
13 ing the administrative cost) of carrying out
14 a project using funds from a grant award-
15 ed under the program described in para-
16 graph (1) shall be—

17 (I) not less than 10 percent for a
18 grant awarded under paragraph
19 (1)(A); and

20 (II) not less than 25 percent for
21 a grant awarded under paragraph
22 (1)(B).

23 (ii) WAIVER.—The Secretary of Agri-
24 culture may waive the cost-sharing require-

1808

1 ment under clause (i) for a project that
2 serves an underserved community.

3 (C) ELIGIBILITY.—The Secretary of Agri-
4 culture shall not award a grant under para-
5 graph (1) to an at-risk community that is lo-
6 cated in a county or community that—

7 (i) is located in the continental United
8 States; and

9 (ii) has not adopted an ordinance or
10 regulation that requires the construction of
11 new roofs on buildings to adhere to stand-
12 ards that are similar to, or more stringent
13 than—

14 (I) the roof construction stand-
15 ards established by the National Fire
16 Protection Association; or

17 (II) an applicable model building
18 code established by the International
19 Code Council.

20 (g) PRIORITIES.—In carrying out projects using
21 amounts made available under this section, the Secretary
22 of the Interior or the Secretary of Agriculture, acting
23 through the Chief of the Forest Service, as applicable,
24 shall prioritize funding for projects—

1 (1) for which any applicable processes under
2 the National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.) have been completed on the
4 date of enactment of this Act;

5 (2) that reduce the likelihood of experiencing
6 uncharacteristically severe effects from a potential
7 wildfire by focusing on areas strategically important
8 for reducing the risks associated with wildfires;

9 (3) that maximize the retention of large trees,
10 as appropriate for the forest type, to the extent that
11 the trees promote fire-resilient stands;

12 (4) that do not include the establishment of
13 permanent roads;

14 (5) for which funding would be committed to
15 decommission all temporary roads constructed to
16 carry out the project; and

17 (6) that fully maintain or contribute toward the
18 restoration of the structure and composition of old
19 growth stands consistent with the characteristics of
20 that forest type, taking into account the contribution
21 of the old growth stand to landscape fire adaption
22 and watershed health, unless the old growth stand is
23 part of a science-based ecological restoration project
24 authorized by the Secretary concerned that meets
25 applicable protection and old growth enhancement

1 objectives, as determined by the Secretary con-
2 cerned.

3 (h) REPORTS.— The Secretary of the Interior and
4 the Secretary of Agriculture, acting through the Chief of
5 the Forest Service, shall complete and submit to the Com-
6 mittee on Energy and Natural Resources of the Senate
7 and the Committee on Natural Resources of the House
8 of Representatives an annual report describing the num-
9 ber of acres of land on which projects carried out using
10 funds made available under this section improved the Fire
11 Regime Condition Class of the land described in sub-
12 section (b).

13 (i) WILDFIRE PREVENTION STUDY.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Sec-
16 retary of Agriculture shall initiate a study of the
17 construction and maintenance of a system of strate-
18 gically placed fuelbreaks to control wildfires in west-
19 ern States.

20 (2) REVIEW.—The study under paragraph (1)
21 shall review—

22 (A) a full suite of manual, chemical, and
23 mechanical treatments; and

1 (B) the effectiveness of the system de-
2 scribed in that paragraph in reducing wildfire
3 risk and protecting communities.

4 (3) DETERMINATION.—Not later than 90 days
5 after the date of completion of the study under para-
6 graph (1), the Secretary of Agriculture shall deter-
7 mine whether to initiate the preparation of a pro-
8 grammatic environmental impact statement imple-
9 menting the system described in that paragraph in
10 appropriate locations.

11 (j) MONITORING, MAINTENANCE, AND TREATMENT
12 PLAN AND STRATEGY.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of enactment of this Act, the Sec-
15 retary of Agriculture and the Secretary of the Inte-
16 rior shall establish a 5-year monitoring, mainte-
17 nance, and treatment plan that—

18 (A) describes activities under subsection
19 (c) that the Secretary of Agriculture and the
20 Secretary of the Interior will take to reduce the
21 risk of wildfire by conducting restoration treat-
22 ments and improving the Fire Regime Condi-
23 tion Class of 10,000,000 acres of Federal land
24 or Tribal Forest land or rangeland that is iden-
25 tified as having very high wildfire hazard poten-

1 tial, not including annual treatments otherwise
2 scheduled;

3 (B) establishes a process for prioritizing
4 treatments in areas and communities at the
5 highest risk of catastrophic wildfires;

6 (C) includes an innovative plan and proc-
7 ess—

8 (i) to leverage public-private partner-
9 ships and resources, shared stewardship
10 agreements, good neighbor agreements,
11 and similar contracting authorities;

12 (ii) to prioritize projects for which any
13 applicable processes under the National
14 Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.) have been completed
16 as of the date of enactment of this Act;

17 (iii) to streamline subsequent projects
18 based on existing statutory or regulatory
19 authorities; and

20 (iv) to develop interagency teams to
21 increase coordination and efficiency under
22 the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321); and

1 (D) establishes a process for coordinating
2 prioritization and treatment with State and
3 local entities and affected stakeholders.

4 (2) STRATEGY.—Not later than 5 years after
5 the date of enactment of this Act, the Secretary of
6 Agriculture and the Secretary of the Interior, in co-
7 ordination with State and local governments, shall
8 publish a long-term, outcome-based monitoring,
9 maintenance, and treatment strategy—

10 (A) to maintain forest health improve-
11 ments and wildfire risk reduction accomplished
12 under this section;

13 (B) to continue treatment at levels nec-
14 essary to address the 20,000,000 acres needing
15 priority treatment over the 10-year period be-
16 ginning on the date of publication of the strat-
17 egy; and

18 (C) to proactively conduct treatment at a
19 level necessary to minimize the risk of wildfire
20 to surrounding at-risk communities.

21 (k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—
22 A project carried out using funding authorized under
23 paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall
24 be considered an authorized hazardous fuel reduction

1 project pursuant to section 102 of the Healthy Forests
2 Restoration Act of 2003 (16 U.S.C. 6512).

3 **SEC. 40804. ECOSYSTEM RESTORATION.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary of the Inte-
6 rior and the Secretary of Agriculture, acting through the
7 Chief of the Forest Service, for the activities described in
8 subsection (b), \$2,130,000,000 for the period of fiscal
9 years 2022 through 2026.

10 (b) ACTIVITIES.—Of the amounts made available
11 under subsection (a) for the period of fiscal years 2022
12 through 2026—

13 (1) \$300,000,000 shall be made available, in
14 accordance with subsection (c), to the Secretary of
15 the Interior and the Secretary of Agriculture—

16 (A) for—

17 (i) entering into contracts, including
18 stewardship contracts or agreements, the
19 purpose of each of which shall be to restore
20 ecological health on not fewer than 10,000
21 acres of Federal land, including Indian for-
22 est land or rangeland, and for salaries and
23 expenses associated with preparing and
24 executing those contracts; and

1815

1 (ii) establishing a Working Capital
2 Fund that may be accessed by the Sec-
3 retary of the Interior or the Secretary of
4 Agriculture to fund requirements of con-
5 tracts described in clause (i), including
6 cancellation and termination costs, con-
7 sistent with section 604(h) of the Healthy
8 Forests Restoration Act of 2003 (16
9 U.S.C. 6591e(h)), and periodic payments
10 over the span of the contract period; and
11 (B) of which—

12 (i) \$50,000,000 shall be made avail-
13 able to the Secretary of the Interior to
14 enter into contracts described in subpara-
15 graph (A)(i);

16 (ii) \$150,000,000 shall be made avail-
17 able to the Secretary of Agriculture to
18 enter into contracts described in subpara-
19 graph (A)(i); and

20 (iii) \$100,000,000 shall be made
21 available until expended to the Secretary of
22 the Interior, notwithstanding any other
23 provision of this Act, to establish the
24 Working Capital Fund described in sub-
25 paragraph (A)(ii);

1816

1 (2) \$200,000,000 shall be made available to
2 provide to States and Indian Tribes for imple-
3 menting restoration projects on Federal land pursu-
4 ant to good neighbor agreements entered into under
5 section 8206 of the Agricultural Act of 2014 (16
6 U.S.C. 2113a) or agreements entered into under sec-
7 tion 2(b) of the Tribal Forest Protection Act of
8 2004 (25 U.S.C. 3115a(b)), of which—

9 (A) \$40,000,000 shall be made available to
10 the Secretary of the Interior; and

11 (B) \$160,000,000 shall be made available
12 to the Secretary of Agriculture;

13 (3) \$400,000,000 shall be made available to the
14 Secretary of Agriculture to provide financial assist-
15 ance to facilities that purchase and process byprod-
16 ucts from ecosystem restoration projects in accord-
17 ance with subsection (d);

18 (4) \$400,000,000 shall be made available to the
19 Secretary of the Interior to provide grants to States,
20 territories of the United States, and Indian Tribes
21 for implementing voluntary ecosystem restoration
22 projects on private or public land, in consultation
23 with the Secretary of Agriculture, that—

24 (A) prioritizes funding cross-boundary
25 projects; and

1817

1 (B) requires matching funding from the
2 State, territory of the United States, or Indian
3 Tribe to be eligible to receive the funding;

4 (5) \$50,000,000 shall be made available to the
5 Secretary of Agriculture to award grants to States
6 and Indian Tribes to establish rental programs for
7 portable skidder bridges, bridge mats, or other tem-
8 porary water crossing structures, to minimize stream
9 bed disturbance on non-Federal land and Federal
10 land;

11 (6) \$200,000,000 shall be made available for
12 invasive species detection, prevention, and eradi-
13 cation, including conducting research and providing
14 resources to facilitate detection of invasive species at
15 points of entry and awarding grants for eradication
16 of invasive species on non-Federal land and on Fed-
17 eral land, of which—

18 (A) \$100,000,000 shall be made available
19 to the Secretary of the Interior; and

20 (B) \$100,000,000 shall be made available
21 to the Secretary of Agriculture;

22 (7) \$100,000,000 shall be made available to re-
23 store, prepare, or adapt recreation sites on Federal
24 land, including Indian forest land or rangeland, in
25 accordance with subsection (e);

1 (8) \$200,000,000 shall be made available to re-
2 store native vegetation and mitigate environmental
3 hazards on mined land on Federal and non-Federal
4 land, of which—

5 (A) \$100,000,000 shall be made available
6 to the Secretary of the Interior; and

7 (B) \$100,000,000 shall be made available
8 to the Secretary of Agriculture;

9 (9) \$200,000,000 shall be made available to es-
10 tablish and implement a national revegetation effort
11 on Federal and non-Federal land, including to im-
12 plement the National Seed Strategy for Rehabilita-
13 tion and Restoration, of which—

14 (A) \$70,000,000 shall be made available to
15 the Secretary of the Interior; and

16 (B) \$130,000,000 shall be made available
17 to the Secretary of Agriculture; and

18 (10) \$80,000,000 shall be made available to the
19 Secretary of Agriculture, in coordination with the
20 Secretary of the Interior, to establish a collaborative-
21 based, landscape-scale restoration program to re-
22 store water quality or fish passage on Federal land,
23 including Indian forest land or rangeland, in accord-
24 ance with subsection (f).

1 (c) ECOLOGICAL HEALTH RESTORATION CON-
2 TRACTS.—

3 (1) SUBMISSION OF LIST OF PROJECTS TO CON-
4 GRESS.—Until the date on which all of the amounts
5 made available to carry out subsection (b)(1)(A)(i)
6 are expended, not later than 90 days before the end
7 of each fiscal year, the Secretary of the Interior and
8 the Secretary of Agriculture shall submit to the
9 Committee on Energy and Natural Resources and
10 the Committee on Appropriations of the Senate and
11 the Committee on Natural Resources and the Com-
12 mittee on Appropriations of the House of Represent-
13 atives a list of projects to be funded under that sub-
14 section in the subsequent fiscal year, including—

15 (A) a detailed description of each project;

16 and

17 (B) an estimate of the cost, including sala-
18 ries and expenses, for the project.

19 (2) ALTERNATE ALLOCATION.—Appropriations
20 Acts may provide for alternate allocation of amounts
21 made available under subsection (b)(1), consistent
22 with the allocations under subparagraph (B) of that
23 subsection.

24 (3) LACK OF ALTERNATE ALLOCATIONS.—If
25 Congress has not enacted legislation establishing al-

1 ternate allocations described in paragraph (2) by the
2 date on which the Act making full-year appropria-
3 tions for the Department of the Interior, Environ-
4 ment, and Related Agencies for the applicable fiscal
5 year is enacted into law, amounts made available
6 under subsection (b)(1)(B) shall be allocated by the
7 President.

8 (d) WOOD PRODUCTS INFRASTRUCTURE.—The Sec-
9 retary of Agriculture, in coordination with the Secretary
10 of the Interior, shall—

11 (1) develop a ranking system that categorizes
12 units of Federal land, including Indian forest land
13 or rangeland, with regard to treating areas at risk
14 of unnaturally severe wildfire or insect or disease in-
15 festation, as being—

16 (A) very low priority for ecological restora-
17 tion involving vegetation removal;

18 (B) low priority for ecological restoration
19 involving vegetation removal;

20 (C) medium priority for ecological restora-
21 tion involving vegetation removal;

22 (D) high priority for ecological restoration
23 involving vegetation removal; or

24 (E) very high priority for ecological res-
25 toration involving vegetation removal;

1 (2) determine, for a unit identified under para-
2 graph (1) as being high or very high priority for eco-
3 logical restoration involving vegetation removal, if—

4 (A) a sawmill or other wood-processing fa-
5 cility exists in close proximity to, or a forest
6 worker is seeking to conduct restoration treat-
7 ment work on or in close proximity to, the unit;
8 and

9 (B) the presence of a sawmill or other
10 wood-processing facility would substantially de-
11 crease or does substantially decrease the cost of
12 conducting ecological restoration projects in-
13 volving vegetation removal;

14 (3) in accordance with any conditions the Sec-
15 retary of Agriculture determines to be necessary,
16 using the amounts made available under subsection
17 (b)(3), provide financial assistance, including a low-
18 interest loan or a loan guarantee, to an entity seek-
19 ing to establish, reopen, retrofit, expand, or improve
20 a sawmill or other wood-processing facility in close
21 proximity to a unit of Federal land that has been
22 identified under paragraph (1) as high or very high
23 priority for ecological restoration, if the presence of
24 a sawmill or other wood-processing facility would
25 substantially decrease or does substantially decrease

1822

1 the cost of conducting ecological restoration projects
2 involving vegetation removal on the unit of Federal
3 land, including Indian forest land or rangeland, as
4 determined under paragraph (2)(B); and

5 (4) to the extent practicable, when allocating
6 funding to units of Federal land for ecological res-
7 toration projects involving vegetation removal, give
8 priority to a unit of Federal land that—

9 (A) has been identified under paragraph
10 (1) as being high or very high priority for eco-
11 logical restoration involving vegetation removal;
12 and

13 (B) has a sawmill or other wood-processing
14 facility—

15 (i) that, as determined under para-
16 graph (2)—

17 (I) exists in close proximity to
18 the unit; and

19 (II) does substantially decrease
20 the cost of conducting ecological res-
21 toration projects involving vegetation
22 removal on the unit; or

23 (ii) that has received financial assist-
24 ance under paragraph (3).

25 (e) RECREATION SITES.—

1823

1 (1) SITE RESTORATION AND IMPROVEMENTS.—

2 Of the amounts made available under subsection
3 (b)(7), \$45,000,000 shall be made available to the
4 Secretary of the Interior and \$35,000,000 shall be
5 made available the Secretary of Agriculture to re-
6 store, prepare, or adapt recreation sites on Federal
7 land, including Indian forest land or rangeland, that
8 have experienced or may likely experience visitation
9 and use beyond the carrying capacity of the sites.

10 (2) PUBLIC USE RECREATION CABINS.—

11 (A) IN GENERAL.—Of the amounts made
12 available under subsection (b)(7), \$20,000,000
13 shall be made available to the Secretary of Ag-
14 riculture for—

15 (i) the operation, repair, reconstruc-
16 tion, and construction of public use recre-
17 ation cabins on National Forest System
18 land; and

19 (ii) to the extent necessary, the repair
20 or reconstruction of historic buildings that
21 are to be outleased under section 306121
22 of title 54, United States Code.

23 (B) INCLUSION.—Of the amount described
24 in subparagraph (A), \$5,000,000 shall be made
25 available to the Secretary of Agriculture for as-

1 sociated salaries and expenses in carrying out
2 that subparagraph.

3 (C) AGREEMENTS.—The Secretary of Ag-
4 riculture may enter into a lease or cooperative
5 agreement with a State, Indian Tribe, local gov-
6 ernment, or private entity—

7 (i) to carry out the activities described
8 in subparagraph (A); or

9 (ii) to manage the renting of a cabin
10 or building described in subparagraph (A)
11 to the public.

12 (3) EXCLUSION.—A project shall not be eligible
13 for funding under this subsection if—

14 (A) funding for the project would be used
15 for deferred maintenance, as defined by Federal
16 Accounting Standards Advisory Board; and

17 (B) the Secretary of the Interior or the
18 Secretary of Agriculture has identified the
19 project for funding from the National Parks
20 and Public Land Legacy Restoration Fund es-
21 tablished by section 200402(a) of title 54,
22 United States Code.

23 (f) COLLABORATIVE-BASED, AQUATIC-FOCUSED,
24 LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to
25 the availability of appropriations, not later than 180 days

1 after the date of enactment of this Act, the Secretary of
2 Agriculture shall, in coordination with the Secretary of the
3 Interior and using the amounts made available under sub-
4 section (b)(10)—

5 (1) solicit collaboratively developed proposals
6 that—

7 (A) are for 5-year projects to restore fish
8 passage or water quality on Federal land and
9 non-Federal land to the extent allowed under
10 section 323(a) of the Department of the Inte-
11 rior and Related Agencies Appropriations Act,
12 1999 (16 U.S.C. 1011a(a)), including Indian
13 forest land or rangeland;

14 (B) contain proposed accomplishments and
15 proposed non-Federal funding; and

16 (C) request not more than \$5,000,000 in
17 funding made available under subsection
18 (b)(10);

19 (2) select project proposals for funding in a
20 manner that—

21 (A) gives priority to a project proposal that
22 would result in the most miles of streams being
23 restored for the lowest amount of Federal fund-
24 ing; and

1826

1 (B) discontinues funding for a project that
2 fails to achieve the results included in a pro-
3 posal submitted under paragraph (1) for more
4 than 2 consecutive years; and

5 (3) publish a list of—

6 (A) all of the priority watersheds on Na-
7 tional Forest System land;

8 (B) the condition of each priority water-
9 shed on the date of enactment of this Act; and

10 (C) the condition of each priority water-
11 shed on the date that is 5 years after the date
12 of enactment of this Act.

13 **SEC. 40805. GAO STUDY.**

14 (a) STUDY.—Not later than 6 years after the date
15 of enactment of this Act, the Comptroller General of the
16 United States shall—

17 (1) conduct a study on the implementation of
18 this title and the amendments made by this title, in-
19 cluding whether this title and the amendments made
20 by this title have—

21 (A) effectively reduced wildfire risk, includ-
22 ing the extent to which the wildfire hazard on
23 Federal land has changed; and

24 (B) restored ecosystems on Federal and
25 non-Federal land; and

1 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED
2 FOR CATEGORICAL EXCLUSION.—

3 (1) IN GENERAL.—The category of forest man-
4 agement activities designated under subsection (b)
5 for a categorical exclusion are forest management
6 activities described in paragraph (2) that are carried
7 out by the Secretary concerned on public lands (as
8 defined in section 103 of the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C. 1702)) ad-
10 ministered by the Bureau of Land Management or
11 National Forest System land the primary purpose of
12 which is to establish and maintain linear fuel breaks
13 that are—

14 (A) up to 1,000 feet in width contiguous
15 with or incorporating existing linear features,
16 such as roads, water infrastructure, trans-
17 mission and distribution lines, and pipelines of
18 any length on Federal land; and

19 (B) intended to reduce the risk of
20 uncharacteristic wildfire on Federal land or cat-
21 astrophic wildfire for an adjacent at-risk com-
22 munity.

23 (2) ACTIVITIES.—Subject to paragraph (3), the
24 forest management activities that may be carried out

1 pursuant to the categorical exclusion established
2 under subsection (b) are—

3 (A) mowing or masticating;

4 (B) thinning by manual and mechanical
5 cutting;

6 (C) piling, yarding, and removal of slash or
7 hazardous fuels;

8 (D) selling of vegetation products, includ-
9 ing timber, firewood, biomass, slash, and fence-
10 posts;

11 (E) targeted grazing;

12 (F) application of—

13 (i) pesticide;

14 (ii) biopesticide; or

15 (iii) herbicide;

16 (G) seeding of native species;

17 (H) controlled burns and broadcast burn-
18 ing; and

19 (I) burning of piles, including jackpot
20 piles.

21 (3) EXCLUDED ACTIVITIES.—A forest manage-
22 ment activity described in paragraph (2) may not be
23 carried out pursuant to the categorical exclusion es-
24 tablished under subsection (b) if the activity is con-
25 ducted—

1830

1 (A) in a component of the National Wilder-
2 ness Preservation System;

3 (B) on Federal land on which the removal
4 of vegetation is prohibited or restricted by Act
5 of Congress, Presidential proclamation (includ-
6 ing the applicable implementation plan), or reg-
7 ulation;

8 (C) in a wilderness study area; or

9 (D) in an area in which carrying out the
10 activity would be inconsistent with the applica-
11 ble land management plan or resource manage-
12 ment plan.

13 (4) EXTRAORDINARY CIRCUMSTANCES.—The
14 Secretary concerned shall apply the extraordinary
15 circumstances procedures under section 220.6 of
16 title 36, Code of Federal Regulations (or a successor
17 regulation), in determining whether to use a categor-
18 ical exclusion under subsection (b).

19 (d) ACREAGE AND LOCATION LIMITATIONS.—Treat-
20 ments of vegetation in linear fuel breaks covered by the
21 categorical exclusion established under subsection (b)—

22 (1) may not contain treatment units in excess
23 of 3,000 acres;

24 (2) shall be located primarily in—

1831

1 (A) the wildland-urban interface or a pub-
2 lic drinking water source area;

3 (B) if located outside the wildland-urban
4 interface or a public drinking water source
5 area, an area within Condition Class 2 or 3 in
6 Fire Regime Group I, II, or III that contains
7 very high wildfire hazard potential; or

8 (C) an insect or disease area designated by
9 the Secretary concerned as of the date of enact-
10 ment of this Act; and

11 (3) shall consider the best available scientific
12 information.

13 (e) ROADS.—

14 (1) PERMANENT ROADS.—A project under this
15 section shall not include the establishment of perma-
16 nent roads.

17 (2) EXISTING ROADS.—The Secretary con-
18 cerned may carry out necessary maintenance and re-
19 pairs on existing permanent roads for the purposes
20 of this section.

21 (3) TEMPORARY ROADS.—The Secretary con-
22 cerned shall decommission any temporary road con-
23 structed under a project under this section not later
24 than 3 years after the date on which the project is
25 completed.

1 (f) PUBLIC COLLABORATION.—To encourage mean-
2 ingful public participation during the preparation of a
3 project under this section, the Secretary concerned shall
4 facilitate, during the preparation of each project—

5 (1) collaboration among State and local govern-
6 ments and Indian Tribes; and

7 (2) participation of interested persons.

8 **SEC. 40807. EMERGENCY ACTIONS.**

9 (a) DEFINITIONS.—In this section:

10 (1) AUTHORIZED EMERGENCY ACTION.—The
11 term “authorized emergency action” means an ac-
12 tion carried out pursuant to an emergency situation
13 determination issued under this section to mitigate
14 the harm to life, property, or important natural or
15 cultural resources on National Forest System land
16 or adjacent land.

17 (2) EMERGENCY SITUATION.—The term “emer-
18 gency situation” means a situation on National For-
19 est System land for which immediate implementation
20 of 1 or more authorized emergency actions is nec-
21 essary to achieve 1 or more of the following results:

22 (A) Relief from hazards threatening
23 human health and safety.

1833

1 (B) Mitigation of threats to natural re-
2 sources on National Forest System land or ad-
3 jacent land.

4 (3) EMERGENCY SITUATION DETERMINATION.—
5 The term “emergency situation determination”
6 means a determination made by the Secretary under
7 subsection (b)(1)(A).

8 (4) LAND AND RESOURCE MANAGEMENT
9 PLAN.—The term “land and resource management
10 plan” means a plan developed under section 6 of the
11 Forest and Rangeland Renewable Resources Plan-
12 ning Act of 1974 (16 U.S.C. 1604).

13 (5) NATIONAL FOREST SYSTEM LAND.—The
14 term “National Forest System land” means land of
15 the National Forest System (as defined in section
16 11(a) of the Forest and Rangeland Renewable Re-
17 sources Planning Act of 1974 (16 U.S.C. 1609(a))).

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

20 (b) AUTHORIZED EMERGENCY ACTIONS TO RESPOND
21 TO EMERGENCY SITUATIONS.—

22 (1) DETERMINATION.—

23 (A) IN GENERAL.—The Secretary may
24 make a determination that an emergency situa-

1 tion exists with respect to National Forest Sys-
2 tem land.

3 (B) REVIEW.—An emergency situation de-
4 termination shall not be subject to objection
5 under the predecisional administrative review
6 processes under part 218 of title 36, Code of
7 Federal Regulations (or successor regulations).

8 (C) BASIS OF DETERMINATION.—An emer-
9 gency situation determination shall be based on
10 an examination of the relevant information.

11 (2) AUTHORIZED EMERGENCY ACTIONS.—After
12 making an emergency situation determination with
13 respect to National Forest System land, the Sec-
14 retary may carry out authorized emergency actions
15 on that National Forest System land in order to
16 achieve reliefs from hazards threatening human
17 health and safety or mitigation of threats to natural
18 resources on National Forest System land or adja-
19 cent land, including through—

20 (A) the salvage of dead or dying trees;

21 (B) the harvest of trees damaged by wind
22 or ice;

23 (C) the commercial and noncommercial
24 sanitation harvest of trees to control insects or

1 disease, including trees already infested with in-
2 sects or disease;

3 (D) the reforestation or replanting of fire-
4 impacted areas through planting, control of
5 competing vegetation, or other activities that
6 enhance natural regeneration and restore forest
7 species;

8 (E) the removal of hazardous trees in close
9 proximity to roads and trails;

10 (F) the removal of hazardous fuels;

11 (G) the restoration of water sources or in-
12 frastructure;

13 (H) the reconstruction of existing utility
14 lines; and

15 (I) the replacement of underground cables.

16 (3) RELATION TO LAND AND RESOURCE MAN-
17 AGEMENT PLANS.—Any authorized emergency action
18 carried out under paragraph (2) on National Forest
19 System land shall be conducted consistent with the
20 applicable land and resource management plan.

21 (c) ENVIRONMENTAL ANALYSIS.—

22 (1) ENVIRONMENTAL ASSESSMENT OR ENVI-
23 RONMENTAL IMPACT STATEMENT.—If the Secretary
24 determines that an authorized emergency action re-
25 quires an environmental assessment or an environ-

1 mental impact statement pursuant to section 102(2)
2 of the National Environmental Policy Act of 1969
3 (42 U.S.C. 4332(2)), the Secretary shall study, de-
4 velop, and describe—

5 (A) the proposed agency action, taking into
6 account the probable environmental con-
7 sequences of the authorized emergency action
8 and mitigating foreseeable adverse environ-
9 mental effects, to the extent practicable; and

10 (B) the alternative of no action.

11 (2) PUBLIC NOTICE.—The Secretary shall pro-
12 vide notice of each authorized emergency action that
13 the Secretary determines requires an environmental
14 assessment or environmental impact statement
15 under paragraph (1), in accordance with applicable
16 regulations and administrative guidelines.

17 (3) PUBLIC COMMENT.—The Secretary shall
18 provide an opportunity for public comment during
19 the preparation of any environmental assessment or
20 environmental impact statement under paragraph
21 (1).

22 (4) SAVINGS CLAUSE.—Nothing in this sub-
23 section prohibits the Secretary from—

24 (A) making an emergency situation deter-
25 mination, including a determination that an

1837

1 emergency exists pursuant to section 218.21(a)
2 of title 36, Code of Federal Regulations (or suc-
3 cessor regulations); or

4 (B) taking an emergency action under sec-
5 tion 220.4(b) of title 36, Code of Federal Regu-
6 lations (or successor regulations).

7 (d) ADMINISTRATIVE REVIEW OF AUTHORIZED
8 EMERGENCY ACTIONS.—An authorized emergency action
9 carried out under this section shall not be subject to objec-
10 tion under the predecisional administrative review proc-
11 esses established under section 105 of the Healthy Forests
12 Restoration Act of 2003 (16 U.S.C. 6515) and section 428
13 of the Department of the Interior, Environment, and Re-
14 lated Agencies Appropriations Act, 2012 (16 U.S.C. 6515
15 note; Public Law 112–74).

16 (e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—
17 A court shall not enjoin an authorized emergency action
18 under this section if the court determines that the plaintiff
19 is unable to demonstrate that the claim of the plaintiff
20 is likely to succeed on the merits.

21 (f) NOTIFICATION AND GUIDANCE.—The Secretary
22 shall provide notification and guidance to each local field
23 office of the Forest Service to ensure awareness of, compli-
24 ance with, and appropriate use of the authorized emer-
25 gency action authority under this section.

1838

1 **TITLE IX—WESTERN WATER**
2 **INFRASTRUCTURE**

3 **SEC. 40901. AUTHORIZATIONS OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of the Interior, acting through the Commissioner
6 of Reclamation (referred to in this title as the “Sec-
7 retary”), for the period of fiscal years 2022 through
8 2026—

9 (1) \$1,150,000,000 for water storage, ground-
10 water storage, and conveyance projects in accord-
11 ance with section 40902, of which \$100,000,000
12 shall be made available to provide grants to plan and
13 construct small surface water and groundwater stor-
14 age projects in accordance with section 40903;

15 (2) \$3,200,000,000 for the Aging Infrastruc-
16 ture Account established by subsection (d)(1) of sec-
17 tion 9603 of the Omnibus Public Land Management
18 Act of 2009 (43 U.S.C. 510b), to be made available
19 for activities in accordance with that subsection, in-
20 cluding major rehabilitation and replacement activi-
21 ties, as identified in the Asset Management Report
22 of the Bureau of Reclamation dated April 2021, of
23 which—

24 (A) \$100,000,000 shall be made available
25 for Bureau of Reclamation reserved or trans-

1 tion Wastewater and Groundwater Study
2 and Facilities Act (43 U.S.C. 390h(f)),
3 with funding under this subparagraph to
4 be provided in accordance with that sec-
5 tion, notwithstanding section 4013 of the
6 Water Infrastructure Improvements for the
7 Nation Act (43 U.S.C. 390b note; Public
8 Law 114–322), except that section
9 1602(g)(2) of the Reclamation Wastewater
10 and Groundwater Study and Facilities Act
11 (43 U.S.C. 390h(g)(2)) shall not apply to
12 amounts made available under this sub-
13 paragraph; and

14 (B) \$450,000,000 shall be made available
15 for large-scale water recycling and reuse
16 projects in accordance with section 40905;

17 (5) \$250,000,000 for water desalination
18 projects and studies authorized in accordance with
19 the Water Desalination Act of 1996 (42 U.S.C.
20 10301 note; Public Law 104–298) that are—

21 (A) authorized or approved for construc-
22 tion funding by an Act of Congress before July
23 1, 2021; or

24 (B) selected for funding under the pro-
25 gram authorized pursuant to section 4(a) of the

1 Water Desalination Act of 1996 (42 U.S.C.
2 10301 note; Public Law 104–298), with fund-
3 ing to be made available under this paragraph
4 in accordance with that subsection, notwith-
5 standing section 4013 of the Water Infrastruc-
6 ture Improvements for the Nation Act (43
7 U.S.C. 390b note; Public Law 114–322), except
8 that paragraph (2)(F) of section 4(a) of the
9 Water Desalination Act of 1996 (42 U.S.C.
10 10301 note; Public Law 104–298) (as redesign-
11 nated by section 40908) shall not apply to
12 amounts made available under this paragraph;
13 (6) \$500,000,000 for the safety of dams pro-
14 gram, in accordance with the Reclamation Safety of
15 Dams Act of 1978 (43 U.S.C. 506 et seq.);
16 (7) \$400,000,000 for WaterSMART grants in
17 accordance with section 9504 of the Omnibus Public
18 Land Management Act of 2009 (42 U.S.C. 10364),
19 of which \$100,000,000 shall be made available for
20 projects that would improve the condition of a nat-
21 ural feature or nature-based feature (as those terms
22 are defined in section 9502 of the Omnibus Public
23 Land Management Act of 2009 (42 U.S.C. 10362));
24 (8) subject to section 40906, \$300,000,000 for
25 implementing the Colorado River Basin Drought

1 Contingency Plan, consistent with the obligations of
2 the Secretary under the Colorado River Drought
3 Contingency Plan Authorization Act (Public Law
4 116–14; 133 Stat. 850) and related agreements, of
5 which \$50,000,000 shall be made available for use
6 in accordance with the Drought Contingency Plan
7 for the Upper Colorado River Basin;

8 (9) \$100,000,000 to provide financial assistance
9 for watershed management projects in accordance
10 with subtitle A of title VI of the Omnibus Public
11 Land Management Act of 2009 (16 U.S.C. 1015 et
12 seq.);

13 (10) \$250,000,000 for design, study, and con-
14 struction of aquatic ecosystem restoration and pro-
15 tection projects in accordance with section 1109 of
16 division FF of the Consolidated Appropriations Act,
17 2021 (Public Law 116–260);

18 (11) \$100,000,000 for multi-benefit projects to
19 improve watershed health in accordance with section
20 40907; and

21 (12) \$50,000,000 for endangered species recov-
22 ery and conservation programs in the Colorado River
23 Basin in accordance with—

24 (A) Public Law 106–392 (114 Stat. 1602);

1843

1 (B) the Grand Canyon Protection Act of
2 1992 (Public Law 102–575; 106 Stat. 4669);
3 and

4 (C) subtitle E of title IX of the Omnibus
5 Public Land Management Act of 2009 (Public
6 Law 111–11; 123 Stat. 1327).

7 **SEC. 40902. WATER STORAGE, GROUNDWATER STORAGE,**
8 **AND CONVEYANCE PROJECTS.**

9 (a) **ELIGIBILITY FOR FUNDING.—**

10 (1) **FEASIBILITY STUDIES.—**

11 (A) **IN GENERAL.—**A feasibility study shall
12 only be eligible for funding under section
13 40901(1) if—

14 (i) the feasibility study has been au-
15 thorized by an Act of Congress before the
16 date of enactment of this Act;

17 (ii) Congress has approved funding
18 for the feasibility study in accordance with
19 section 4007 of the Water Infrastructure
20 Improvements for the Nation Act (43
21 U.S.C. 390b note; Public Law 114–322)
22 before the date of enactment of this Act;
23 or

24 (iii) the feasibility study is authorized
25 under subparagraph (B).

1 (B) FEASIBILITY STUDY AUTHORIZA-
2 TIONS.—The Secretary may carry out feasibility
3 studies for the following projects:

4 (i) The Verde Reservoirs Sediment
5 Mitigation Project in the State of Arizona.

6 (ii) The Tualatin River Basin Project
7 in the State of Oregon.

8 (2) CONSTRUCTION.—A project shall only be el-
9 igible for construction funding under section
10 40901(1) if—

11 (A) an Act of Congress enacted before the
12 date of enactment of this Act authorizes con-
13 struction of the project;

14 (B) Congress has approved funding for
15 construction of the project in accordance with
16 section 4007 of the Water Infrastructure Im-
17 provements for the Nation Act (43 U.S.C. 390b
18 note; Public Law 114–322) before the date of
19 enactment of this Act, except for any project
20 for which—

21 (i) Congress did not approve the rec-
22 ommendation of the Secretary for funding
23 under subsection (h)(2) of that section for
24 at least 1 fiscal year before the date of en-
25 actment of this Act; or

1845

1 (ii) State funding for the project was
2 rescinded by the State before the date of
3 enactment of this Act; or

4 (C)(i) Congress has authorized or approved
5 funding for a feasibility study for the project in
6 accordance with clause (i) or (ii) of paragraph
7 (1)(A) (except that projects described in clauses
8 (i) and (ii) of subparagraph (B) shall not be eli-
9 gible); and

10 (ii) on completion of the feasibility study
11 for the project, the Secretary—

12 (I) finds the project to be technically
13 and financially feasible in accordance with
14 the reclamation laws;

15 (II) determines that sufficient non-
16 Federal funding is available for the non-
17 Federal cost share of the project; and

18 (III)(aa) finds the project to be in the
19 public interest; and

20 (bb) recommends the project for con-
21 struction.

22 (b) COST-SHARING REQUIREMENT.—

23 (1) IN GENERAL.—The Federal share—

1846

1 (A) for a project authorized by an Act of
2 Congress shall be determined in accordance
3 with that Act;

4 (B) for a project approved by Congress in
5 accordance with section 4007 of the Water In-
6 frastructure Improvements for the Nation Act
7 (43 U.S.C. 390b note; Public Law 114–322)
8 (including construction resulting from a feasi-
9 bility study authorized under that Act) shall be
10 as provided in that Act; and

11 (C) for a project not described in subpara-
12 graph (A) or (B)—

13 (i) in the case of a federally owned
14 project, shall not exceed 50 percent of the
15 total cost of the project; and

16 (ii) in the case of a non-Federal
17 project, shall not exceed 25 percent of the
18 total cost of the project.

19 (2) FEDERAL BENEFITS.—Before funding a
20 project under this section, the Secretary shall deter-
21 mine that, in return for the Federal investment in
22 the project, at least a proportionate share of the
23 benefits are Federal benefits.

1 (3) REIMBURSABILITY.—The reimbursability of
2 Federal funding of projects under this section shall
3 be in accordance with the reclamation laws.

4 (c) ENVIRONMENTAL LAWS.—In providing funding
5 for a project under this section, the Secretary shall comply
6 with all applicable environmental laws, including the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
8 et seq.).

9 **SEC. 40903. SMALL WATER STORAGE AND GROUNDWATER**
10 **STORAGE PROJECTS.**

11 (a) ESTABLISHMENT OF A COMPETITIVE GRANT
12 PROGRAM FOR SMALL WATER STORAGE AND GROUND-
13 WATER STORAGE PROJECTS.—The Secretary shall estab-
14 lish a competitive grant program, under which the non-
15 Federal project sponsor of any project in a Reclamation
16 State, including the State of Alaska or Hawaii, determined
17 by the Secretary to be feasible under subsection (b)(2)(B)
18 shall be eligible to apply for funding for the planning, de-
19 sign, and construction of the project.

20 (b) ELIGIBILITY AND SELECTION.—

21 (1) SUBMISSION TO THE SECRETARY.—

22 (A) IN GENERAL.—A non-Federal project
23 sponsor described in subsection (a) may submit
24 to the Secretary a proposal for a project eligible

1 to receive a grant under this section in the form
2 of a completed feasibility study.

3 (B) ELIGIBLE PROJECTS.—A project shall
4 be considered eligible for consideration for a
5 grant under this section if the project—

6 (i) has water storage capacity of not
7 less than 2,000 acre-feet and not more
8 than 30,000 acre-feet; and

9 (ii)(I) increases surface water or
10 groundwater storage; or

11 (II) conveys water, directly or indi-
12 rectly, to or from surface water or ground-
13 water storage.

14 (C) GUIDELINES.—Not later than 60 days
15 after the date of enactment of this Act, the Sec-
16 retary shall issue guidelines for feasibility stud-
17 ies for small storage projects to provide suffi-
18 cient information for the formulation of the
19 studies.

20 (2) REVIEW BY THE SECRETARY.—The Sec-
21 retary shall review each feasibility study received
22 under paragraph (1)(A) for the purpose of deter-
23 mining whether—

24 (A) the feasibility study, and the process
25 under which the study was developed, each

1 comply with Federal laws (including regula-
2 tions) applicable to feasibility studies of small
3 storage projects;

4 (B) the project is technically and finan-
5 cially feasible, in accordance with—

6 (i) the guidelines developed under
7 paragraph (1)(C); and

8 (ii) the reclamation laws; and

9 (C) the project provides a Federal benefit,
10 as determined by the Secretary.

11 (3) SUBMISSION TO CONGRESS.—Not later than
12 180 days after the date of receipt of a feasibility
13 study received under paragraph (1)(A), the Sec-
14 retary shall submit to the Committee on Energy and
15 Natural Resources of the Senate and the Committee
16 on Natural Resources of the House of Representa-
17 tives a report that describes—

18 (A) the results of the review of the study
19 by the Secretary under paragraph (2), including
20 a determination of whether the project is fea-
21 sible and provides a Federal benefit;

22 (B) any recommendations that the Sec-
23 retary may have concerning the plan or design
24 of the project; and

1 (C) any conditions the Secretary may re-
2 quire for construction of the project.

3 (4) ELIGIBILITY FOR FUNDING.—

4 (A) IN GENERAL.—The non-Federal
5 project sponsor of any project determined by
6 the Secretary to be feasible under paragraph
7 (3)(A) shall be eligible to apply to the Secretary
8 for a grant to cover the Federal share of the
9 costs of planning, designing, and constructing
10 the project pursuant to subsection (c).

11 (B) REQUIRED DETERMINATION.—Prior to
12 awarding grants to a small storage project, the
13 Secretary shall determine whether there is suffi-
14 cient non-Federal funding available to complete
15 the project.

16 (5) PRIORITY.—In awarding grants to projects
17 under this section, the Secretary shall give priority
18 to projects that meet 1 or more of the following cri-
19 teria:

20 (A) Projects that are likely to provide a
21 more reliable water supply for States, Indian
22 Tribes, and local governments, including sub-
23 divisions of those entities.

24 (B) Projects that are likely to increase
25 water management flexibility and reduce im-

1 pacts on environmental resources from projects
2 operated by Federal and State agencies.

3 (C) Projects that are regional in nature.

4 (D) Projects with multiple stakeholders.

5 (E) Projects that provide multiple benefits,
6 including water supply reliability, ecosystem
7 benefits, groundwater management and en-
8 hancements, and water quality improvements.

9 (c) CEILING ON FEDERAL SHARE.—The Federal
10 share of the costs of each of the individual projects se-
11 lected under this section shall not exceed the lesser of—

12 (1) 25 percent of the total project cost; or

13 (2) \$30,000,000.

14 (d) ENVIRONMENTAL LAWS.—In providing funding
15 for a grant for a project under this section, the Secretary
16 shall comply with all applicable environmental laws, in-
17 cluding the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.).

19 (e) TERMINATION OF AUTHORITY.—The authority to
20 carry out this section terminates on the date that is 5
21 years after the date of enactment of this Act.

22 **SEC. 40904. CRITICAL MAINTENANCE AND REPAIR.**

23 (a) CRITICAL FAILURE AT A RESERVED OR TRANS-
24 FERRED WORK.—

1 (1) IN GENERAL.—A reserved or transferred
2 work shall only be eligible for funding under section
3 40901(2)(A) if—

4 (A) construction of the reserved or trans-
5 ferred work began on or before January 1,
6 1915; and

7 (B) a unit of the reserved or transferred
8 work suffered a critical failure in Bureau of
9 Reclamation infrastructure during the 2-year
10 period ending on the date of enactment of this
11 Act that resulted in the failure to deliver water
12 to project beneficiaries.

13 (2) USE OF FUNDS.—Rehabilitation, repair,
14 and replacement activities for a transferred or re-
15 served work using amounts made available under
16 section 40901(2)(A) may be used for the entire
17 transferred or reserved work, regardless of whether
18 the critical failure was limited to a single project of
19 the overall work.

20 (3) NONREIMBURSABLE FUNDS.—Notwith-
21 standing section 9603(b) of the Omnibus Public
22 Land Management Act of 2009 (43 U.S.C.
23 510b(b)), amounts made available to a reserved or
24 transferred work under section 40901(2)(A) shall be
25 nonreimbursable to the United States.

1 (b) CAREY ACT PROJECTS.—The Secretary shall use
2 amounts made available under section 40901(2)(B) to
3 fund the rehabilitation, reconstruction, or replacement of
4 a dam—

5 (1) the construction of which began on or after
6 January 1, 1905;

7 (2) that was developed pursuant to section 4 of
8 the Act of August 18, 1894 (commonly known as
9 the “Carey Act”) (43 U.S.C. 641; 28 Stat. 422,
10 chapter 301);

11 (3) that the Governor of the State in which the
12 dam is located has—

13 (A) determined the dam has reached its
14 useful life;

15 (B) determined the dam poses significant
16 health and safety concerns; and

17 (C) requested Federal support; and

18 (4) for which the estimated rehabilitation, re-
19 construction, or replacement, engineering, and per-
20 mitting costs would exceed \$50,000,000.

21 **SEC. 40905. COMPETITIVE GRANT PROGRAM FOR LARGE-**
22 **SCALE WATER RECYCLING AND REUSE PRO-**
23 **GRAM.**

24 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State, Indian Tribe, municipality, ir-
4 rigation district, water district, wastewater dis-
5 trict, or other organization with water or power
6 delivery authority;

7 (B) a State, regional, or local authority,
8 the members of which include 1 or more organi-
9 zations with water or power delivery authority;
10 or

11 (C) an agency established under State law
12 for the joint exercise of powers or a combina-
13 tion of entities described in subparagraphs (A)
14 and (B).

15 (2) ELIGIBLE PROJECT.—The term “eligible
16 project” means a project described in subsection (c).

17 (3) PROGRAM.—The term “program” means
18 the grant program established under subsection (b).

19 (4) RECLAMATION STATE.—The term “Rec-
20 lamation State” means a State or territory described
21 in the first section of the Act of June 17, 1902 (43
22 U.S.C. 391; 32 Stat. 388, chapter 1093).

23 (b) ESTABLISHMENT.—The Secretary shall establish
24 a program to provide grants to eligible entities on a com-
25 petitive basis for the planning, design, and construction

1 of large-scale water recycling and reuse projects that pro-
2 vide substantial water supply and other benefits to the
3 Reclamation States in accordance with this section.

4 (c) ELIGIBLE PROJECT.—A project shall be eligible
5 for a grant under this section if the project—

6 (1) reclaims and reuses—

7 (A) municipal, industrial, domestic, or ag-
8 ricultural wastewater; or

9 (B) impaired groundwater or surface
10 water;

11 (2) has a total estimated cost of \$500,000,000
12 or more;

13 (3) is located in a Reclamation State;

14 (4) is constructed, operated, and maintained by
15 an eligible entity; and

16 (5) provides a Federal benefit in accordance
17 with the reclamation laws.

18 (d) PROJECT EVALUATION.—The Secretary may pro-
19 vide a grant to an eligible project under the program if—

20 (1) the eligible entity determines through the
21 preparation of a feasibility study or equivalent
22 study, and the Secretary concurs, that the eligible
23 project—

24 (A) is technically and financially feasible;

1 (B) provides a Federal benefit in accord-
2 ance with the reclamation laws; and

3 (C) is consistent with applicable Federal
4 and State laws;

5 (2) the eligible entity has sufficient non-Federal
6 funding available to complete the eligible project, as
7 determined by the Secretary;

8 (3) the eligible entity is financially solvent, as
9 determined by the Secretary; and

10 (4) not later than 30 days after the date on
11 which the Secretary concurs with the determinations
12 under paragraph (1) with respect to the eligible
13 project, the Secretary submits to Congress written
14 notice of the determinations.

15 (e) PRIORITY.—In providing grants to eligible
16 projects under the program, the Secretary shall give pri-
17 ority to eligible projects that meet 1 or more of the fol-
18 lowing criteria:

19 (1) The eligible project provides multiple bene-
20 fits, including—

21 (A) water supply reliability benefits for
22 drought-stricken States and communities;

23 (B) fish and wildlife benefits; and

24 (C) water quality improvements.

1 (2) The eligible project is likely to reduce im-
2 pacts on environmental resources from water
3 projects owned or operated by Federal and State
4 agencies, including through measurable reductions in
5 water diversions from imperiled ecosystems.

6 (3) The eligible project would advance water
7 management plans across a multi-State area, such
8 as drought contingency plans in the Colorado River
9 Basin.

10 (4) The eligible project is regional in nature.

11 (5) The eligible project is collaboratively devel-
12 oped or supported by multiple stakeholders.

13 (f) FEDERAL ASSISTANCE.—

14 (1) FEDERAL COST SHARE.—The Federal share
15 of the cost of any project provided a grant under the
16 program shall not exceed 25 percent of the total cost
17 of the eligible project.

18 (2) TOTAL DOLLAR CAP.—The Secretary shall
19 not impose a total dollar cap on Federal contribu-
20 tions for all eligible individual projects provided a
21 grant under the program.

22 (3) NONREIMBURSABLE FUNDS.—Any funds
23 provided by the Secretary to an eligible entity under
24 the program shall be considered nonreimbursable.

1 (4) FUNDING ELIGIBILITY.—An eligible project
2 shall not be considered ineligible for assistance
3 under the program because the eligible project has
4 received assistance under—

5 (A) the Reclamation Wastewater and
6 Groundwater Study and Facilities Act (43
7 U.S.C. 390h et seq.);

8 (B) section 4(a) of the Water Desalination
9 Act of 1996 (42 U.S.C. 10301 note; Public Law
10 104–298) for eligible desalination projects; or

11 (C) section 1602(e) of the Reclamation
12 Wastewater and Groundwater Study and Facili-
13 ties Act (43 U.S.C. 390h(e)).

14 (g) ENVIRONMENTAL LAWS.—In providing a grant
15 for an eligible project under the program, the Secretary
16 shall comply with all applicable environmental laws, in-
17 cluding the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.).

19 (h) GUIDANCE.—Not later than 1 year after the date
20 of enactment of this Act, the Secretary shall issue guid-
21 ance on the implementation of the program, including
22 guidelines for the preparation of feasibility studies or
23 equivalent studies by eligible entities.

24 (i) REPORTS.—

1859

1 (1) ANNUAL REPORT.—At the end of each fis-
2 cal year, the Secretary shall make available on the
3 website of the Department of the Interior an annual
4 report that lists each eligible project for which a
5 grant has been awarded under this section during
6 the fiscal year.

7 (2) COMPTROLLER GENERAL.—

8 (A) ASSESSMENT.—The Comptroller Gen-
9 eral of the United States shall conduct an as-
10 sessment of the administrative establishment,
11 solicitation, selection, and justification process
12 with respect to the funding of grants under this
13 section.

14 (B) REPORT.—Not later than 1 year after
15 the date of the initial award of grants under
16 this section, the Comptroller General shall sub-
17 mit to the Committee on Energy and Natural
18 Resources of the Senate and the Committee on
19 Natural Resources of the House of Representa-
20 tives a report that describes—

21 (i) the adequacy and effectiveness of
22 the process by which each eligible project
23 was selected, if applicable; and

1860

1 (ii) the justification and criteria used
2 for the selection of each eligible project, if
3 applicable.

4 (j) TREATMENT OF CONVEYANCE.—The Secretary
5 shall consider the planning, design, and construction of
6 a conveyance system for an eligible project to be eligible
7 for grant funding under the program.

8 (k) TERMINATION OF AUTHORITY.—The authority to
9 carry out this section terminates on the date that is 5
10 years after the date of enactment of this Act.

11 **SEC. 40906. DROUGHT CONTINGENCY PLAN FUNDING RE-**
12 **QUIREMENTS.**

13 (a) IN GENERAL.—Funds made available under sec-
14 tion 40901(8) for use in the Lower Colorado River Basin
15 may be used for projects—

16 (1) to establish or conserve recurring Colorado
17 River water that contributes to supplies in Lake
18 Mead and other Colorado River water reservoirs in
19 the Lower Colorado River Basin; or

20 (2) to improve the long-term efficiency of oper-
21 ations in the Lower Colorado River Basin.

22 (b) LIMITATION.—None of the funds made available
23 under section 40901(8) may be used for the operation of
24 the Yuma Desalting Plant.

1 (c) EFFECT.—Nothing in section 40901(8) limits ex-
2 isting or future opportunities to augment the water sup-
3 plies of the Colorado River.

4 **SEC. 40907. MULTI-BENEFIT PROJECTS TO IMPROVE WA-**
5 **TERSHEDED HEALTH.**

6 (a) DEFINITION OF ELIGIBLE APPLICANT.—In this
7 section, the term “eligible applicant” means—

8 (1) a State;

9 (2) a Tribal or local government;

10 (3) an organization with power or water deliv-
11 ery authority;

12 (4) a regional authority; or

13 (5) a nonprofit conservation organization.

14 (b) ESTABLISHMENT OF COMPETITIVE GRANT PRO-
15 GRAM.—Not later than 1 year after the date of enactment
16 of this Act, the Secretary, in consultation with the heads
17 of relevant agencies, shall establish a competitive grant
18 program under which the Secretary shall award grants to
19 eligible applicants for the design, implementation, and
20 monitoring of conservation outcomes of habitat restoration
21 projects that improve watershed health in a river basin
22 that is adversely impacted by a Bureau of Reclamation
23 water project by accomplishing 1 or more of the following:

24 (1) Ecosystem benefits.

25 (2) Restoration of native species.

1 (3) Mitigation against the impacts of climate
2 change to fish and wildlife habitats.

3 (4) Protection against invasive species.

4 (5) Restoration of aspects of the natural eco-
5 system.

6 (6) Enhancement of commercial, recreational,
7 subsistence, or Tribal ceremonial fishing.

8 (7) Enhancement of river-based recreation.

9 (c) REQUIREMENTS.—

10 (1) IN GENERAL.—In awarding a grant to an
11 eligible applicant under subsection (b), the Sec-
12 retary—

13 (A) shall give priority to an eligible appli-
14 cant that would carry out a habitat restoration
15 project that achieves more than 1 of the bene-
16 fits described in that subsection; and

17 (B) may not provide a grant to carry out
18 a habitat restoration project the purpose of
19 which is to meet existing environmental mitiga-
20 tion or compliance obligations under Federal or
21 State law.

22 (2) COMPLIANCE.—A habitat restoration
23 project awarded a grant under subsection (b) shall
24 comply with all applicable Federal and State laws.

1 (d) COST-SHARING REQUIREMENT.—The Federal
2 share of the cost of any habitat restoration project that
3 is awarded a grant under subsection (b)—

4 (1) shall not exceed 50 percent of the cost of
5 the habitat restoration project; or

6 (2) in the case of a habitat restoration project
7 that provides benefits to ecological or recreational
8 values in which the nonconsumptive water conserva-
9 tion benefit or habitat restoration benefit accounts
10 for at least 75 percent of the cost of the habitat res-
11 toration project, as determined by the Secretary,
12 shall not exceed 75 percent of the cost of the habitat
13 restoration project.

14 **SEC. 40908. ELIGIBLE DESALINATION PROJECTS.**

15 Section 4(a) of the Water Desalination Act of 1996
16 (42 U.S.C. 10301 note; Public Law 104–298) is amended
17 by redesignating the second paragraph (1) (relating to eli-
18 gible desalination projects) as paragraph (2).

19 **SEC. 40909. CLARIFICATION OF AUTHORITY TO USE**
20 **CORONAVIRUS FISCAL RECOVERY FUNDS TO**
21 **MEET A NON-FEDERAL MATCHING REQUIRE-**
22 **MENT FOR AUTHORIZED BUREAU OF REC-**
23 **LAMATION WATER PROJECTS.**

24 (a) CORONAVIRUS STATE FISCAL RECOVERY
25 FUND.—Section 602(c) of the Social Security Act (42

1 U.S.C. 802(c) is amended by adding at the end the fol-
2 lowing:

3 “(4) USE OF FUNDS TO SATISFY NON-FEDERAL
4 MATCHING REQUIREMENTS FOR AUTHORIZED BU-
5 REAU OF RECLAMATION WATER PROJECTS.—Funds
6 provided under this section for an authorized Bu-
7 reau of Reclamation project may be used for pur-
8 poses of satisfying any non-Federal matching re-
9 quirement required for the project.”.

10 (b) CORONAVIRUS LOCAL FISCAL RECOVERY
11 FUND.—Section 603(c) of the Social Security Act (42
12 U.S.C. 803(c)) is amended by adding at the end the fol-
13 lowing:

14 “(5) USE OF FUNDS TO SATISFY NON-FEDERAL
15 MATCHING, MAINTENANCE OF EFFORT, OR OTHER
16 EXPENDITURE REQUIREMENT.—Funds provided
17 under this section for an authorized Bureau of Rec-
18 lamation project may be used for purposes of satis-
19 fying any non-Federal matching requirement re-
20 quired for the project.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the enact-
23 ment of section 9901 of the American Rescue Plan Act
24 of 2021 (Public Law 117–2; 135 Stat. 223).

1865

1 **SEC. 40910. FEDERAL ASSISTANCE FOR GROUNDWATER RE-**
2 **CHARGE, AQUIFER STORAGE, AND WATER**
3 **SOURCE SUBSTITUTION PROJECTS.**

4 (a) IN GENERAL.—The Secretary, at the request of
5 and in coordination with affected Indian Tribes, States
6 (including subdivisions and departments of a State), or a
7 public agency organized pursuant to State law, may pro-
8 vide technical or financial assistance for, participate in,
9 and enter into agreements (including agreements with irri-
10 gation entities) for—

- 11 (1) groundwater recharge projects;
12 (2) aquifer storage and recovery projects; or
13 (3) water source substitution for aquifer protec-
14 tion projects.

15 (b) LIMITATION.—Nothing in this section authorizes
16 additional technical or financial assistance for, or partici-
17 pation in an agreement for, a surface water storage facility
18 to be constructed or expanded.

19 (c) REQUIREMENT.—A construction project shall
20 only be eligible for financial assistance under this section
21 if the project meets the conditions for funding under sec-
22 tion 40902(a)(2)(C)(ii).

23 (d) COST SHARING.—Cost sharing for a project fund-
24 ed under this section shall be in accordance with section
25 40902(b).

1866

1 (e) ENVIRONMENTAL LAWS.—In providing funding
2 for a project under this section, the Secretary shall comply
3 with all applicable environmental laws, including —

4 (1) the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.);

6 (2) any obligations for fish, wildlife, or water
7 quality protection in permits or licenses granted by
8 a Federal agency or a State; and

9 (3) any applicable Federal or State laws (in-
10 cluding regulations).

11 (f) AUTHORIZATION BY CONGRESS FOR MAJOR
12 PROJECT CONSTRUCTION.—A project with a total esti-
13 mated cost of \$500,000,000 or more shall only be eligible
14 for construction funding under this section if the project
15 is authorized for construction by an Act of Congress.

16 **TITLE X—AUTHORIZATION OF**
17 **APPROPRIATIONS FOR EN-**
18 **ERGY ACT OF 2020**

19 **SEC. 41001. ENERGY STORAGE DEMONSTRATION**
20 **PROJECTS.**

21 (a) ENERGY STORAGE DEMONSTRATION PROJECTS;
22 PILOT GRANT PROGRAM.—There is authorized to be ap-
23 propriated to the Secretary to carry out activities under
24 section 3201(c) of the Energy Act of 2020 (42 U.S.C.

1867

1 17232(c)) \$355,000,000 for the period of fiscal years
2 2022 through 2025.

3 (b) LONG-DURATION DEMONSTRATION INITIATIVE
4 AND JOINT PROGRAM.—There is authorized to be appro-
5 priated to the Secretary to carry out activities under sec-
6 tion 3201(d) of the Energy Act of 2020 (42 U.S.C.
7 17232(d)) \$150,000,000 for the period of fiscal years
8 2022 through 2025.

9 **SEC. 41002. ADVANCED REACTOR DEMONSTRATION PRO-**
10 **GRAM.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary to carry
13 out activities under section 959A of the Energy Policy Act
14 of 2005 (42 U.S.C. 16279a) pursuant to the funding op-
15 portunity announcement of the Department numbered
16 DE–FOA–0002271 for Pathway 1, Advanced Reactor
17 Demonstrations—

18 (1) \$511,000,000 for fiscal year 2022;

19 (2) \$506,000,000 for fiscal year 2023;

20 (3) \$636,000,000 for fiscal year 2024;

21 (4) \$824,000,000 for fiscal year 2025;

22 (5) \$453,000,000 for fiscal year 2026; and

23 (6) \$281,000,000 for fiscal year 2027.

24 (b) TECHNICAL CORRECTIONS.—

1 (1) DEFINITION OF ADVANCED NUCLEAR REAC-
2 TOR.—Section 951(b)(1) of the Energy Policy Act of
3 2005 (42 U.S.C. 16271(b)(1)) is amended—

4 (A) in subparagraph (A)(xi), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (B), by striking the
7 period at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(C) a radioisotope power system that uti-
10 lizes heat from radioactive decay to generate
11 energy.”.

12 (2) NUCLEAR ENERGY UNIVERSITY PROGRAM
13 FUNDING.—Section 954(a)(6) of the Energy Policy
14 Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by
15 inserting “, excluding funds appropriated for the Ad-
16 vanced Reactor Demonstration Program of the De-
17 partment,” after “annually”.

18 **SEC. 41003. MINERAL SECURITY PROJECTS.**

19 (a) NATIONAL GEOLOGICAL AND GEOPHYSICAL
20 DATA PRESERVATION PROGRAM.—There are authorized
21 to be appropriated to the Secretary of the Interior to carry
22 out activities under section 351 of the Energy Policy Act
23 of 2005 (42 U.S.C. 15908)—

24 (1) \$8,668,000 for fiscal year 2022; and

1869

1 (2) \$5,000,000 for each of fiscal years 2023
2 through 2025.

3 (b) RARE EARTH MINERAL SECURITY.—There are
4 authorized to be appropriated to the Secretary to carry
5 out activities under section 7001(a) of the Energy Act of
6 2020 (42 U.S.C. 13344(a))—

7 (1) \$23,000,000 for fiscal year 2022;

8 (2) \$24,200,000 for fiscal year 2023;

9 (3) \$25,400,000 for fiscal year 2024;

10 (4) \$26,600,000 for fiscal year 2025; and

11 (5) \$27,800,000 for fiscal year 2026.

12 (c) CRITICAL MATERIAL INNOVATION, EFFICIENCY,
13 AND ALTERNATIVES.—There are authorized to be appro-
14 priated to the Secretary to carry out activities under sec-
15 tion 7002(g) of the Energy Act of 2020 (30 U.S.C.
16 1606(g))—

17 (1) \$230,000,000 for fiscal year 2022;

18 (2) \$100,000,000 for fiscal year 2023; and

19 (3) \$135,000,000 for each of fiscal years 2024
20 and 2025.

21 (d) CRITICAL MATERIAL SUPPLY CHAIN RESEARCH
22 FACILITY.—There are authorized to be appropriated to
23 the Secretary to carry out activities under section 7002(h)
24 of the Energy Act of 2020 (30 U.S.C. 1606(h))—

25 (1) \$40,000,000 for fiscal year 2022; and

1870

1 (2) \$35,000,000 for fiscal year 2023.

2 **SEC. 41004. CARBON CAPTURE DEMONSTRATION AND**
3 **PILOT PROGRAMS.**

4 (a) CARBON CAPTURE LARGE-SCALE PILOT
5 PROJECTS.—There are authorized to be appropriated to
6 the Secretary to carry out activities under section
7 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C.
8 16292(b)(2)(B))—

9 (1) \$387,000,000 for fiscal year 2022;

10 (2) \$200,000,000 for fiscal year 2023;

11 (3) \$200,000,000 for fiscal year 2024; and

12 (4) \$150,000,000 for fiscal year 2025.

13 (b) CARBON CAPTURE DEMONSTRATION PROJECTS
14 PROGRAM.—There are authorized to be appropriated to
15 the Secretary to carry out activities under section
16 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C.
17 16292(b)(2)(C))—

18 (1) \$937,000,000 for fiscal year 2022;

19 (2) \$500,000,000 for each of fiscal years 2023
20 and 2024; and

21 (3) \$600,000,000 for fiscal year 2025.

22 **SEC. 41005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE**
23 **COMPETITIONS.**

24 (a) PRECOMMERCIAL.—There is authorized to be ap-
25 propriated to the Secretary to carry out activities under

1871

1 section 969D(e)(2)(A) of the Energy Policy Act of 2005
2 (42 U.S.C. 16298d(e)(2)(A)) \$15,000,000 for fiscal year
3 2022.

4 (b) COMMERCIAL.—There is authorized to be appro-
5 priated to the Secretary to carry out activities under sec-
6 tion 969D(e)(2)(B) of the Energy Policy Act of 2005 (42
7 U.S.C. 16298d(e)(2)(B)) \$100,000,000 for fiscal year
8 2022.

9 **SEC. 41006. WATER POWER PROJECTS.**

10 (a) HYDROPOWER AND MARINE ENERGY.—There
11 are authorized to be appropriated to the Secretary—

12 (1) to carry out activities under section 634 of
13 the Energy Independence and Security Act of 2007
14 (42 U.S.C. 17213), \$36,000,000 for the period of
15 fiscal years 2022 through 2025; and

16 (2) to carry out activities under section 635 of
17 the Energy Independence and Security Act of 2007
18 (42 U.S.C. 17214), \$70,400,000 for the period of
19 fiscal years 2022 through 2025.

20 (b) NATIONAL MARINE ENERGY CENTERS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out activities under section 636 of the Energy Independ-
23 ence and Security Act of 2007 (42 U.S.C. 17215)
24 \$40,000,000 for the period of fiscal years 2022 through
25 2025.

1872

1 **SEC. 41007. RENEWABLE ENERGY PROJECTS.**

2 (a) GEOTHERMAL ENERGY.—There is authorized to
3 be appropriated to the Secretary to carry out activities
4 under section 615(d) of the Energy Independence and Se-
5 curity Act of 2007 (42 U.S.C. 17194(d)) \$84,000,000 for
6 the period of fiscal years 2022 through 2025.

7 (b) WIND ENERGY.—There are authorized to be ap-
8 propriated to the Secretary—

9 (1) to carry out activities under section
10 3003(b)(2) of the Energy Act of 2020 (42 U.S.C.
11 16237(b)(2)), \$60,000,000 for the period of fiscal
12 years 2022 through 2025; and

13 (2) to carry out activities under section
14 3003(b)(4) of the Energy Act of 2020 (42 U.S.C.
15 16237(b)(4)), \$40,000,000 for the period of fiscal
16 years 2022 through 2025.

17 (c) SOLAR ENERGY.—There are authorized to be ap-
18 propriated to the Secretary—

19 (1) to carry out activities under section
20 3004(b)(2) of the Energy Act of 2020 (42 U.S.C.
21 16238(b)(2)), \$40,000,000 for the period of fiscal
22 years 2022 through 2025;

23 (2) to carry out activities under section
24 3004(b)(3) of the Energy Act of 2020 (42 U.S.C.
25 16238(b)(3)), \$20,000,000 for the period of fiscal
26 years 2022 through 2025; and

1873

1 (3) to carry out activities under section
2 3004(b)(4) of the Energy Act of 2020 (42 U.S.C.
3 16238(b)(4)), \$20,000,000 for the period of fiscal
4 years 2022 through 2025.

5 (d) CLARIFICATION.—Amounts authorized to be ap-
6 propriated under subsection (b) are authorized to be a
7 part of, and not in addition to, any amounts authorized
8 to be appropriated by section 3003(b)(7) of the Energy
9 Act of 2020 (42 U.S.C. 16237(b)(7)).

10 **SEC. 41008. INDUSTRIAL EMISSIONS DEMONSTRATION**
11 **PROJECTS.**

12 There are authorized to be appropriated to the Sec-
13 retary to carry out activities under section 454(d)(3) of
14 the Energy Independence and Security Act of 2007 (42
15 U.S.C. 17113(d)(3))—

16 (1) \$100,000,000 for each of fiscal years 2022
17 and 2023; and

18 (2) \$150,000,000 for each of fiscal years 2024
19 and 2025.

20 **TITLE XI—WAGE RATE**
21 **REQUIREMENTS**

22 **SEC. 41101. WAGE RATE REQUIREMENTS.**

23 (a) DAVIS-BACON.—All laborers and mechanics em-
24 ployed by contractors or subcontractors in the perform-
25 ance of construction, alteration, or repair work on a

1874

1 project assisted in whole or in part by funding made avail-
2 able under this division or an amendment made by this
3 division shall be paid wages at rates not less than those
4 prevailing on similar projects in the locality, as determined
5 by the Secretary of Labor in accordance with subchapter
6 IV of chapter 31 of title 40, United States Code (com-
7 monly referred to as the “Davis-Bacon Act”).

8 (b) **AUTHORITY.**—With respect to the labor stand-
9 ards specified in subsection (a), the Secretary of Labor
10 shall have the authority and functions set forth in Reorga-
11 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5
12 U.S.C. App.) and section 3145 of title 40, United States
13 Code.

14 **TITLE XII—MISCELLANEOUS**

15 **SEC. 41201. OFFICE OF CLEAN ENERGY DEMONSTRATIONS.**

16 (a) **DEFINITIONS.**—In this section:

17 (1) **COVERED PROJECT.**—The term “covered
18 project” means a demonstration project of the De-
19 partment that—

20 (A) receives or is eligible to receive funding
21 from the Secretary; and

22 (B) is authorized under—

23 (i) this division; or

24 (ii) the Energy Act of 2020 (Public
25 Law 116–260; 134 Stat. 1182).

1 (2) PROGRAM.—The term “program” means
2 the program established under subsection (b).

3 (b) ESTABLISHMENT.—The Secretary, in coordina-
4 tion with the heads of relevant program offices of the De-
5 partment, shall establish a program to conduct project
6 management and oversight of covered projects, including
7 by—

8 (1) conducting evaluations of proposals for cov-
9 ered projects before the selection of a covered project
10 for funding;

11 (2) conducting independent oversight of the
12 execution of a covered project after funding has been
13 awarded for that covered project; and

14 (3) ensuring a balanced portfolio of investments
15 in covered projects.

16 (c) DUTIES.—The Secretary shall appoint a head of
17 the program who shall, in coordination with the heads of
18 relevant program offices of the Department—

19 (1) evaluate proposals for covered projects, in-
20 cluding scope, technical specifications, maturity of
21 design, funding profile, estimated costs, proposed
22 schedule, proposed technical and financial mile-
23 stones, and potential for commercial success based
24 on economic and policy projections;

1876

1 (2) develop independent cost estimates for a
2 proposal for a covered project, if appropriate;

3 (3) recommend to the head of a program office
4 of the Department, as appropriate, whether to fund
5 a proposal for a covered project;

6 (4) oversee the execution of covered projects
7 that receive funding from the Secretary, including
8 reconciling estimated costs as compared to actual
9 costs;

10 (5) conduct reviews of ongoing covered projects,
11 including—

12 (A) evaluating the progress of a covered
13 project based on the proposed schedule and
14 technical and financial milestones; and

15 (B) providing the evaluations under sub-
16 paragraph (A) to the Secretary; and

17 (6) assess the lessons learned in overseeing cov-
18 ered projects and implement improvements in the
19 process of evaluating and overseeing covered
20 projects.

21 (d) EMPLOYEES.—To carry out the program, the
22 Secretary may hire appropriate personnel to perform the
23 duties of the program.

24 (e) COORDINATION.—In carrying out the program,
25 the head of the program shall coordinate with—

1877

1 (1) project management and acquisition man-
2 agement entities with the Department, including the
3 Office of Project Management; and

4 (2) professional organizations in project man-
5 agement, construction, cost estimation, and other
6 relevant fields.

7 (f) REPORTS.—

8 (1) REPORT BY SECRETARY.—The Secretary
9 shall include in each updated technology transfer
10 execution plan submitted under subsection (h)(2) of
11 section 1001 of the Energy Policy Act of 2005 (42
12 U.S.C. 16391) information on the implementation of
13 and progress made under the program, including,
14 for the year covered by the report—

15 (A) the covered projects under the purview
16 of the program; and

17 (B) the review of each covered project car-
18 ried out under subsection (e)(5).

19 (2) REPORT BY COMPTROLLER GENERAL.—Not
20 later than 3 years after the date of enactment of
21 this Act, the Comptroller General of the United
22 States shall submit to the Committee on Energy and
23 Natural Resources of the Senate and the Committee
24 on Science, Space, and Technology of the House of

1878

1 Representatives a report evaluating the operation of
2 the program, including—

3 (A) a description of the processes and pro-
4 cedures used by the program to evaluate pro-
5 posals of covered projects and the oversight of
6 covered projects; and

7 (B) any recommended changes in the pro-
8 gram, including changes to—

9 (i) the processes and procedures de-
10 scribed in subparagraph (A); and

11 (ii) the structure of the program, for
12 the purpose of better carrying out the pro-
13 gram.

14 (g) **TECHNICAL AMENDMENT.**—Section 1001 of the
15 Energy Policy Act of 2005 (42 U.S.C. 16391) is amended
16 by redesignating the second subsections (f) (relating to
17 planning and reporting) and (g) (relating to additional
18 technology transfer programs) as subsections (h) and (i),
19 respectively.

20 **SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND**
21 **COMMUNITY SELF-DETERMINATION ACT OF**
22 **2000.**

23 (a) **DEFINITION OF FULL FUNDING AMOUNT.**—Sec-
24 tion 3(11) of the Secure Rural Schools and Community
25 Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is

1 amended by striking subparagraphs (D) and (E) and in-
2 serting the following:

3 “(D) for fiscal year 2017, the amount that
4 is equal to 95 percent of the full funding
5 amount for fiscal year 2015;

6 “(E) for each of fiscal years 2018 through
7 2020, the amount that is equal to 95 percent
8 of the full funding amount for the preceding fis-
9 cal year; and

10 “(F) for fiscal year 2021 and each fiscal
11 year thereafter, the amount that is equal to the
12 full funding amount for fiscal year 2017.”.

13 (b) SECURE PAYMENTS FOR STATES AND COUNTIES
14 CONTAINING FEDERAL LAND.—

15 (1) SECURE PAYMENTS.—Section 101 of the
16 Secure Rural Schools and Community Self-Deter-
17 mination Act of 2000 (16 U.S.C. 7111) is amended,
18 in subsections (a) and (b), by striking “2015, 2017,
19 2018, 2019, and 2020” each place it appears and
20 inserting “2015 and 2017 through 2023”.

21 (2) DISTRIBUTION OF PAYMENTS TO ELIGIBLE
22 COUNTIES.—Section 103(d)(2) of the Secure Rural
23 Schools and Community Self-Determination Act of
24 2000 (16 U.S.C. 7113(d)(2)) is amended by striking
25 “2020” and inserting “2023”.

1880

1 (c) PILOT PROGRAM TO STREAMLINE NOMINATION
2 OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.—
3 Section 205 of the Secure Rural Schools and Community
4 Self-Determination Act of 2000 (16 U.S.C. 7125) is
5 amended by striking subsection (g) and inserting the fol-
6 lowing:

7 “(g) RESOURCE ADVISORY COMMITTEE APPOINT-
8 MENT PILOT PROGRAMS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) APPLICABLE DESIGNEE.—The term
11 ‘applicable designee’ means the applicable re-
12 gional forester.

13 “(B) NATIONAL PILOT PROGRAM.—The
14 term ‘national pilot program’ means the na-
15 tional pilot program established under para-
16 graph (4)(A).

17 “(C) REGIONAL PILOT PROGRAM.—The
18 term ‘regional pilot program’ means the re-
19 gional pilot program established under para-
20 graph (3)(A).

21 “(2) ESTABLISHMENT OF PILOT PROGRAMS.—
22 In accordance with paragraphs (3) and (4), the Sec-
23 retary concerned shall carry out 2 pilot programs to
24 appoint members of resource advisory committees.

25 “(3) REGIONAL PILOT PROGRAM.—

1881

1 “(A) IN GENERAL.—The Secretary con-
2 cerned shall carry out a regional pilot program
3 to allow an applicable designee to appoint mem-
4 bers of resource advisory committees.

5 “(B) GEOGRAPHIC LIMITATION.—The re-
6 gional pilot program shall only apply to re-
7 source advisory committees chartered in—

8 “(i) the State of Montana; and

9 “(ii) the State of Arizona.

10 “(C) RESPONSIBILITIES OF APPLICABLE
11 DESIGNEE.—

12 “(i) REVIEW.—Before appointing a
13 member of a resource advisory committee
14 under the regional pilot program, an appli-
15 cable designee shall conduct the review and
16 analysis that would otherwise be conducted
17 for an appointment to a resource advisory
18 committee if the regional pilot program
19 was not in effect, including any review and
20 analysis with respect to civil rights and
21 budgetary requirements.

22 “(ii) SAVINGS CLAUSE.—Nothing in
23 this paragraph relieves an applicable des-
24 ignee from any requirement developed by
25 the Secretary concerned for making an ap-

1882

1 pointment to a resource advisory com-
2 mittee that is in effect on December 20,
3 2018, including any requirement for adver-
4 tising a vacancy.

5 “(4) NATIONAL PILOT PROGRAM.—

6 “(A) IN GENERAL.—The Secretary con-
7 cerned shall carry out a national pilot program
8 to allow the Chief of the Forest Service or the
9 Director of the Bureau of Land Management,
10 as applicable, to submit to the Secretary con-
11 cerned nominations of individuals for appoint-
12 ment as members of resource advisory commit-
13 tees.

14 “(B) APPOINTMENT.—Under the national
15 pilot program, subject to subparagraph (C), not
16 later than 30 days after the date on which a
17 nomination is transmitted to the Secretary con-
18 cerned under subparagraph (A), the Secretary
19 concerned shall—

20 “(i) appoint the nominee to the appli-
21 cable resource advisory committee; or

22 “(ii) reject the nomination.

23 “(C) AUTOMATIC APPOINTMENT.—If the
24 Secretary concerned does not act on a nomina-
25 tion in accordance with subparagraph (B) by

1883

1 the date described in that subparagraph, the
2 nominee shall be deemed appointed to the appli-
3 cable resource advisory committee.

4 “(D) GEOGRAPHIC LIMITATION.—The na-
5 tional pilot program shall apply to a resource
6 advisory committee chartered in any State other
7 than—

8 “(i) the State of Montana; or

9 “(ii) the State of Arizona.

10 “(E) SAVINGS CLAUSE.—Nothing in this
11 paragraph relieves the Secretary concerned
12 from any requirement relating to an appoint-
13 ment to a resource advisory committee, includ-
14 ing any requirement with respect to civil rights
15 or advertising a vacancy.

16 “(5) TERMINATION OF EFFECTIVENESS.—The
17 authority provided under this subsection terminates
18 on October 1, 2023.

19 “(6) REPORT TO CONGRESS.—Not later 180
20 days after the date described in paragraph (5), the
21 Secretary concerned shall submit to Congress a re-
22 port that includes—

23 “(A) with respect to appointments made
24 under the regional pilot program compared to

1884

1 appointments made under the national pilot
2 program, a description of the extent to which—

3 “(i) appointments were faster or slow-
4 er; and

5 “(ii) the requirements described in
6 paragraph (3)(C)(i) differ; and

7 “(B) a recommendation with respect to
8 whether Congress should terminate, continue,
9 modify, or expand the pilot programs.”.

10 (d) EXTENSION OF AUTHORITY TO CONDUCT SPE-
11 CIAL PROJECTS ON FEDERAL LAND.—

12 (1) EXISTING ADVISORY COMMITTEES.—Section
13 205(a)(4) of the Secure Rural Schools and Commu-
14 nity Self-Determination Act of 2000 (16 U.S.C.
15 7125(a)(4)) is amended by striking “December 20,
16 2021” each place it appears and inserting “Decem-
17 ber 20, 2023”.

18 (2) EXTENSION OF AUTHORITY.—Section 208
19 of the Secure Rural Schools and Community Self-
20 Determination Act of 2000 (16 U.S.C. 7128) is
21 amended—

22 (A) in subsection (a), by striking “2022”
23 and inserting “2025”; and

24 (B) in subsection (b), by striking “2023”
25 and inserting “2026”.

1885

1 (e) ACCESS TO BROADBAND AND OTHER TECH-
2 NOLOGY.—Section 302(a) of the Secure Rural Schools and
3 Community Self-Determination Act of 2000 (16 U.S.C.
4 7142(a)) is amended—

5 (1) in paragraph (3), by striking “and” at the
6 end;

7 (2) in paragraph (4), by striking the period at
8 the end and inserting “; and”; and

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

10 “(5) to provide or expand access to—

11 “(A) broadband telecommunications serv-
12 ices at local schools; or

13 “(B) the technology and connectivity nec-
14 essary for students to use a digital learning tool
15 at or outside of a local school campus.”.

16 (f) EXTENSION OF AUTHORITY TO EXPEND COUNTY
17 FUNDS.—Section 304 of the Secure Rural Schools and
18 Community Self-Determination Act of 2000 (16 U.S.C.
19 7144) is amended—

20 (1) in subsection (a), by striking “2022” and
21 inserting “2025”; and

22 (2) in subsection (b), by striking “2023” and
23 inserting “2026”.

24 (g) AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-
25 TION ON USE OF FUNDS.—Title III of the Secure Rural

1886

1 Schools and Community Self-Determination Act of 2000
2 (16 U.S.C. 7141 et seq.) is amended—

3 (1) by redesignating section 304 as section 305;

4 and

5 (2) by inserting after section 303 the following:

6 **“SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-**
7 **TION ON USE OF FUNDS.**

8 “(a) AMOUNTS OBLIGATED BUT UNSPENT.—Any
9 county funds that were obligated by the applicable partici-
10 pating county before October 1, 2017, but are unspent on
11 October 1, 2020—

12 “(1) may, at the option of the participating
13 county, be deemed to have been reserved by the par-
14 ticipating county on October 1, 2020, for expendi-
15 ture in accordance with this title; and

16 “(2)(A) may be used by the participating coun-
17 ty for any authorized use under section 302(a); and

18 “(B) on a determination by the participating
19 county under subparagraph (A) to use the county
20 funds, shall be available for projects initiated after
21 October 1, 2020, subject to section 305.

22 “(b) PROHIBITION ON USE OF FUNDS.—Notwith-
23 standing any other provision of law, effective beginning
24 on the date of enactment of the Infrastructure Investment
25 and Jobs Act, no county funds made available under this

1887

1 title may be used by any participating county for any lob-
2 bying activity, regardless of the purpose for which the
3 funds are obligated on or before that date.”.

4 **DIVISION E—DRINKING WATER**
5 **AND WASTEWATER INFRA-**
6 **STRUCTURE**

7 **SEC. 50001. SHORT TITLE.**

8 This division may be cited as the “Drinking Water
9 and Wastewater Infrastructure Act of 2021”.

10 **SEC. 50002. DEFINITION OF ADMINISTRATOR.**

11 In this division, the term “Administrator” means the
12 Administrator of the Environmental Protection Agency.

13 **TITLE I—DRINKING WATER**

14 **SEC. 50101. TECHNICAL ASSISTANCE AND GRANTS FOR**
15 **EMERGENCIES AFFECTING PUBLIC WATER**
16 **SYSTEMS.**

17 Section 1442 of the Safe Drinking Water Act (42
18 U.S.C. 300j-1) is amended—

19 (1) in subsection (a), by adding at the end the
20 following:

21 “(11) COMPLIANCE EVALUATION.—

22 “(A) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this paragraph, the Admin-
24 istrator shall—

1888

1 “(i) evaluate, based on the compliance data
2 found in the Safe Drinking Water Information
3 System of the Administrator, the compliance of
4 community water systems and wastewater sys-
5 tems with environmental, health, and safety re-
6 quirements under this title, including water
7 quality sampling, testing, and reporting require-
8 ments; and

9 “(ii) submit to Congress a report describ-
10 ing trends seen as a result of the evaluation
11 under clause (i), including trends that dem-
12 onstrate how the characteristics of community
13 water systems and wastewater systems correlate
14 to trends in compliance or noncompliance with
15 the requirements described in that clause.

16 “(B) REQUIREMENT.—To the extent prac-
17 ticable, in carrying out subparagraph (A), the Ad-
18 ministrator shall determine whether, in aggregate,
19 community water systems and wastewater systems
20 maintain asset management plans.”;

21 (2) in subsection (b), in the first sentence—

22 (A) by inserting “(including an emergency
23 situation resulting from a cybersecurity event)”
24 after “emergency situation”; and

1889

1 (B) by inserting “, including a threat to
2 public health resulting from contaminants, such
3 as, but not limited to, heightened exposure to
4 lead in drinking water” after “public health”;

5 (3) by striking subsection (d) and inserting the
6 following:

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out subsection
9 (b) \$35,000,000 for each of fiscal years 2022 through
10 2026.”;

11 (4) in subsection (e), by striking paragraph (5)
12 and inserting the following:

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to the Ad-
15 ministrator to carry out this subsection \$15,000,000
16 for each of fiscal years 2022 through 2026.”;

17 (5) by redesignating subsection (f) as sub-
18 section (g); and

19 (6) by inserting after subsection (e) the fol-
20 lowing:

21 “(f) STATE-BASED NONPROFIT ORGANIZATIONS.—

22 “(1) IN GENERAL.—The Administrator may
23 provide technical assistance consistent with the au-
24 thority provided under subsection (e) to State-based

1 nonprofit organizations that are governed by com-
2 munity water systems.

3 “(2) COMMUNICATION.—Each State-based non-
4 profit organization that receives funding under para-
5 graph (1) shall, before using that funding to under-
6 take activities to carry out this subsection, consult
7 with the State in which the assistance is to be ex-
8 pended or otherwise made available.”.

9 **SEC. 50102. DRINKING WATER STATE REVOLVING LOAN**
10 **FUNDS.**

11 (a) DRINKING WATER STATE REVOLVING FUNDS
12 CAPITALIZATION GRANT REAUTHORIZATION.—Section
13 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–
14 12) is amended—

15 (1) in subsection (a)(4)(A), by striking “During
16 fiscal years 2019 through 2023, funds” and insert-
17 ing “Funds”;

18 (2) in subsection (m)(1) —

19 (A) in subparagraph (B), by striking
20 “and”;

21 (B) in subparagraph (C), by striking the
22 period at the end and inserting a semicolon;
23 and

24 (C) by adding at the end the following:

25 “(D) \$2,400,000,000 for fiscal year 2022;

1 “(E) \$2,750,000,000 for fiscal year 2023;

2 “(F) \$3,000,000,000 for fiscal year 2024;

3 and

4 “(G) \$3,250,000,000 for each of fiscal
5 years 2025 and 2026.”; and

6 (3) in subsection (q), by striking “2016 through
7 2021” and inserting “2022 through 2026”.

8 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
9 NITIES.—Section 1452(d) of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12(d)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “Notwithstanding any” and
13 inserting the following:

14 “(A) IN GENERAL.—Notwithstanding
15 any”;

16 (B) in subparagraph (A) (as so des-
17 ignated), by inserting “, grants, negative inter-
18 est loans, other loan forgiveness, and through
19 buying, refinancing, or restructuring debt”
20 after “forgiveness of principal”; and

21 (C) by adding at the end the following:

22 “(B) EXCLUSION.—A loan from a State
23 loan fund with an interest rate equal to or
24 greater than 0 percent shall not be considered

1892

1 additional subsidization for purposes of this
2 subsection.”; and

3 (2) in paragraph (2), by striking subparagraph
4 (B) and inserting the following:

5 “(B) to the extent that there are sufficient
6 applications for loans to communities described
7 in paragraph (1), may not be less than 12 per-
8 cent.”.

9 **SEC. 50103. SOURCE WATER PETITION PROGRAM.**

10 Section 1454 of the Safe Drinking Water Act (42
11 U.S.C. 300j–14) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)(A), in the matter
14 preceding clause (i), by striking “political sub-
15 division of a State,” and inserting “political
16 subdivision of a State (including a county that
17 is designated by the State to act on behalf of
18 an unincorporated area within that county, with
19 the agreement of that unincorporated area),”;

20 (B) in paragraph (4)(D)(i), by inserting
21 “(including a county that is designated by the
22 State to act on behalf of an unincorporated
23 area within that county)” after “of the State”;
24 and

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

1893

1 “(5) SAVINGS PROVISION.—Unless otherwise
2 provided within the agreement, an agreement be-
3 tween an unincorporated area and a county for the
4 county to submit a petition under paragraph (1)(A)
5 on behalf of the unincorporated area shall not au-
6 thorize the county to act on behalf of the unincor-
7 porated area in any matter not within a program
8 under this section.”; and

9 (2) in subsection (e), in the first sentence, by
10 striking “2021” and inserting “2026”.

11 **SEC. 50104. ASSISTANCE FOR SMALL AND DISADVANTAGED**
12 **COMMUNITIES.**

13 (a) EXISTING PROGRAMS.—Section 1459A of the
14 Safe Drinking Water Act (42 U.S.C. 300j–19a) is amend-
15 ed—

16 (1) in subsection (b)(2)—

17 (A) in subparagraph (B), by striking
18 “and” at the end;

19 (B) in subparagraph (C), by striking the
20 period at the end and inserting a semicolon;
21 and

22 (C) by adding at the end the following:

23 “(D) the purchase of point-of-entry or
24 point-of-use filters and filtration systems that
25 are certified by a third party using science-

1 based test methods for the removal of contami-
2 nants of concern;

3 “(E) investments necessary for providing
4 accurate and current information about—

5 “(i) the need for filtration and filter
6 safety, including proper use and mainte-
7 nance practices; and

8 “(ii) the options for replacing lead
9 service lines (as defined in section
10 1459B(a)) and removing other sources of
11 lead in water; and

12 “(F) entering into contracts, including con-
13 tracts with nonprofit organizations that have
14 water system technical expertise, to assist—

15 “(i) an eligible entity; or

16 “(ii) the State of an eligible entity, on
17 behalf of that eligible entity.”;

18 (2) in subsection (c), in the matter preceding
19 paragraph (1), by striking “An eligible entity” and
20 inserting “Except for purposes of subsections (j) and
21 (m), an eligible entity”;

22 (3) in subsection (g)(1), by striking “to pay not
23 less than 45 percent” and inserting “except as pro-
24 vided in subsection (l)(5) and subject to subsection
25 (h), to pay not less than 10 percent”;

1895

1 (4) by striking subsection (k) and inserting the
2 following:

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out subsections
5 (a) through (j)—

6 “(1) \$70,000,000 for fiscal year 2022;

7 “(2) \$80,000,000 for fiscal year 2023;

8 “(3) \$100,000,000 for fiscal year 2024;

9 “(4) \$120,000,000 for fiscal year 2025; and

10 “(5) \$140,000,000 for fiscal year 2026.”; and

11 (5) in subsection (l)—

12 (A) in paragraph (2)—

13 (i) by striking “The Administrator
14 may” and inserting “The Administrator
15 shall”; and

16 (ii) by striking “fiscal years 2019 and
17 2020” and inserting “fiscal years 2022
18 through 2026”;

19 (B) in paragraph (5), by striking
20 “\$4,000,000 for each of fiscal years 2019 and
21 2020” and inserting “\$25,000,000 for each of
22 fiscal years 2022 through 2026”;

23 (C) by redesignating paragraph (5) as
24 paragraph (6); and

1896

1 (D) by inserting after paragraph (4) the
2 following:

3 “(5) FEDERAL SHARE FOR SMALL, RURAL, AND
4 DISADVANTAGED COMMUNITIES.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), with respect to a program or project
7 that serves an eligible entity and is carried out
8 using a grant under this subsection, the Fed-
9 eral share of the cost of the program or project
10 shall be 90 percent.

11 “(B) WAIVER.—The Administrator may
12 increase the Federal share under subparagraph
13 (A) to 100 percent if the Administrator deter-
14 mines that an eligible entity is unable to pay,
15 or would experience significant financial hard-
16 ship if required to pay, the non-Federal share.”.

17 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—
18 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
19 300j–19a) is amended by adding at the end the following:

20 “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
23 ble entity’ means—

24 “(i) an owner or operator of a public
25 water system that assists or is seeking to

1897

1 assist eligible individuals with connecting
2 the household of the eligible individual to
3 the public water system; or

4 “(ii) a nonprofit entity that assists or
5 is seeking to assist eligible individuals with
6 the costs associated with connecting the
7 household of the eligible individual to a
8 public water system.

9 “(B) ELIGIBLE INDIVIDUAL.—The term
10 ‘eligible individual’ has the meaning given the
11 term in section 603(j) of the Federal Water
12 Pollution Control Act (33 U.S.C. 1383(j)).

13 “(C) PROGRAM.—The term ‘program’
14 means the competitive grant program estab-
15 lished under paragraph (2).

16 “(2) ESTABLISHMENT.—Subject to the avail-
17 ability of appropriations, the Administrator shall es-
18 tablish a competitive grant program for the purpose
19 of improving the general welfare under which the
20 Administrator awards grants to eligible entities to
21 provide funds to assist eligible individuals in cov-
22 ering the costs incurred by the eligible individual in
23 connecting the household of the eligible individual to
24 a public water system.

1898

1 “(3) APPLICATION.—An eligible entity seeking
2 a grant under the program shall submit to the Ad-
3 ministrator an application at such time, in such
4 manner, and containing such information as the Ad-
5 ministrator may require.

6 “(4) VOLUNTARY CONNECTION.—Before pro-
7 viding funds to an eligible individual for the costs
8 described in paragraph (2), an eligible entity shall
9 ensure and certify to the Administrator that—

10 “(A) the eligible individual is voluntarily
11 seeking connection to the public water system;

12 “(B) if the eligible entity is not the owner
13 or operator of the public water system to which
14 the eligible individual seeks to connect, the pub-
15 lic water system to which the eligible individual
16 seeks to connect has agreed to the connection;
17 and

18 “(C) the connection of the household of the
19 eligible individual to the public water system
20 meets all applicable local and State regulations,
21 requirements, and codes.

22 “(5) REPORT.—Not later than 3 years after the
23 date of enactment of this subsection, the Adminis-
24 trator shall submit to Congress a report that de-
25 scribes the implementation of the program, which

1899

1 shall include a description of the use and deployment
2 of amounts made available under the program.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 the program \$20,000,000 for each of fiscal years
6 2022 through 2026.”.

7 (c) COMPETITIVE GRANT PILOT PROGRAM.—Section
8 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–
9 19a) (as amended by subsection (b)) is amended by adding
10 at the end the following:

11 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
12 SERVED COMMUNITIES.—

13 “(1) IN GENERAL.—In addition to amounts au-
14 thorized to be appropriated under subsection (k),
15 there is authorized to be appropriated to carry out
16 subsections (a) through (j) \$50,000,000 for each of
17 fiscal years 2022 through 2026 in accordance with
18 paragraph (2).

19 “(2) COMPETITIVE GRANTS.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of this section, the Adminis-
22 trator shall distribute amounts made available
23 under paragraph (1) to States through a com-
24 petitive grant program.

1900

1 “(B) APPLICATIONS.—To seek a grant
2 under the competitive grant program under
3 subparagraph (A), a State shall submit to the
4 Administrator an application at such time, in
5 such manner, and containing such information
6 as the Administrator may require.

7 “(C) CRITERIA.—In selecting recipients of
8 grants under the competitive grant program
9 under subparagraph (A), the Administrator
10 shall establish criteria that give priority to
11 States with a high proportion of underserved
12 communities that meet the condition described
13 in subsection (a)(2)(A).

14 “(3) REPORT.—Not later than 2 years after the
15 date of enactment of this subsection, the Adminis-
16 trator shall submit to Congress a report that de-
17 scribes the implementation of the competitive grant
18 program under paragraph (2)(A), which shall in-
19 clude a description of the use and deployment of
20 amounts made available under the competitive grant
21 program.

22 “(4) SAVINGS PROVISION.—Nothing in this
23 paragraph affects the distribution of amounts made
24 available under subsection (k), including any meth-
25 ods used by the Administrator for distribution of

1901

1 amounts made available under that subsection as in
2 effect on the day before the date of enactment of
3 this subsection.”.

4 **SEC. 50105. REDUCING LEAD IN DRINKING WATER.**

5 Section 1459B of the Safe Drinking Water Act (42
6 U.S.C. 300j–19b) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking subpara-
9 graph (D) and inserting the following:

10 “(D) a qualified nonprofit organization
11 with experience in lead reduction, as determined
12 by the Administrator; and”;

13 (B) in paragraph (2)(A)—

14 (i) in clause (i), by striking “publicly
15 owned”; and

16 (ii) by striking clause (iii) and insert-
17 ing the following:

18 “(iii) providing assistance to eligible
19 entities to replace lead service lines, with
20 priority for disadvantaged communities
21 based on the affordability criteria estab-
22 lished by the applicable State under section
23 1452(d)(3), low-income homeowners, and
24 landlords or property owners providing
25 housing to low-income renters.”; and

1902

1 (C) in paragraph (3), by striking “an indi-
2 vidual provided”;

3 (2) in subsection (b)—

4 (A) in paragraph (5)—

5 (i) in subparagraph (A), by striking
6 “to provide assistance” and all that follows
7 through the period at the end and insert-
8 ing “to replace lead service lines, with first
9 priority given to assisting disadvantaged
10 communities based on the affordability cri-
11 teria established by the applicable State
12 under section 1452(d)(3), low-income
13 homeowners, and landlords or property
14 owners providing housing to low-income
15 renters.”; and

16 (ii) in subparagraph (B), by striking
17 “line” and inserting “lines”; and

18 (B) in paragraph (6)—

19 (i) in subparagraph (A), by striking
20 “any publicly owned portion of”;

21 (ii) in subparagraph (C), in the mat-
22 ter preceding clause (i)—

23 (I) by striking “may” and insert-
24 ing “shall”;

1903

1 (II) by inserting “and may, for
2 other homeowners,” after “low-income
3 homeowner,”; and

4 (III) by striking “a cost that”
5 and all that follows through the semi-
6 colon at the end of clause (ii) and in-
7 serting “no cost to the homeowner;”;
8 (iii) in subparagraph (D), by striking
9 “and” at the end;

10 (iv) in subparagraph (E), by striking
11 “other options” and all that follows
12 through the period at the end and insert-
13 ing “feasible alternatives for reducing the
14 concentration of lead in drinking water,
15 such as corrosion control; and”; and

16 (v) by adding at the end the following:
17 “(F) shall notify the State of any planned
18 replacement of lead service lines under this pro-
19 gram and coordinate, where practicable, with
20 other relevant infrastructure projects.”;

21 (3) in subsection (d)—

22 (A) by inserting “(except for subsection
23 (d))” after “this section”; and

24 (B) by striking “\$60,000,000 for each of
25 fiscal years 2017 through 2021” and inserting

1904

1 “\$100,000,000 for each of fiscal years 2022
2 through 2026”;

3 (4) by redesignating subsections (d) and (e) as
4 subsections (e) and (f), respectively; and

5 (5) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) LEAD INVENTORYING UTILIZATION GRANT
8 PILOT PROGRAM.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
11 ble entity’ means a municipality that is served
12 by a community water system or a nontransient
13 noncommunity water system in which not less
14 than 30 percent of the service lines are known,
15 or suspected, to contain lead, based on available
16 data, information, or resources, including exist-
17 ing lead inventorying.

18 “(B) PILOT PROGRAM.—The term ‘pilot
19 program’ means the pilot program established
20 under paragraph (2).

21 “(2) ESTABLISHMENT.—The Administrator
22 shall establish a pilot program under which the Ad-
23 ministrator shall provide grants to eligible entities to
24 carry out lead reduction projects that are dem-
25 onstrated to exist or are suspected to exist, based on

1905

1 available data, information, or resources, including
2 existing lead inventorying of those eligible entities.

3 “(3) SELECTION.—

4 “(A) APPLICATION.—To be eligible to re-
5 ceive a grant under the pilot program, an eligi-
6 ble entity shall submit to the Administrator an
7 application at such time, in such manner, and
8 containing such information as the Adminis-
9 trator may require.

10 “(B) PRIORITIZATION.—In selecting recipi-
11 ents under the pilot program, the Administrator
12 shall give priority to—

13 “(i) an eligible entity that meets the
14 affordability criteria of the applicable State
15 established under section 1452(d)(3); and

16 “(ii) an eligible entity that is located
17 in an area other than a State that has es-
18 tablished affordability criteria under sec-
19 tion 1452(d)(3).

20 “(4) REPORT.—Not later 2 years after the Ad-
21 ministrator first awards a grant under the pilot pro-
22 gram, the Administrator shall submit to the Com-
23 mittee on Environment and Public Works of the
24 Senate and the Committee on Energy and Com-

1906

1 merce of the House of Representatives a report de-
2 scribing—

3 “(A) the recipients of grants under the
4 pilot program;

5 “(B) the existing lead inventorying that
6 was available to recipients of grants under the
7 pilot program; and

8 “(C) how useful and accurate the lead
9 inventorying described in subparagraph (B) was
10 in locating lead service lines of the eligible enti-
11 ty.

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 the pilot program \$10,000,000, to remain available
15 until expended.”.

16 **SEC. 50106. OPERATIONAL SUSTAINABILITY OF SMALL PUB-**
17 **LIC WATER SYSTEMS.**

18 Part E of the Safe Drinking Water Act (42 U.S.C.
19 300j et seq.) is amended by adding at the end the fol-
20 lowing:

21 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
22 **PUBLIC WATER SYSTEMS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1907

1 “(A) a State;

2 “(B) a unit of local government;

3 “(C) a public corporation established by a
4 unit of local government to provide water serv-
5 ice;

6 “(D) a nonprofit corporation, public trust,
7 or cooperative association that owns or operates
8 a public water system;

9 “(E) an Indian Tribe that owns or oper-
10 ates a public water system;

11 “(F) a nonprofit organization that provides
12 technical assistance to public water systems;
13 and

14 “(G) a Tribal consortium.

15 “(2) OPERATIONAL SUSTAINABILITY.—The
16 term ‘operational sustainability’ means the ability to
17 improve the operation of a small system through the
18 identification and prevention of potable water loss
19 due to leaks, breaks, and other metering or infra-
20 structure failures.

21 “(3) PROGRAM.—The term ‘program’ means
22 the grant program established under subsection (b).

23 “(4) SMALL SYSTEM.—The term ‘small system’,
24 for the purposes of this section, means a public
25 water system that—

1908

1 “(A) serves fewer than 10,000 people; and

2 “(B) is owned or operated by—

3 “(i) a unit of local government;

4 “(ii) a public corporation;

5 “(iii) a nonprofit corporation;

6 “(iv) a public trust;

7 “(v) a cooperative association; or

8 “(vi) an Indian Tribe.

9 “(b) ESTABLISHMENT.—Subject to the availability of
10 appropriations, the Administrator shall establish a pro-
11 gram to award grants to eligible entities for the purpose
12 of improving the operational sustainability of 1 or more
13 small systems.

14 “(c) APPLICATIONS.—To be eligible to receive a grant
15 under the program, an eligible entity shall submit to the
16 Administrator an application at such time, in such man-
17 ner, and containing such information as the Administrator
18 may require, including—

19 “(1) a proposal of the project to be carried out
20 using grant funds under the program;

21 “(2) documentation provided by the eligible en-
22 tity describing the deficiencies or suspected defi-
23 ciencies in operational sustainability of 1 or more
24 small systems that are to be addressed through the
25 proposed project;

1909

1 “(3) a description of how the proposed project
2 will improve the operational sustainability of 1 or
3 more small systems;

4 “(4) a description of how the improvements de-
5 scribed in paragraph (3) will be maintained beyond
6 the life of the proposed project, including a plan to
7 maintain and update any asset data collected as a
8 result of the proposed project; and

9 “(5) any additional information the Adminis-
10 trator may require.

11 “(d) ADDITIONAL REQUIRED INFORMATION.—Before
12 the award of funds for a grant under the program to a
13 grant recipient, the grant recipient shall submit to the Ad-
14 ministrator—

15 “(1) if the grant recipient is located in a State
16 that has established a State drinking water treat-
17 ment revolving loan fund under section 1452, a copy
18 of a written agreement between the grant recipient
19 and the State in which the grant recipient agrees to
20 provide a copy of any data collected under the pro-
21 posed project to the State agency administering the
22 State drinking water treatment revolving loan fund
23 (or a designee); or

24 “(2) if the grant recipient is located in an area
25 other than a State that has established a State

1910

1 drinking water treatment revolving loan fund under
2 section 1452, a copy of a written agreement between
3 the grant recipient and the Administrator in which
4 the eligible entity agrees to provide a copy of any
5 data collected under the proposed project to the Ad-
6 ministrator (or a designee).

7 “(e) USE OF FUNDS.—An eligible entity that receives
8 a grant under the program shall use the grant funds to
9 carry out projects that improve the operational sustain-
10 ability of 1 or more small systems through—

11 “(1) the development of a detailed asset inven-
12 tory, which may include drinking water sources,
13 wells, storage, valves, treatment systems, distribu-
14 tion lines, hydrants, pumps, controls, and other es-
15 sential infrastructure;

16 “(2) the development of an infrastructure asset
17 map, including a map that uses technology such
18 as—

19 “(A) geographic information system soft-
20 ware; and

21 “(B) global positioning system software;

22 “(3) the deployment of leak detection tech-
23 nology;

24 “(4) the deployment of metering technology;

1911

1 “(5) training in asset management strategies,
2 techniques, and technologies for appropriate staff
3 employed by—

4 “(A) the eligible entity; or

5 “(B) the small systems for which the grant
6 was received;

7 “(6) the deployment of strategies, techniques,
8 and technologies to enhance the operational sustain-
9 ability and effective use of water resources through
10 water reuse; and

11 “(7) the development or deployment of other
12 strategies, techniques, or technologies that the Ad-
13 ministrator may determine to be appropriate under
14 the program.

15 “(f) COST SHARE.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 the Federal share of the cost of a project carried out
18 using a grant under the program shall be 90 percent
19 of the total cost of the project.

20 “(2) WAIVER.—The Administrator may in-
21 crease the Federal share under paragraph (1) to 100
22 percent.

23 “(g) REPORT.—Not later than 2 years after the date
24 of enactment of this section, the Administrator shall sub-
25 mit to Congress a report that describes the implementa-

1912

1 tion of the program, which shall include a description of
2 the use and deployment of amounts made available under
3 the program.

4 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$50,000,000 for each of fiscal years 2022 through 2026.”.

7 **SEC. 50107. MIDSIZE AND LARGE DRINKING WATER SYSTEM**
8 **INFRASTRUCTURE RESILIENCE AND SUS-**
9 **TAINABILITY PROGRAM.**

10 Part E of the Safe Drinking Water Act (42 U.S.C.
11 300j et seq.) (as amended by section 50106) is amended
12 by adding at the end the following:

13 **“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYS-**
14 **TEM INFRASTRUCTURE RESILIENCE AND**
15 **SUSTAINABILITY PROGRAM.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
18 tity’ means a public water system that serves a com-
19 munity with a population of 10,000 or more.

20 “(2) NATURAL HAZARD; RESILIENCE.—The
21 terms ‘resilience’ and ‘natural hazard’ have the
22 meanings given those terms in section 1433(h).

23 “(3) RESILIENCE AND SUSTAINABILITY PRO-
24 GRAM.—The term ‘resilience and sustainability pro-
25 gram’ means the Midsize and Large Drinking Water

1913

1 System Infrastructure Resilience and Sustainability
2 Program established under subsection (b).

3 “(b) ESTABLISHMENT.—The Administrator shall es-
4 tablish and carry out a program, to be known as the
5 ‘Midsize and Large Drinking Water System Infrastruc-
6 ture Resilience and Sustainability Program’, under which
7 the Administrator, subject to the availability of appropria-
8 tions for the resilience and sustainability program, shall
9 award grants to eligible entities for the purpose of—

10 “(1) increasing resilience to natural hazards
11 and extreme weather events; and

12 “(2) reducing cybersecurity vulnerabilities.

13 “(c) USE OF FUNDS.—An eligible entity may only
14 use grant funds received under the resilience and sustain-
15 ability program to assist in the planning, design, construc-
16 tion, implementation, operation, or maintenance of a pro-
17 gram or project that increases resilience to natural haz-
18 ards and extreme weather events, or reduces cybersecurity
19 vulnerabilities, through—

20 “(1) the conservation of water or the enhance-
21 ment of water-use efficiency;

22 “(2) the modification or relocation of existing
23 drinking water system infrastructure made, or that
24 is at risk of being, significantly impaired by natural

1914

1 hazards or extreme weather events, including risks
2 to drinking water from flooding;

3 “(3) the design or construction of new or modi-
4 fied desalination facilities to serve existing commu-
5 nities;

6 “(4) the enhancement of water supply through
7 the use of watershed management and source water
8 protection;

9 “(5) the enhancement of energy efficiency or
10 the use and generation of renewable energy in the
11 conveyance or treatment of drinking water;

12 “(6) the development and implementation of
13 measures—

14 “(A) to increase the resilience of the eligi-
15 ble entity to natural hazards and extreme
16 weather events; or

17 “(B) to reduce cybersecurity
18 vulnerabilities;

19 “(7) the conservation of water or the enhance-
20 ment of a water supply through the implementation
21 of water reuse measures; or

22 “(8) the formation of regional water partner-
23 ships to collaboratively address documented water
24 shortages.

1915

1 “(d) APPLICATION.—To seek a grant under the resil-
2 ience and sustainability program, an eligible entity shall
3 submit to the Administrator an application at such time,
4 in such manner, and containing such information as the
5 Administrator may require, including—

6 “(1) a proposal of the program or project to be
7 planned, designed, constructed, implemented, oper-
8 ated, or maintained by the eligible entity;

9 “(2) an identification of the natural hazard
10 risks, extreme weather events, or potential cyberse-
11 curity vulnerabilities, as applicable, to be addressed
12 by the proposed program or project;

13 “(3) documentation prepared by a Federal,
14 State, regional, or local government agency of the
15 natural hazard risk, potential cybersecurity vulner-
16 ability, or risk for extreme weather events to the
17 area where the proposed program or project is to be
18 located;

19 “(4) a description of any recent natural haz-
20 ards, cybersecurity events, or extreme weather
21 events that have affected the community water sys-
22 tem of the eligible entity;

23 “(5) a description of how the proposed program
24 or project would improve the performance of the
25 community water system of the eligible entity under

1916

1 the anticipated natural hazards, cybersecurity
2 vulnerabilities, or extreme weather events; and

3 “(6) an explanation of how the proposed pro-
4 gram or project is expected—

5 “(A) to enhance the resilience of the com-
6 munity water system of the eligible entity to the
7 anticipated natural hazards or extreme weather
8 events; or

9 “(B) to reduce cybersecurity
10 vulnerabilities.

11 “(e) REPORT.—Not later than 2 years after the date
12 of enactment of this section, the Administrator shall sub-
13 mit to Congress a report that describes the implementa-
14 tion of the resilience and sustainability program, which
15 shall include a description of the use and deployment of
16 amounts made available to carry out the resilience and
17 sustainability program.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—There is authorized to be
20 appropriated to carry out the resilience and sustain-
21 ability program \$50,000,000 for each of fiscal years
22 2022 through 2026.

23 “(2) USE OF FUNDS.—Of the amounts made
24 available under paragraph (1) for grants to eligible

1917

1 entities under the resilience and sustainability pro-
2 gram—

3 “(A) 50 percent shall be used to provide
4 grants to eligible entities that serve a popu-
5 lation of—

6 “(i) equal to or greater than 10,000;

7 and

8 “(ii) fewer than 100,000; and

9 “(B) 50 percent shall be used to provide
10 grants to eligible entities that serve a popu-
11 lation equal to or greater than 100,000.

12 “(3) ADMINISTRATIVE COSTS.—Of the amounts
13 made available under paragraph (1), not more than
14 2 percent may be used by the Administrator for the
15 administrative costs of carrying out the resilience
16 and sustainability program.”.

17 **SEC. 50108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
18 **AND URBAN LOW-INCOME COMMUNITY**
19 **WATER ASSISTANCE.**

20 (a) DEFINITIONS.—In this section and section
21 50109:

22 (1) COMMUNITY WATER SYSTEM.—The term
23 “community water system” has the meaning given
24 the term in section 1401 of the Safe Drinking Water
25 Act (42 U.S.C. 300f).

1918

1 (2) LARGE WATER SERVICE PROVIDER.—The
2 term “large water service provider” means a commu-
3 nity water system, treatment works, or municipal
4 separate storm sewer system that serves more than
5 100,000 people.

6 (3) MEDIUM WATER SERVICE PROVIDER.—The
7 term “medium water service provider” means a com-
8 munity water system, treatment works, or municipal
9 separate storm sewer system that serves more than
10 10,000 people and not more than 100,000 people.

11 (4) NEED.—The term “need”, with respect to
12 a qualifying household, means the expenditure of a
13 disproportionate amount of household income on ac-
14 cess to public drinking water or wastewater services.

15 (5) QUALIFYING HOUSEHOLD.—The term
16 “qualifying household” means a household that—

17 (A) includes an individual who is—

18 (i) the holder of an account for drink-
19 ing water or wastewater service that is
20 provided to that household by a large
21 water service provider, a medium water
22 service provider, or a rural water service
23 provider; or

24 (ii) separately billed by a landlord
25 that holds an account with a large water

1919

1 service provider, a medium water service
2 provider, or a rural water service provider
3 for the cost of drinking water or waste-
4 water service provided to that household by
5 the respective large water service provider,
6 medium water service provider, or rural
7 water service provider; and

8 (B) is determined—

9 (i) by a large water service provider,
10 a medium water service provider, or a
11 rural water service provider to be eligible
12 for assistance through a low-income rate-
13 payer assistance program;

14 (ii) by the Governor of the State in
15 which the household is located to be low-
16 income, based on the affordability criteria
17 established by the State under section
18 1452(d)(3) of the Safe Drinking Water
19 Act (42 U.S.C. 300j-12(d)(3));

20 (iii) by the Administrator to experi-
21 ence drinking water and wastewater service
22 costs that exceed the metrics of afford-
23 ability established in the most recent guid-
24 ance of the Administrator entitled “Finan-
25 cial Capability Assessment Guidance”; or

1920

1 (iv) in the case of a household serv-
2 iced by a rural water service provider, by
3 the State in which the household is located
4 to have an annual income that does not ex-
5 ceed the greater of—

6 (I) an amount equal to 150 per-
7 cent of the poverty level of that State;
8 and

9 (II) an amount equal to 60 per-
10 cent of the State median income for
11 that State.

12 (6) RURAL WATER SERVICE PROVIDER.—The
13 term “rural water service provider” means a com-
14 munity water system, treatment works, or municipal
15 separate storm sewer system that serves not more
16 than 10,000 people.

17 (7) TREATMENT WORKS.—The term “treatment
18 works” has the meaning given the term in section
19 212 of the Federal Water Pollution Control Act (33
20 U.S.C. 1292).

21 (b) STUDY; REPORT.—

22 (1) IN GENERAL.—The Administrator shall con-
23 duct, and submit to Congress a report describing the
24 results of, a study that examines the prevalence

1921

1 throughout the United States of municipalities, pub-
2 lic entities, or Tribal governments that—

3 (A) are serviced by rural water service pro-
4 viders, medium water service providers, or large
5 water service providers that service a dispropor-
6 tionate percentage, as determined by the Ad-
7 ministrator, of qualifying households with need;
8 or

9 (B) as determined by the Administrator,
10 have taken on an unsustainable level of debt
11 due to customer nonpayment for the services
12 provided by a large water service provider, a
13 medium water service provider, or a rural water
14 service provider.

15 (2) AFFORDABILITY INCLUSIONS.—The report
16 under paragraph (1) shall include—

17 (A) a definition of the term “affordable ac-
18 cess to water services”;

19 (B) a description of the criteria used in de-
20 fining “affordable access to water services”
21 under subparagraph (A);

22 (C) a definition of the term “lack of af-
23 fordable access to water services”;

1922

1 (D) a description of the methodology and
2 criteria used in defining “lack of affordable ac-
3 cess to water services” under subparagraph (C);

4 (E) a determination of the prevalence of a
5 lack of affordable access to water services, as
6 defined under subparagraph (C);

7 (F) the methodology and criteria used to
8 determine the prevalence of a lack of affordable
9 access to water services under subparagraph
10 (E);

11 (G) any additional information with re-
12 spect to the affordable access to water services,
13 as defined under subparagraph (A), provided by
14 rural water service providers, medium water
15 service providers, and large water service pro-
16 viders;

17 (H) with respect to the development of the
18 report, a consultation with all relevant stake-
19 holders, including rural advocacy associations;

20 (I) recommendations of the Administrator
21 regarding the best methods to reduce the preva-
22 lence of a lack of affordable access to water
23 services, as defined under subparagraph (C);
24 and

1923

1 (J) a description of the cost of each meth-
2 od described in subparagraph (I).

3 (3) AGREEMENTS.—The Administrator may
4 enter into an agreement with another Federal agen-
5 cy to carry out the study under paragraph (1).

6 **SEC. 50109. RURAL AND LOW-INCOME WATER ASSISTANCE**
7 **PILOT PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means—

11 (A) a municipality, Tribal government, or
12 other entity that—

13 (i) owns or operates a community
14 water system, treatment works, or munic-
15 ipal separate storm sewer system; or

16 (ii) as determined by the Adminis-
17 trator, has taken on an unsustainable level
18 of debt due to customer nonpayment for
19 the services provided by a community
20 water system, treatment works, or munic-
21 ipal separate storm sewer system; and

22 (B) a State exercising primary enforce-
23 ment responsibility over a rural water service
24 provider under the Safe Drinking Water Act
25 (42 U.S.C. 300f et seq.) or the Federal Water

1924

1 Pollution Control Act (33 U.S.C. 1251 et seq.),
2 as applicable.

3 (2) PILOT PROGRAM.—The term “pilot pro-
4 gram” means the pilot program established by the
5 Administrator under subsection (b)(1).

6 (3) WATER SERVICES NEEDS ASSESSMENT.—
7 The term “water services needs assessment” means
8 the report required under section 50108(b)(1).

9 (b) ESTABLISHMENT.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Administrator
12 shall establish a pilot program to award grants to el-
13 igible entities to develop and implement programs to
14 assist qualifying households with need in maintain-
15 ing access to drinking water and wastewater treat-
16 ment.

17 (2) REQUIREMENT.—In establishing the pilot
18 program, the Administrator shall ensure that data
19 from the water services needs assessment directly
20 contributes to the structure of the pilot program by
21 informing the types of assistance and criteria used
22 for priority consideration with the demonstrated
23 need from the study conducted under section
24 50108(b)(1) and the water services needs assess-
25 ment.

1925

1 (3) USE OF FUNDS LIMITATIONS.—A grant
2 under the pilot program—

3 (A) shall not be used to replace funds for
4 any existing similar program; but

5 (B) may be used to supplement or enhance
6 an existing program, including a program that
7 receives assistance from other Federal grants.

8 (4) TERM.—The term of a grant awarded
9 under the pilot program shall be subject to the avail-
10 ability of appropriations.

11 (5) TYPES OF ASSISTANCE.—In establishing the
12 pilot program, the Administrator may include provi-
13 sions for—

14 (A) direct financial assistance;

15 (B) a lifeline rate;

16 (C) bill discounting;

17 (D) special hardship provisions;

18 (E) a percentage-of-income payment plan;

19 or

20 (F) debt relief for the eligible entity or the
21 community water system owned by the eligible
22 entity for debt that is due to customer non-
23 payment for the services provided by the eligible
24 entity or the community water system that is

1926

1 determined by the Administrator to be in the
2 interest of public health.

3 (6) REQUIREMENT.—The Administrator shall
4 award not more than 40 grants under the pilot pro-
5 gram, of which—

6 (A) not more than 8 shall be to eligible en-
7 tities that own, operate, or exercise primary en-
8 forcement responsibility over a rural water serv-
9 ice provider under the Safe Drinking Water Act
10 (42 U.S.C. 300f et seq.) or the Federal Water
11 Pollution Control Act (33 U.S.C. 1251 et seq.),
12 as applicable;

13 (B) not more than 8 shall be to eligible en-
14 tities that own or operate a medium water serv-
15 ice provider;

16 (C) not more than 8 shall be to eligible en-
17 tities that own or operate a large water service
18 provider that serves not more than 500,000
19 people;

20 (D) not more than 8 shall be to eligible en-
21 tities that own or operate a large water service
22 provider that serves more than 500,000 people;
23 and

24 (E) not more than 8 shall be to eligible en-
25 tities that own or operate a community water

1927

1 system, treatment works, or municipal separate
2 storm sewer system that services a disadvan-
3 taged community (consistent with the afford-
4 ability criteria established by the applicable
5 State under section 1452(d)(3) of the Safe
6 Drinking Water Act (42 U.S.C. 300j-12(d)(3))
7 or section 603(i)(2) of the Federal Water Pollu-
8 tion Control Act (33 U.S.C. 1383(i)(2)), as ap-
9 plicable).

10 (7) CRITERIA.—In addition to any priority cri-
11 teria established by the Administrator in response to
12 the findings in the water services needs assessment,
13 in awarding grants under the pilot program, the Ad-
14 ministrator shall give priority consideration to eligi-
15 ble entities that—

16 (A) serve a disproportionate percentage, as
17 determined by the Administrator, of qualifying
18 households with need, as identified in the water
19 services needs assessment;

20 (B) are subject to State or Federal en-
21 forcement actions relating to compliance with
22 the Federal Water Pollution Control Act (33
23 U.S.C. 1251 et seq.) or the Safe Drinking
24 Water Act (42 U.S.C. 300f et seq.); or

1928

1 (C) maintain or participate in an existing
2 community assistance program with objectives
3 similar to the objectives of the pilot program, as
4 determined by the Administrator.

5 (8) REPORTING REQUIREMENTS.—

6 (A) IN GENERAL.—In addition to any
7 other applicable Federal or agency-specific
8 grant reporting requirements, as a condition of
9 receiving a grant under the pilot program, an
10 eligible entity (or a State, on behalf of an eligi-
11 ble entity) shall submit to the Administrator an
12 annual report that summarizes, in a manner de-
13 termined by the Administrator, the use of grant
14 funds by the eligible entity, including—

15 (i) key features of the assistance pro-
16 vided by the eligible entity;

17 (ii) sources of funding used to supple-
18 ment Federal funds; and

19 (iii) eligibility criteria.

20 (B) PUBLICATION.—The Administrator
21 shall publish each report submitted under sub-
22 paragraph (A).

23 (c) TECHNICAL ASSISTANCE.—The Administrator
24 shall provide technical assistance to each eligible entity,
25 and each State, on behalf of an eligible entity, that re-

1929

1 ceives a grant under the pilot program to support imple-
2 mentation of the program.

3 (d) REPORT.—Not later than 2 years after the date
4 on which grant funds are first disbursed to an eligible enti-
5 ty (or a State, on behalf of an eligible entity) under the
6 program, and every year thereafter for the duration of the
7 terms of the grants, the Administrator shall submit to
8 Congress a report on the results of the pilot program.

9 **SEC. 50110. LEAD CONTAMINATION IN SCHOOL DRINKING**
10 **WATER.**

11 Section 1464 of the Safe Drinking Water Act (42
12 U.S.C. 300j–24) is amended—

13 (1) in subsection (b)—

14 (A) in the first sentence, by inserting
15 “public water systems and” after “to assist”;
16 and

17 (B) in the third sentence, by inserting
18 “public water systems,” after “schools,”; and

19 (2) in subsection (d)—

20 (A) in the subsection heading, by inserting
21 “AND REDUCTION” after “LEAD TESTING”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A), by striking
24 “the Administrator” and all that follows
25 through the period at the end and insert-

1930

1 ing the following: “the Administrator shall
2 establish a voluntary school and child care
3 program lead testing, compliance moni-
4 toring, and lead reduction grant program
5 to make grants available to—

6 “(i) States to assist local educational
7 agencies, public water systems that serve
8 schools and child care programs under the
9 jurisdiction of those local educational agen-
10 cies, and qualified nonprofit organizations
11 in voluntary testing or compliance moni-
12 toring for and remediation of lead contami-
13 nation in drinking water at schools and
14 child care programs under the jurisdiction
15 of those local educational agencies; and

16 “(ii) tribal consortia to assist tribal
17 education agencies (as defined in section 3
18 of the National Environmental Education
19 Act (20 U.S.C. 5502)), public water sys-
20 tems that serve schools and child care pro-
21 grams under the jurisdiction of those tribal
22 education agencies, and qualified nonprofit
23 organizations in voluntary testing or com-
24 pliance monitoring for and remediation of
25 lead contamination in drinking water at

1931

1 schools and child care programs under the
2 jurisdiction of those tribal education agen-
3 cies.”; and

4 (ii) in subparagraph (B)—

5 (I) in the matter preceding clause
6 (i), by inserting “or compliance moni-
7 toring for or remediation of lead con-
8 tamination” after “voluntary testing”;

9 (II) in clause (i), by striking “or”
10 at the end;

11 (III) in clause (ii), by striking
12 the period at the end and inserting a
13 semicolon; and

14 (IV) by adding at the end the fol-
15 lowing:

16 “(iii) any public water system that is
17 located in a State that does not participate
18 in the voluntary grant program established
19 under subparagraph (A) that—

20 “(I) assists schools or child care
21 programs in lead testing;

22 “(II) assists schools or child care
23 programs with compliance monitoring;

1932

1 “(III) assists schools with car-
2 rying out projects to remediate lead
3 contamination in drinking water; or

4 “(IV) provides technical assist-
5 ance to schools or child care programs
6 in carrying out lead testing; or

7 “(iv) a qualified nonprofit organiza-
8 tion, as determined by the Administrator.”;

9 (C) in paragraphs (3), (5), (6), and (7), by
10 striking “State or local educational agency”
11 each place it appears and inserting “State, local
12 educational agency, public water system, tribal
13 consortium, or qualified nonprofit organiza-
14 tion”;

15 (D) in paragraph (4)—

16 (i) by striking “States and local edu-
17 cational agencies” and inserting “States,
18 local educational agencies, public water
19 systems, tribal consortia, and qualified
20 nonprofit organizations”; and

21 (ii) by inserting “or the remediation
22 of” after “testing for”;

23 (E) in paragraph (6)—

24 (i) in the matter preceding subpara-
25 graph (A)—

1933

1 (I) by striking “State or local
2 educational agency” and inserting
3 “State, local educational agency, pub-
4 lic water system, tribal consortium, or
5 qualified nonprofit agency”; and

6 (II) by inserting “, public water
7 system, tribal consortium, or qualified
8 nonprofit organization” after “each
9 local educational agency”;

10 (ii) in subparagraph (A)(ii)—

11 (I) by inserting “or tribal” after
12 “applicable State”; and

13 (II) by striking “reducing lead”
14 and inserting “voluntary testing or
15 compliance monitoring for and reme-
16 diation of lead contamination”; and

17 (iii) in subparagraph (B)(i), by insert-
18 ing “applicable” before “local educational
19 agency”;

20 (F) in paragraph (7), by striking “testing
21 for” and inserting “testing or compliance moni-
22 toring for or remediation of”; and

23 (G) by striking paragraph (8) and insert-
24 ing the following:

1934

1 “(8) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection—

4 “(A) \$30,000,000 for fiscal year 2022;

5 “(B) \$35,000,000 for fiscal year 2023;

6 “(C) \$40,000,000 for fiscal year 2024;

7 “(D) \$45,000,000 for fiscal year 2025;

8 and

9 “(E) \$50,000,000 for fiscal year 2026.”.

10 **SEC. 50111. INDIAN RESERVATION DRINKING WATER PRO-**
11 **GRAM.**

12 Section 2001 of the America’s Water Infrastructure
13 Act of 2018 (42 U.S.C. 300j–3e note; Public Law 115–
14 270) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by striking “Subject to the availability of appro-
18 priations, the Administrator of the Environ-
19 mental Protection Agency” and inserting “The
20 Administrator of the Environmental Protection
21 Agency (referred to in this section as the ‘Ad-
22 ministrator’)”; and

23 (B) by striking “to implement” in the mat-
24 ter preceding paragraph (1) and all that follows
25 through the period at the end of paragraph (2)

1935

1 and inserting “to implement eligible projects
2 described in subsection (b).”;

3 (2) in subsection (b), by striking paragraph (2)
4 and inserting the following:

5 “(2) that will—

6 “(A) improve water quality, water pres-
7 sure, or water services through means such as
8 connecting to, expanding, repairing, improving,
9 or obtaining water from a public water system
10 (as defined in section 1401 of the Safe Drink-
11 ing Water Act (42 U.S.C. 300f)); or

12 “(B) improve water quality or sanitation
13 or wastewater services at a treatment works (as
14 defined in section 212 of the Federal Water
15 Pollution Control Act (33 U.S.C. 1292)).”;

16 (3) by redesignating subsection (d) as sub-
17 section (g);

18 (4) by striking subsection (e) and inserting the
19 following:

20 “(c) REQUIRED PROJECTS.—

21 “(1) IN GENERAL.—If sufficient projects exist,
22 of the funds made available to carry out this section,
23 the Administrator shall use 50 percent to carry
24 out—

1936

1 “(A) 10 eligible projects described in sub-
2 section (b) that are within the Upper Missouri
3 River Basin;

4 “(B) 10 eligible projects described in sub-
5 section (b) that are within the Upper Rio
6 Grande Basin;

7 “(C) 10 eligible projects described in sub-
8 section (b) that are within the Columbia River
9 Basin;

10 “(D) 10 eligible projects described in sub-
11 section (b) that are within the Lower Colorado
12 River Basin; and

13 “(E) 10 eligible projects described in sub-
14 section (b) that are within the Arkansas-White-
15 Red River Basin.

16 “(2) REQUIREMENT.—In carrying out para-
17 graph (1)(A), the Administrator shall select not
18 fewer than 2 eligible projects for a reservation that
19 serves more than 1 federally recognized Indian
20 Tribe.

21 “(d) PRIORITY.—In selecting projects to carry out
22 under this section, the Administrator shall give priority
23 to projects that—

24 “(1) respond to emergency situations occurring
25 due to or resulting in a lack of access to clean drink-

1937

1 ing water that threatens the health of Tribal popu-
2 lations;

3 “(2) would serve a Tribal population that would
4 qualify as a disadvantaged community based on the
5 affordability criteria established by the applicable
6 State under section 1452(d)(3) of the Safe Drinking
7 Water Act (42 U.S.C. 300j–12(d)(3)); or

8 “(3) would address the underlying factors con-
9 tributing to—

10 “(A) an enforcement action commenced
11 pursuant to the Safe Drinking Water Act (42
12 U.S.C. 300f et seq.) against the applicable pub-
13 lic water system (as defined in section 1401 of
14 that Act (42 U.S.C. 300f)) as of the date of en-
15 actment of this subparagraph; or

16 “(B) an enforcement action commenced
17 pursuant to the Federal Water Pollution Con-
18 trol Act (33 U.S.C. 1251 et seq.) against the
19 applicable treatment works (as defined in sec-
20 tion 212 of that Act (33 U.S.C. 1292)) as of
21 the date of enactment of this subparagraph.

22 “(e) FEDERAL SHARE.—The Federal share of the
23 cost of a project carried out under this section shall be
24 100 percent.

1938

1 “(f) REPORT.—Not later than 2 years after the date
2 of enactment of this subsection, the Administrator shall
3 submit to Congress a report that describes the implemen-
4 tation of the program established under subsection (a),
5 which shall include a description of the use and deploy-
6 ment of amounts made available under that program.”;
7 and

8 (5) in subsection (g) (as so redesignated)—

9 (A) by striking “There is” and inserting
10 “There are”;

11 (B) by striking “subsection (a)
12 \$20,000,000” and inserting the following: “sub-
13 section (a)—

14 “(1) \$20,000,000”;

15 (C) in paragraph (1) (as so designated), by
16 striking “2022.” and inserting “2021; and”;
17 and

18 (D) by adding at the end the following:

19 “(2) \$50,000,000 for each of fiscal years 2022
20 through 2026.”.

21 **SEC. 50112. ADVANCED DRINKING WATER TECHNOLOGIES.**

22 Part E of the Safe Drinking Water Act (42 U.S.C.
23 300j et seq.) (as amended by section 50107) is amended
24 by adding at the end the following:

1939

1 **“SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.**

2 “(a) STUDY.—

3 “(1) IN GENERAL.—Subject to the availability
4 of appropriations, not later than 1 year after the
5 date of enactment of this section, the Administrator
6 shall carry out a study that examines the state of
7 existing and potential future technology, including
8 technology that could address cybersecurity
9 vulnerabilities, that enhances or could enhance the
10 treatment, monitoring, affordability, efficiency, and
11 safety of drinking water provided by a public water
12 system.

13 “(2) REPORT.—The Administrator shall submit
14 to the Committee on Environment and Public Works
15 of the Senate and the Committee on Energy and
16 Commerce of the House of Representatives a report
17 that describes the results of the study under para-
18 graph (1).

19 “(b) ADVANCED DRINKING WATER TECHNOLOGY
20 GRANT PROGRAM.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
23 ble entity’ means the owner or operator of a
24 public water system that—

25 “(i) serves—

1941

1 the public water system, including tech-
2 nologies not identified in the study con-
3 ducted under subsection (a)(1).

4 “(B) PROGRAM.—The term ‘program’
5 means the competitive grant program estab-
6 lished under paragraph (2).

7 “(C) UNDERSERVED COMMUNITY.—The
8 term ‘underserved community’ means a political
9 subdivision of a State that, as determined by
10 the Administrator, has an inadequate system
11 for obtaining drinking water.

12 “(2) ESTABLISHMENT.—The Administrator
13 shall establish a competitive grant program under
14 which the Administrator shall award grants to eligi-
15 ble entities for the purpose of identifying, deploying,
16 or identifying and deploying technologies described
17 in paragraph (1)(A)(ii).

18 “(3) REQUIREMENTS.—

19 “(A) APPLICATIONS.—To be eligible to re-
20 ceive a grant under the program, an eligible en-
21 tity shall submit to the Administrator an appli-
22 cation at such time, in such manner, and con-
23 taining such information as the Administrator
24 may require.

25 “(B) FEDERAL SHARE.—

1942

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Federal share of the cost of a
3 project carried out using a grant under the
4 program shall not exceed 90 percent of the
5 total cost of the project.

6 “(ii) WAIVER.—The Administrator
7 may increase the Federal share under
8 clause (i) to 100 percent if the Adminis-
9 trator determines that an eligible entity is
10 unable to pay, or would experience signifi-
11 cant financial hardship if required to pay,
12 the non-Federal share.

13 “(4) REPORT.—Not later than 2 years after the
14 date on which the Administrator first awards a
15 grant under the program, and annually thereafter,
16 the Administrator shall submit to Congress a report
17 describing—

18 “(A) each recipient of a grant under the
19 program during the previous 1-year period; and

20 “(B) a summary of the activities carried
21 out using grants awarded under the program.

22 “(5) FUNDING.—

23 “(A) AUTHORIZATION OF APPROPRIA-
24 TIONS.—There is authorized to be appropriated
25 to carry out the program \$10,000,000 for each

1943

1 of fiscal years 2022 through 2026, to remain
2 available until expended.

3 “(B) ADMINISTRATIVE COSTS.—Not more
4 than 2 percent of the amount made available
5 for a fiscal year under subparagraph (A) to
6 carry out the program may be used by the Ad-
7 ministrator for the administrative costs of car-
8 rying out the program.”.

9 **SEC. 50113. CYBERSECURITY SUPPORT FOR PUBLIC WATER**
10 **SYSTEMS.**

11 Part B of the Safe Drinking Water Act (42 U.S.C.
12 300g et seq.) is amended by adding at the end the fol-
13 lowing:

14 **“SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC**
15 **WATER SYSTEMS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term ‘appropriate Congressional com-
19 mittees’ means—

20 “(A) the Committee on Environment and
21 Public Works of the Senate;

22 “(B) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 “(C) the Committee on Energy and Com-
25 merce of the House of Representatives; and

1944

1 “(D) the Committee on Homeland Security
2 of the House of Representatives.

3 “(2) DIRECTOR.—The term ‘Director’ means
4 the Director of the Cybersecurity and Infrastructure
5 Security Agency.

6 “(3) INCIDENT.—The term ‘incident’ has the
7 meaning given the term in section 3552 of title 44,
8 United States Code.

9 “(4) PRIORITIZATION FRAMEWORK.—The term
10 ‘Prioritization Framework’ means the prioritization
11 framework developed by the Administrator under
12 subsection (b)(1)(A).

13 “(5) SUPPORT PLAN.—The term ‘Support Plan’
14 means the Technical Cybersecurity Support Plan de-
15 veloped by the Administrator under subsection
16 (b)(2)(A).

17 “(b) IDENTIFICATION OF AND SUPPORT FOR PUBLIC
18 WATER SYSTEMS.—

19 “(1) PRIORITIZATION FRAMEWORK.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this section,
22 the Administrator, in coordination with the Di-
23 rector, shall develop a prioritization framework
24 to identify public water systems (including
25 sources of water for those public water systems)

1945

1 that, if degraded or rendered inoperable due to
2 an incident, would lead to significant impacts
3 on the health and safety of the public.

4 “(B) CONSIDERATIONS.—In developing the
5 Prioritization Framework, to the extent prac-
6 ticable, the Administrator shall incorporate con-
7 sideration of—

8 “(i) whether cybersecurity
9 vulnerabilities for a public water system
10 have been identified under section 1433;

11 “(ii) the capacity of a public water
12 system to remediate a cybersecurity vulner-
13 ability without additional Federal support;

14 “(iii) whether a public water system
15 serves a defense installation or critical na-
16 tional security asset; and

17 “(iv) whether a public water system, if
18 degraded or rendered inoperable due to an
19 incident, would cause a cascading failure of
20 other critical infrastructure.

21 “(2) TECHNICAL CYBERSECURITY SUPPORT
22 PLAN.—

23 “(A) IN GENERAL.—Not later than 270
24 days after the date of enactment of this section,
25 the Administrator, in coordination with the Di-

1946

1 rector and using existing authorities of the Ad-
2 ministrator and the Director for providing vol-
3 untary support to public water systems and the
4 Prioritization Framework, shall develop a Tech-
5 nical Cybersecurity Support Plan for public
6 water systems.

7 “(B) REQUIREMENTS.—The Support
8 Plan—

9 “(i) shall establish a methodology for
10 identifying specific public water systems
11 for which cybersecurity support should be
12 prioritized;

13 “(ii) shall establish timelines for mak-
14 ing voluntary technical support for cyber-
15 security available to specific public water
16 systems;

17 “(iii) may include public water sys-
18 tems identified by the Administrator, in co-
19 ordination with the Director, as needing
20 technical support for cybersecurity;

21 “(iv) shall include specific capabilities
22 of the Administrator and the Director that
23 may be utilized to provide support to pub-
24 lic water systems under the Support Plan,
25 including—

1947

1 “(I) site vulnerability and risk
2 assessments;

3 “(II) penetration tests; and

4 “(III) any additional support de-
5 termined to be appropriate by the Ad-
6 ministrator; and

7 “(v) shall only include plans for pro-
8 viding voluntary support to public water
9 systems.

10 “(3) CONSULTATION REQUIRED.—In developing
11 the Prioritization Framework pursuant to paragraph
12 (1) and the Support Plan pursuant to paragraph
13 (2), the Administrator shall consult with such Fed-
14 eral or non-Federal entities as determined to be ap-
15 propriate by the Administrator.

16 “(4) REPORTS REQUIRED.—

17 “(A) PRIORITIZATION FRAMEWORK.—Not
18 later than 190 days after the date of enactment
19 of this section, the Administrator shall submit
20 to the appropriate Congressional committees a
21 report describing the Prioritization Framework.

22 “(B) TECHNICAL CYBERSECURITY SUP-
23 PORT PLAN.—Not later than 280 days after the
24 date of enactment of this section, the Adminis-

1948

1 trator shall submit to the appropriate Congres-
2 sional committees—

3 “(i) the Support Plan; and

4 “(ii) a list describing any public water
5 systems identified by the Administrator, in
6 coordination with the Director, as needing
7 technical support for cybersecurity during
8 the development of the Support Plan.

9 “(c) RULES OF CONSTRUCTION.—Nothing in this
10 section—

11 “(1) alters the existing authorities of the Ad-
12 ministrators; or

13 “(2) compels a public water system to accept
14 technical support offered by the Administrator.”.

15 **SEC. 50114. STATE RESPONSE TO CONTAMINANTS.**

16 Section 1459A(j)(1) of the Safe Drinking Water Act
17 (42 U.S.C. 300j–19a(j)(1)) is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “an underserved community” and insert-
20 ing “a community described in subsection (c)(2)”;
21 and

22 (2) in subparagraph (A)(i), by striking “such
23 underserved” and inserting “that”.

1949

1 **SEC. 50115. ANNUAL STUDY ON BOIL WATER ADVISORIES.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, and annually thereafter,
4 the Administrator shall conduct a study on the prevalence
5 of boil water advisories issued in the United States.

6 (b) REPORT.—

7 (1) IN GENERAL.—The Administrator shall
8 submit to Congress a report describing the results of
9 the most recent study conducted under subsection
10 (a) as part of the annual budget request transmitted
11 to Congress under section 1105(a) of title 31,
12 United States Code.

13 (2) REQUIREMENT.—In the annual report re-
14 quired under paragraph (1), the Administrator shall
15 include a description of the reasons for which boil
16 water advisories were issued during the year covered
17 by the report.

18 **TITLE II—CLEAN WATER**

19 **SEC. 50201. RESEARCH, INVESTIGATIONS, TRAINING, AND**
20 **INFORMATION.**

21 (a) REAUTHORIZATION.—Section 104(u) of the Fed-
22 eral Water Pollution Control Act (33 U.S.C. 1254(u)) is
23 amended—

24 (1) by striking “and (7)” and inserting “(7)”;
25 and

26 (2) in paragraph (7)—

1950

1 (A) by striking “2023” and inserting
2 “2021”; and

3 (B) by striking the period at the end and
4 inserting “; and (8) not to exceed \$75,000,000
5 for each of fiscal years 2022 through 2026 for
6 carrying out subsections (b)(3), (b)(8), and (g),
7 of which not less than \$50,000,000 each fiscal
8 year shall be used to carry out subsection
9 (b)(8).”.

10 (b) COMMUNICATION.—Each nonprofit organization
11 that receives funding under paragraph (8) of section
12 104(b) of the Federal Water Pollution Control Act (33
13 U.S.C. 1254(b)) shall, before using that funding to under-
14 take activities to carry out that paragraph, consult with
15 the State in which the assistance is to be expended or oth-
16 erwise made available.

17 (c) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Administrator shall submit
19 to Congress a report that describes the implementation of
20 the grants authorized under subsections (b)(3), (b)(8),
21 and (g) of section 104 of the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1254), which shall include a descrip-
23 tion of the grant recipients and grant amounts made avail-
24 able to carry out those subsections.

1951

1 **SEC. 50202. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
2 **GRAM.**

3 Title II of the Federal Water Pollution Control Act
4 (33 U.S.C. 1281 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
7 **GRAM.**

8 “(a) ESTABLISHMENT.—Subject to the availability of
9 appropriations, the Administrator shall establish a waste-
10 water efficiency grant pilot program (referred to in this
11 section as the ‘pilot program’) to award grants to owners
12 or operators of publicly owned treatment works to carry
13 out projects that create or improve waste-to-energy sys-
14 tems.

15 “(b) SELECTION.—

16 “(1) APPLICATIONS.—To be eligible to receive a
17 grant under the pilot program, an owner or operator
18 of a treatment works shall submit to the Adminis-
19 trator an application at such time, in such manner,
20 and containing such information as the Adminis-
21 trator may require.

22 “(2) NUMBER OF RECIPIENTS.—The Adminis-
23 trator shall select not more than 15 recipients of
24 grants under the pilot program from applications
25 submitted under paragraph (1).

26 “(c) USE OF FUNDS.—

1952

1 “(1) IN GENERAL.—Subject to paragraph (2), a
2 recipient of a grant under the pilot program may use
3 grant funds for—

4 “(A) sludge collection;

5 “(B) installation of anaerobic digesters;

6 “(C) methane capture;

7 “(D) methane transfer;

8 “(E) facility upgrades and retrofits nec-
9 essary to create or improve waste-to-energy sys-
10 tems; and

11 “(F) other new and emerging, but proven,
12 technologies that transform waste to energy.

13 “(2) LIMITATION.—A grant to a recipient
14 under the pilot program shall be not more than
15 \$4,000,000.

16 “(d) REPORTS.—

17 “(1) REPORT TO THE ADMINISTRATOR.—Not
18 later than 2 years after receiving a grant under the
19 pilot program and each year thereafter for which
20 amounts are made available for the pilot program
21 under subsection (e), the recipient of the grant shall
22 submit to the Administrator a report describing the
23 impact of that project on the communities within 3
24 miles of the treatment works.

1953

1 “(2) REPORT TO CONGRESS.—Not later than 1
2 year after first awarding grants under the pilot pro-
3 gram and each year thereafter for which amounts
4 are made available for the pilot program under sub-
5 section (e), the Administrator shall submit to Con-
6 gress a report describing—

7 “(A) the applications received by the Ad-
8 ministrator for grants under the pilot program;
9 and

10 “(B) the projects for which grants were
11 awarded under the pilot program.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated to carry out the pilot program
15 \$20,000,000 for each of fiscal years 2022 through
16 2026, to remain available until expended.

17 “(2) LIMITATION ON USE OF FUNDS.—Of the
18 amounts made available for grants under paragraph
19 (1), not more than 2 percent may be used to pay the
20 administrative costs of the Administrator.”.

21 **SEC. 50203. PILOT PROGRAM FOR ALTERNATIVE WATER**
22 **SOURCE PROJECTS.**

23 Section 220 of the Federal Water Pollution Control
24 Act (33 U.S.C. 1300) is amended—

1954

1 (1) in subsection (b), in the heading, by strik-
2 ing “IN GENERAL” and inserting “ESTABLISH-
3 MENT”;

4 (2) in subsection (d)—

5 (A) in paragraph (1), by inserting “con-
6 struction” before “funds”;

7 (B) by striking paragraph (2); and

8 (C) by redesignating paragraph (3) as
9 paragraph (2);

10 (3) by striking subsection (e);

11 (4) in subsection (i)—

12 (A) in the matter preceding paragraph (1),
13 by striking “, the following definitions apply”;
14 and

15 (B) in paragraph (1), in the first sentence,
16 by striking “water or wastewater or by treating
17 wastewater” and inserting “water, wastewater,
18 or stormwater or by treating wastewater or
19 stormwater for groundwater recharge, potable
20 reuse, or other purposes”;

21 (5) in subsection (j)—

22 (A) in the first sentence, by striking
23 “There is” and inserting the following:

24 “(1) IN GENERAL.—There is”;

1955

1 (B) in paragraph (1) (as so designated), by
2 striking “a total of \$75,000,000 for fiscal years
3 2002 through 2004. Such sums shall” and in-
4 serting “\$25,000,000 for each of fiscal years
5 2022 through 2026, to”; and

6 (C) by adding at the end the following:

7 “(2) LIMITATION ON USE OF FUNDS.—Of the
8 amounts made available for grants under paragraph
9 (1), not more than 2 percent may be used to pay the
10 administrative costs of the Administrator.”; and

11 (6) by redesignating subsections (b), (c), (d),
12 (i), and (j) as subsections (c), (d), (e), (b), and (i),
13 respectively, and moving those subsections so as to
14 appear in alphabetical order.

15 **SEC. 50204. SEWER OVERFLOW AND STORMWATER REUSE**
16 **MUNICIPAL GRANTS.**

17 Section 221 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1301) is amended—

19 (1) in subsection (a)(1) —

20 (A) in subparagraph (A), by striking
21 “and” at the end;

22 (B) by redesignating subparagraph (B) as
23 subparagraph (C); and

24 (C) by inserting after subparagraph (A)
25 the following:

1956

1 “(B) notification systems to inform the
2 public of combined sewer or sanitary overflows
3 that result in sewage being released into rivers
4 and other waters; and”;

5 (2) in subsection (d)—

6 (A) in the second sentence, by striking
7 “The non-Federal share of the cost” and insert-
8 ing the following:

9 “(3) TYPES OF NON-FEDERAL SHARE.—The
10 applicable non-Federal share of the cost under this
11 subsection”;

12 (B) in the first sentence, by striking “The
13 Federal” and inserting the following:

14 “(1) IN GENERAL.—The Federal”; and

15 (C) by inserting after paragraph (1) (as so
16 designated) the following:

17 “(2) RURAL AND FINANCIALLY DISTRESSED
18 COMMUNITIES.—To the maximum extent practicable,
19 the Administrator shall work with States to prevent
20 the non-Federal share requirements under this sub-
21 section from being passed on to rural communities
22 and financially distressed communities (as those
23 terms are defined in subsection (f)(2)(B)(i)).”;

24 (3) in subsection (f)—

1957

1 (A) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) IN GENERAL.—There is authorized to be
4 appropriated to carry out this section \$280,000,000
5 for each of fiscal years 2022 through 2026.”; and

6 (B) in paragraph (2)—

7 (i) by striking “To the extent” and in-
8 serting the following:

9 “(A) GREEN PROJECTS.—To the extent”;

10 and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) RURAL OR FINANCIALLY DISTRESSED
14 COMMUNITY ALLOCATION.—

15 “(i) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) FINANCIALLY DISTRESSED
18 COMMUNITY.—The term ‘financially
19 distressed community’ has the mean-
20 ing given the term in subsection
21 (c)(1).

22 “(II) RURAL COMMUNITY.—The
23 term ‘rural community’ means a city,
24 town, or unincorporated area that has

1958

1 a population of not more than 10,000
2 inhabitants.

3 “(ii) ALLOCATION.—

4 “(I) IN GENERAL.—To the extent
5 there are sufficient eligible project ap-
6 plications, the Administrator shall en-
7 sure that a State uses not less than
8 25 percent of the amount of the
9 grants made to the State under sub-
10 section (a) in a fiscal year to carry
11 out projects in rural communities or
12 financially distressed communities for
13 the purpose of planning, design, and
14 construction of—

15 “(aa) treatment works to
16 intercept, transport, control,
17 treat, or reuse municipal sewer
18 overflows, sanitary sewer over-
19 flows, or stormwater; or

20 “(bb) any other measures to
21 manage, reduce, treat, or recap-
22 ture stormwater or subsurface
23 drainage water eligible for assist-
24 ance under section 603(c).

1959

1 “(II) RURAL COMMUNITIES.—Of
2 the funds allocated under subclause
3 (I) for the purposes described in that
4 subclause, to the extent there are suf-
5 ficient eligible project applications, the
6 Administrator shall ensure that a
7 State uses not less than 60 percent to
8 carry out projects in rural commu-
9 nities.”; and

10 (4) in subsection (i)—

11 (A) in the second sentence, by striking
12 “The recommended funding levels” and insert-
13 ing the following:

14 “(B) REQUIREMENT.—The funding levels
15 recommended under subparagraph (A)(i)”;

16 (B) in the first sentence, by striking “Not
17 later” and inserting the following:

18 “(1) PERIODIC REPORTS.—

19 “(A) IN GENERAL.—Not later”;

20 (C) in paragraph (1)(A) (as so des-
21 ignated)—

22 (i) by striking the period at the end
23 and inserting “; and”;

1960

1 (ii) by striking “containing rec-
2 ommended” and inserting the following:

3 “containing—

4 “(i) recommended”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(ii) a description of the extent to
8 which States pass costs associated with the
9 non-Federal share requirements under sub-
10 section (d) to local communities, with a
11 focus on rural communities and financially
12 distressed communities (as those terms are
13 defined in subsection (f)(2)(B)(i)).”; and

14 (D) by adding at the end the following:

15 “(2) USE OF FUNDS.—Not later than 2 years
16 after the date of enactment of this paragraph, the
17 Administrator shall submit to the Committee on En-
18 vironment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure of
20 the House of Representatives a report that describes
21 the implementation of the grant program under this
22 section, which shall include a description of the
23 grant recipients, sources of funds for non-Federal
24 share requirements under subsection (d), and grant
25 amounts made available under the program.”.

1961

1 **SEC. 50205. CLEAN WATER INFRASTRUCTURE RESILIENCY**
2 **AND SUSTAINABILITY PROGRAM.**

3 Title II of the Federal Water Pollution Control Act
4 (33 U.S.C. 1281 et seq.) (as amended by section 50202)
5 is amended by adding at the end the following:

6 **“SEC. 223. CLEAN WATER INFRASTRUCTURE RESILIENCY**
7 **AND SUSTAINABILITY PROGRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) a municipality; or

12 “(B) an intermunicipal, interstate, or State
13 agency.

14 “(2) NATURAL HAZARD.—The term ‘natural
15 hazard’ means a hazard caused by natural forces, in-
16 cluding extreme weather events, sea-level rise, and
17 extreme drought conditions.

18 “(3) PROGRAM.—The term ‘program’ means
19 the clean water infrastructure resilience and sustain-
20 ability program established under subsection (b).

21 “(b) ESTABLISHMENT.—Subject to the availability of
22 appropriations, the Administrator shall establish a clean
23 water infrastructure resilience and sustainability program
24 under which the Administrator shall award grants to eligi-
25 ble entities for the purpose of increasing the resilience of

1962

1 publicly owned treatment works to a natural hazard or cy-
2 bersecurity vulnerabilities.

3 “(c) USE OF FUNDS.—An eligible entity that receives
4 a grant under the program shall use the grant funds for
5 planning, designing, or constructing projects (on a system-
6 wide or area-wide basis) that increase the resilience of a
7 publicly owned treatment works to a natural hazard or cy-
8 bersecurity vulnerabilities through—

9 “(1) the conservation of water;

10 “(2) the enhancement of water use efficiency;

11 “(3) the enhancement of wastewater and
12 stormwater management by increasing watershed
13 preservation and protection, including through the
14 use of—

15 “(A) natural and engineered green infra-
16 structure; and

17 “(B) reclamation and reuse of wastewater
18 and stormwater, such as aquifer recharge zones;

19 “(4) the modification or relocation of an exist-
20 ing publicly owned treatment works, conveyance, or
21 discharge system component that is at risk of being
22 significantly impaired or damaged by a natural haz-
23 ard;

24 “(5) the development and implementation of
25 projects to increase the resilience of publicly owned

1963

1 treatment works to a natural hazard or cybersecu-
2 rity vulnerabilities, as applicable; or

3 “(6) the enhancement of energy efficiency or
4 the use and generation of recovered or renewable en-
5 ergy in the management, treatment, or conveyance
6 of wastewater or stormwater.

7 “(d) APPLICATION.—To be eligible to receive a grant
8 under the program, an eligible entity shall submit to the
9 Administrator an application at such time, in such man-
10 ner, and containing such information as the Administrator
11 may require, including—

12 “(1) a proposal of the project to be planned, de-
13 signed, or constructed using funds under the pro-
14 gram;

15 “(2) an identification of the natural hazard risk
16 of the area where the proposed project is to be lo-
17 cated or potential cybersecurity vulnerability, as ap-
18 plicable, to be addressed by the proposed project;

19 “(3) documentation prepared by a Federal,
20 State, regional, or local government agency of the
21 natural hazard risk of the area where the proposed
22 project is to be located or potential cybersecurity
23 vulnerability, as applicable, of the area where the
24 proposed project is to be located;

1964

1 “(4) a description of any recent natural hazard
2 risk of the area where the proposed project is to be
3 located or potential cybersecurity vulnerabilities that
4 have affected the publicly owned treatment works;

5 “(5) a description of how the proposed project
6 would improve the performance of the publicly
7 owned treatment works under an anticipated natural
8 hazard or natural hazard risk of the area where the
9 proposed project is to be located or a potential cy-
10 bersecurity vulnerability, as applicable; and

11 “(6) an explanation of how the proposed project
12 is expected to enhance the resilience of the publicly
13 owned treatment works to a natural hazard risk of
14 the area where the proposed project is to be located
15 or a potential cybersecurity vulnerability, as applica-
16 ble.

17 “(e) GRANT AMOUNT AND OTHER FEDERAL RE-
18 QUIREMENTS.—

19 “(1) COST SHARE.—Except as provided in
20 paragraph (2), a grant under the program shall not
21 exceed 75 percent of the total cost of the proposed
22 project.

23 “(2) EXCEPTION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), a grant under the program

1965

1 shall not exceed 90 percent of the total cost of
2 the proposed project if the project serves a com-
3 munity that—

4 “(i) has a population of fewer than
5 10,000 individuals; or

6 “(ii) meets the affordability criteria
7 established by the State in which the com-
8 munity is located under section 603(i)(2).

9 “(B) WAIVER.—At the discretion of the
10 Administrator, a grant for a project described
11 in subparagraph (A) may cover 100 percent of
12 the total cost of the proposed project.

13 “(3) REQUIREMENTS.—The requirements of
14 section 608 shall apply to a project funded with a
15 grant under the program.

16 “(f) REPORT.—Not later than 2 years after the date
17 of enactment of this section, the Administrator shall sub-
18 mit to Congress a report that describes the implementa-
19 tion of the program, which shall include an accounting of
20 all grants awarded under the program, including a de-
21 scription of each grant recipient and each project funded
22 using a grant under the program.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—

1966

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section \$25,000,000
3 for each of fiscal years 2022 through 2026.

4 “(2) LIMITATION ON USE OF FUNDS.—Of the
5 amounts made available for grants under paragraph
6 (1), not more than 2 percent may be used to pay the
7 administrative costs of the Administrator.”.

8 **SEC. 50206. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
9 **MENT WORKS CIRCUIT RIDER PROGRAM.**

10 Title II of the Federal Water Pollution Control Act
11 (33 U.S.C. 1281 et seq.) (as amended by section 50205)
12 is amended by adding at the end the following:

13 **“SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
14 **MENT WORKS CIRCUIT RIDER PROGRAM.**

15 “(a) ESTABLISHMENT.—Subject to the availability of
16 appropriations, not later than 180 days after the date of
17 enactment of this section, the Administrator shall estab-
18 lish a circuit rider program (referred to in this section as
19 the ‘circuit rider program’) under which the Administrator
20 shall award grants to qualified nonprofit entities, as deter-
21 mined by the Administrator, to provide assistance to own-
22 ers and operators of small and medium publicly owned
23 treatment works to carry out the activities described in
24 section 602(b)(13).

1967

1 “(b) LIMITATION.—A grant provided under the cir-
2 cuit rider program shall be in an amount that is not more
3 than \$75,000.

4 “(c) PRIORITIZATION.—In selecting recipients of
5 grants under the circuit rider program, the Administrator
6 shall give priority to qualified nonprofit entities, as deter-
7 mined by the Administrator, that would serve a commu-
8 nity that—

9 “(1) has a history, for not less than the 10
10 years prior to the award of the grant, of unresolved
11 wastewater issues, stormwater issues, or a combina-
12 tion of wastewater and stormwater issues;

13 “(2) is considered financially distressed;

14 “(3) faces the cumulative burden of stormwater
15 and wastewater overflow issues; or

16 “(4) has previously failed to access Federal
17 technical assistance due to cost-sharing require-
18 ments.

19 “(d) COMMUNICATION.—Each qualified nonprofit en-
20 tity that receives funding under this section shall, before
21 using that funding to undertake activities to carry out this
22 section, consult with the State in which the assistance is
23 to be expended or otherwise made available.

24 “(e) REPORT.—Not later than 2 years after the date
25 on which the Administrator establishes the circuit rider

1968

1 program, and every 2 years thereafter, the Administrator
2 shall submit to Congress a report describing—

3 “(1) each recipient of a grant under the circuit
4 rider program; and

5 “(2) a summary of the activities carried out
6 under the circuit rider program.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$10,000,000
10 for the period of fiscal years 2022 through 2026.

11 “(2) LIMITATION ON USE OF FUNDS.—Of the
12 amounts made available for grants under paragraph
13 (1), not more than 2 percent may be used to pay the
14 administrative costs of the Administrator.”.

15 **SEC. 50207. SMALL PUBLICLY OWNED TREATMENT WORKS**

16 **EFFICIENCY GRANT PROGRAM.**

17 Title II of the Federal Water Pollution Control Act
18 (33 U.S.C. 1281 et seq.) (as amended by section 50206)
19 is amended by adding at the end the following:

20 **“SEC. 225. SMALL PUBLICLY OWNED TREATMENT WORKS**

21 **EFFICIENCY GRANT PROGRAM.**

22 “(a) ESTABLISHMENT.—Subject to the availability of
23 appropriations, not later than 180 days after the date of
24 enactment of this section, the Administrator shall estab-
25 lish an efficiency grant program (referred to in this section

1969

1 as the ‘efficiency grant program’) under which the Admin-
2 istrator shall award grants to eligible entities for the re-
3 placement or repair of equipment that improves water or
4 energy efficiency of small publicly owned treatment works,
5 as identified in an efficiency audit.

6 “(b) ELIGIBLE ENTITIES.—The Administrator may
7 award a grant under the efficiency grant program to—

8 “(1) an owner or operator of a small publicly
9 owned treatment works that serves—

10 “(A) a population of not more than 10,000
11 people; or

12 “(B) a disadvantaged community; or

13 “(2) a nonprofit organization that seeks to as-
14 sist a small publicly owned treatment works de-
15 scribed in paragraph (1) to carry out the activities
16 described in subsection (a).

17 “(c) REPORT.—Not later than 2 years after the date
18 on which the Administrator establishes the efficiency
19 grant program, and every 2 years thereafter, the Adminis-
20 trator shall submit to Congress a report describing—

21 “(1) each recipient of a grant under the effi-
22 ciency grant program; and

23 “(2) a summary of the activities carried out
24 under the efficiency grant program.

25 “(d) USE OF FUNDS.—

1970

1 “(1) SMALL SYSTEMS.—Of the amounts made
2 available for grants under this section, to the extent
3 that there are sufficient applications, not less than
4 15 percent shall be used for grants to publicly owned
5 treatment works that serve fewer than 3,300 people.

6 “(2) LIMITATION ON USE OF FUNDS.—Of the
7 amounts made available for grants under this sec-
8 tion, not more than 2 percent may be used to pay
9 the administrative costs of the Administrator.”.

10 **SEC. 50208. GRANTS FOR CONSTRUCTION AND REFUR-**
11 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
12 **CENTRALIZED WASTEWATER SYSTEMS FOR**
13 **INDIVIDUALS WITH LOW OR MODERATE IN-**
14 **COME.**

15 Title II of the Federal Water Pollution Control Act
16 (33 U.S.C. 1281 et seq.) (as amended by section 50207)
17 is amended by adding at the end the following:

18 **“SEC. 226. GRANTS FOR CONSTRUCTION AND REFUR-**
19 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
20 **CENTRALIZED WASTEWATER SYSTEMS FOR**
21 **INDIVIDUALS WITH LOW OR MODERATE IN-**
22 **COME.**

23 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
24 section, the term ‘eligible individual’ means a member of
25 a low-income or moderate-income household, the members

1971

1 of which have a combined income (for the most recent 12-
2 month period for which information is available) equal to
3 not more than 50 percent of the median nonmetropolitan
4 household income for the State or territory in which the
5 household is located, according to the most recent decen-
6 nial census.

7 “(b) GRANT PROGRAM.—

8 “(1) IN GENERAL.—Subject to the availability
9 of appropriations, the Administrator shall establish a
10 program under which the Administrator shall pro-
11 vide grants to private nonprofit organizations for the
12 purpose of improving general welfare by providing
13 assistance to eligible individuals—

14 “(A) for the construction, repair, or re-
15 placement of an individual household decentral-
16 ized wastewater treatment system; or

17 “(B) for the installation of a larger decen-
18 tralized wastewater system designed to provide
19 treatment for 2 or more households in which el-
20 igible individuals reside, if—

21 “(i) site conditions at the households
22 are unsuitable for the installation of an in-
23 dividually owned decentralized wastewater
24 system;

1972

1 “(ii) multiple examples of unsuitable
2 site conditions exist in close geographic
3 proximity to each other; and

4 “(iii) a larger decentralized waste-
5 water system could be cost-effectively in-
6 stalled.

7 “(2) APPLICATION.—To be eligible to receive a
8 grant under this subsection, a private nonprofit or-
9 ganization shall submit to the Administrator an ap-
10 plication at such time, in such manner, and con-
11 taining such information as the Administrator deter-
12 mines to be appropriate.

13 “(3) PRIORITY.—In awarding grants under this
14 subsection, the Administrator shall give priority to
15 applicants that have substantial expertise and expe-
16 rience in promoting the safe and effective use of in-
17 dividual household decentralized wastewater systems.

18 “(4) ADMINISTRATIVE EXPENSES.—A private
19 nonprofit organization may use amounts provided
20 under this subsection to pay the administrative ex-
21 penses associated with the provision of the services
22 described in paragraph (1), as the Administrator de-
23 termines to be appropriate.

24 “(c) GRANTS.—

1973

1 “(1) IN GENERAL.—Subject to paragraph (2), a
2 private nonprofit organization shall use a grant pro-
3 vided under subsection (b) for the services described
4 in paragraph (1) of that subsection.

5 “(2) APPLICATION.—To be eligible to receive
6 the services described in subsection (b)(1), an eligi-
7 ble individual shall submit to the private nonprofit
8 organization serving the area in which the individual
9 household decentralized wastewater system of the el-
10 igible individuals is, or is proposed to be, located an
11 application at such time, in such manner, and con-
12 taining such information as the private nonprofit or-
13 ganization determines to be appropriate.

14 “(3) PRIORITY.—In awarding grants under this
15 subsection, a private nonprofit organization shall
16 give priority to any eligible individual who does not
17 have access to a sanitary sewage disposal system.

18 “(d) REPORT.—Not later than 2 years after the date
19 of enactment of this section, the Administrator shall sub-
20 mit to the Committee on Environment and Public Works
21 of the Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives a report
23 describing the recipients of grants under the program
24 under this section and the results of the program under
25 this section.

1974

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated to the Administrator to carry out this
4 section \$50,000,000 for each of fiscal years 2022
5 through 2026.

6 “(2) LIMITATION ON USE OF FUNDS.—Of the
7 amounts made available for grants under paragraph
8 (1), not more than 2 percent may be used to pay the
9 administrative costs of the Administrator.”.

10 **SEC. 50209. CONNECTION TO PUBLICLY OWNED TREAT-**
11 **MENT WORKS.**

12 Title II of the Federal Water Pollution Control Act
13 (33 U.S.C. 1281 et seq.) (as amended by section 50208)
14 is amended by adding at the end the following:

15 **“SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT**
16 **WORKS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) an owner or operator of a publicly
21 owned treatment works that assists or is seek-
22 ing to assist low-income or moderate-income in-
23 dividuals with connecting the household of the
24 individual to the publicly owned treatment
25 works; or

1975

1 “(B) a nonprofit entity that assists low-in-
2 come or moderate-income individuals with the
3 costs associated with connecting the household
4 of the individual to a publicly owned treatment
5 works.

6 “(2) PROGRAM.—The term ‘program’ means
7 the competitive grant program established under
8 subsection (b).

9 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-
10 fied individual’ has the meaning given the term ‘eli-
11 gible individual’ in section 603(j).

12 “(b) ESTABLISHMENT.—Subject to the availability of
13 appropriations, the Administrator shall establish a com-
14 petitive grant program with the purpose of improving gen-
15 eral welfare, under which the Administrator awards grants
16 to eligible entities to provide funds to assist qualified indi-
17 viduals in covering the costs incurred by the qualified indi-
18 vidual in connecting the household of the qualified indi-
19 vidual to a publicly owned treatment works.

20 “(c) APPLICATION.—

21 “(1) IN GENERAL.—An eligible entity seeking a
22 grant under the program shall submit to the Admin-
23 istrator an application at such time, in such manner,
24 and containing such information as the Adminis-
25 trator may by regulation require.

1976

1 “(2) REQUIREMENT.—Not later than 90 days
2 after the date on which the Administrator receives
3 an application from an eligible entity under para-
4 graph (1), the Administrator shall notify the eligible
5 entity of whether the Administrator will award a
6 grant to the eligible entity under the program.

7 “(d) SELECTION CRITERIA.—In selecting recipients
8 of grants under the program, the Administrator shall use
9 the following criteria:

10 “(1) Whether the eligible entity seeking a grant
11 provides services to, or works directly with, qualified
12 individuals.

13 “(2) Whether the eligible entity seeking a
14 grant—

15 “(A) has an existing program to assist in
16 covering the costs incurred in connecting a
17 household to a publicly owned treatment works;
18 or

19 “(B) seeks to create a program described
20 in subparagraph (A).

21 “(e) REQUIREMENTS.—

22 “(1) VOLUNTARY CONNECTION.—Before pro-
23 viding funds to a qualified individual for the costs
24 described in subsection (b), an eligible entity shall
25 ensure that—

1977

1 “(A) the qualified individual has connected
2 to the publicly owned treatment works volun-
3 tarily; and

4 “(B) if the eligible entity is not the owner
5 or operator of the publicly owned treatment
6 works to which the qualified individual has con-
7 nected, the publicly owned treatment works to
8 which the qualified individual has connected has
9 agreed to the connection.

10 “(2) REIMBURSEMENTS FROM PUBLICLY
11 OWNED TREATMENT WORKS.—An eligible entity that
12 is an owner or operator of a publicly owned treat-
13 ment works may reimburse a qualified individual
14 that has already incurred the costs described in sub-
15 section (b) by—

16 “(A) reducing the amount otherwise owed
17 by the qualified individual to the owner or oper-
18 ator for wastewater or other services provided
19 by the owner or operator; or

20 “(B) providing a direct payment to the
21 qualified individual.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to carry out the program \$40,000,000
25 for each of fiscal years 2022 through 2026.

1978

1 “(2) LIMITATIONS ON USE OF FUNDS.—

2 “(A) SMALL SYSTEMS.—Of the amounts
3 made available for grants under paragraph (1),
4 to the extent that there are sufficient applica-
5 tions, not less than 15 percent shall be used to
6 make grants to—

7 “(i) eligible entities described in sub-
8 section (a)(1)(A) that are owners and op-
9 erators of publicly owned treatment works
10 that serve fewer than 3,300 people; and

11 “(ii) eligible entities described in sub-
12 section (a)(1)(B) that provide the assist-
13 ance described in that subsection in areas
14 that are served by publicly owned treat-
15 ment works that serve fewer than 3,300
16 people.

17 “(B) ADMINISTRATIVE COSTS.—Of the
18 amounts made available for grants under para-
19 graph (1), not more than 2 percent may be
20 used to pay the administrative costs of the Ad-
21 ministrator.”.

22 **SEC. 50210. CLEAN WATER STATE REVOLVING FUNDS.**

23 (a) USE OF FUNDS.—

1979

1 (1) IN GENERAL.—Section 603 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1383) is
3 amended—

4 (A) in subsection (d), in the matter pre-
5 ceding paragraph (1), by inserting “and pro-
6 vided in subsection (k)” after “State law”;

7 (B) in subsection (i)—

8 (i) in paragraph (1), in the matter
9 preceding subparagraph (A), by striking “,
10 including forgiveness of principal and neg-
11 ative interest loans” and inserting “(in-
12 cluding forgiveness of principal, grants,
13 negative interest loans, other loan forgive-
14 ness, and through buying, refinancing, or
15 restructuring debt)”; and

16 (ii) in paragraph (3), by striking sub-
17 paragraph (B) and inserting the following:

18 “(B) TOTAL AMOUNT OF SUBSIDIZA-
19 TION.—

20 “(i) IN GENERAL.—For each fiscal
21 year, of the amount of the capitalization
22 grant received by the State under this title,
23 the total amount of additional subsidiza-
24 tion made available by a State under para-
25 graph (1)—

1980

1 “(I) may not exceed 30 percent;

2 and

3 “(II) to the extent that there are
4 sufficient applications for assistance
5 to communities described in that
6 paragraph, may not be less than 10
7 percent.

8 “(ii) EXCLUSION.—A loan from the
9 water pollution control revolving fund of a
10 State with an interest rate equal to or
11 greater than 0 percent shall not be consid-
12 ered additional subsidization for purposes
13 of this subparagraph.”; and

14 (C) by adding at the end the following:

15 “(k) ADDITIONAL USE OF FUNDS.—A State may use
16 an additional 2 percent of the funds annually awarded to
17 each State under this title for nonprofit organizations (as
18 defined in section 104(w)) or State, regional, interstate,
19 or municipal entities to provide technical assistance to
20 rural, small, and tribal publicly owned treatment works
21 (within the meaning of section 104(b)(8)(B)) in the
22 State.”.

23 (2) TECHNICAL AMENDMENT.—Section 104(w)
24 of the Federal Water Pollution Control Act (33

1981

1 U.S.C. 1254(w)) is amended by striking “treatments
2 works” and inserting “treatment works”.

3 (b) CAPITALIZATION GRANT REAUTHORIZATION.—

4 Section 607 of the Federal Water Pollution Control Act
5 (33 U.S.C. 1387) is amended to read as follows:

6 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 the purposes of this title—

9 “(1) \$2,400,000,000 for fiscal year 2022;

10 “(2) \$2,750,000,000 for fiscal year 2023;

11 “(3) \$3,000,000,000 for fiscal year 2024; and

12 “(4) \$3,250,000,000 for each of fiscal years
13 2025 and 2026.”.

14 **SEC. 50211. WATER INFRASTRUCTURE AND WORKFORCE IN-**
15 **VESTMENT.**

16 Section 4304 of the America’s Water Infrastructure
17 Act of 2018 (42 U.S.C. 300j–19e) is amended—

18 (1) in subsection (a)(3)—

19 (A) in subparagraph (A), by inserting
20 “Tribal,” after “State,”; and

21 (B) in subparagraph (B), by striking
22 “community-based organizations” and all that
23 follows through the period at the end and in-
24 serting the following: “community-based organi-
25 zations and public works departments or agen-

1982

1 cies to align water and wastewater utility work-
2 force recruitment efforts, training programs, re-
3 tention efforts, and community resources with
4 water and wastewater utilities—

5 “(i) to accelerate career pipelines;

6 “(ii) to ensure the sustainability of
7 the water and wastewater utility workforce;

8 and

9 “(iii) to provide access to workforce
10 opportunities.”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by striking subparagraph (B);

14 (ii) in subparagraph (A), by striking
15 “; and” at the end and inserting “, which
16 may include—”

17 (iii) in the matter preceding subpara-
18 graph (A), by striking “program—” and
19 all that follows through “to assist” in sub-
20 paragraph (A) and inserting “program to
21 assist”; and

22 (iv) by adding at the end the fol-
23 lowing:

24 “(A) expanding the use and availability of
25 activities and resources that relate to the re-

1983

1 recruitment, including the promotion of diversity
2 within that recruitment, of individuals to ca-
3 reers in the water and wastewater utility sector;

4 “(B) expanding the availability of training
5 opportunities for—

6 “(i) individuals entering into the
7 water and wastewater utility sector; and

8 “(ii) individuals seeking to advance
9 careers within the water and wastewater
10 utility sector; and

11 “(C) expanding the use and availability of
12 activities and strategies, including the develop-
13 ment of innovative activities and strategies, that
14 relate to the maintenance and retention of a
15 sustainable workforce in the water and waste-
16 water utility sector.”;

17 (B) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “institutions—” and
20 inserting “institutions, or public works de-
21 partments and agencies—”; and

22 (ii) in subparagraph (A)—

23 (I) by striking clauses (ii) and
24 (iii);

1984

1 (II) in clause (i), by adding “or”

2 at the end;

3 (III) by redesignating clause (i)

4 as clause (ii);

5 (IV) by inserting before clause

6 (ii) (as so redesignated) the following:

7 “(i) in the development of educational

8 or recruitment materials and activities, in-

9 cluding those materials and activities that

10 specifically promote diversity within re-

11 cruitment, for the water and wastewater

12 utility workforce;” and

13 (V) by adding at the end the fol-

14 lowing:

15 “(iii) developing activities and strate-

16 gies that relate to the maintenance and re-

17 tention of a sustainable workforce in the

18 water and wastewater utility sector; and”;

19 (C) in paragraph (3)—

20 (i) in subparagraph (D)(ii), by insert-

21 ing “or certification” after “training”; and

22 (ii) in subparagraph (E), by striking

23 “ensure that incumbent water and waste

24 water utilities workers” and inserting “are

25 designed to retain incumbent water and

1985

1 wastewater utility workforce workers by
2 ensuring that those workers”; and

3 (D) by striking paragraph (4) and insert-
4 ing the following:

5 “(4) WORKING GROUP; REPORT.—

6 “(A) IN GENERAL.—The Administrator
7 shall establish and coordinate a Federal inter-
8 agency working group to address recruitment,
9 training, and retention challenges in the water
10 and wastewater utility workforce, which shall
11 include representatives from—

12 “(i) the Department of Education;

13 “(ii) the Department of Labor;

14 “(iii) the Department of Agriculture;

15 “(iv) the Department of Veterans Af-
16 fairs; and

17 “(v) other Federal agencies, as deter-
18 mined to be appropriate by the Adminis-
19 trator.

20 “(B) REPORT.—Not later than 2 years
21 after the date of enactment of this subpara-
22 graph, the Administrator, in coordination with
23 the working group established under subpara-
24 graph (A), shall submit to Congress a report
25 describing potential solutions to recruitment,

1986

1 training, and retention challenges in the water
2 and wastewater utility workforce.

3 “(C) CONSULTATION.—In carrying out the
4 duties of the working group established under
5 subparagraph (A), the working group shall con-
6 sult with State operator certification programs.

7 “(5) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$5,000,000 for each of fiscal years
10 2022 through 2026.”;

11 (3) by redesignating subsections (a) and (b) as
12 subsections (b) and (c), respectively; and

13 (4) by inserting before subsection (b) (as so re-
14 designated) the following:

15 “(a) DEFINITION OF PUBLIC WORKS DEPARTMENT
16 OR AGENCY.—In this section, the term ‘public works de-
17 partment or agency’ means a political subdivision of a
18 local, county, or regional government that designs, builds,
19 operates, and maintains water infrastructure, sewage and
20 refuse disposal systems, and other public water systems
21 and facilities.”.

22 **SEC. 50212. GRANTS TO ALASKA TO IMPROVE SANITATION**
23 **IN RURAL AND NATIVE VILLAGES.**

24 Section 303 of the Safe Drinking Water Act Amend-
25 ments of 1996 (33 U.S.C. 1263a) is amended—

1987

1 (1) in subsection (b), by striking “50 percent”
2 and inserting “75 percent”; and

3 (2) in subsection (e), by striking “this section”
4 and all that follows through the period at the end
5 and inserting the following: “this section—

6 “(1) \$40,000,000 for each of fiscal years 2022
7 through 2024;

8 “(2) \$50,000,000 for fiscal year 2025; and

9 “(3) \$60,000,000 for fiscal year 2026.”.

10 **SEC. 50213. WATER DATA SHARING PILOT PROGRAM.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—Subject to the availability of
13 appropriations, the Administrator shall establish a
14 competitive grant pilot program (referred to in this
15 section as the “pilot program”) under which the Ad-
16 ministrator may award grants to eligible entities
17 under subsection (b) to establish systems that im-
18 prove the sharing of information concerning water
19 quality, water infrastructure needs, and water tech-
20 nology, including cybersecurity technology, between
21 States or among counties and other units of local
22 government within a State, which may include—

23 (A) establishing a website or data hub to
24 exchange water data, including data on water

1988

1 quality or water technology, including new and
2 emerging, but proven, water technology; and

3 (B) intercounty communications initiatives
4 related to water data.

5 (2) REQUIREMENTS.—

6 (A) DATA SHARING.—The Internet of
7 Water principles developed by the Nicholas In-
8 stitute for Environmental Policy Solutions shall,
9 to the extent practicable, guide any water data
10 sharing efforts under the pilot program.

11 (B) USE OF EXISTING DATA.—The recipi-
12 ent of a grant under the pilot program to estab-
13 lish a website or data hub described in para-
14 graph (1)(A) shall, to the extent practicable, le-
15 verage existing data sharing infrastructure.

16 (b) ELIGIBLE ENTITIES.—An entity eligible for a
17 grant under the pilot program is—

18 (1) a State, county, or other unit of local gov-
19 ernment that—

20 (A) has a coastal watershed with signifi-
21 cant pollution levels;

22 (B) has a water system with significant
23 pollution levels; or

24 (C) has significant individual water infra-
25 structure deficits; or

1989

1 (2) a regional consortium established under
2 subsection (d).

3 (c) APPLICATIONS.—To be eligible to receive a grant
4 under the pilot program, an eligible entity under sub-
5 section (b) shall submit to the Administrator an applica-
6 tion at such time, in such manner, and containing such
7 information as the Administrator may require.

8 (d) REGIONAL CONSORTIA.—

9 (1) ESTABLISHMENT.—States may establish re-
10 gional consortia in accordance with this subsection.

11 (2) REQUIREMENTS.—A regional consortium
12 established under paragraph (1) shall—

13 (A) include not fewer than 2 States that
14 have entered into a memorandum of under-
15 standing—

16 (i) to exchange water data, including
17 data on water quality; or

18 (ii) to share information, protocols,
19 and procedures with respect to projects
20 that evaluate, demonstrate, or install new
21 and emerging, but proven, water tech-
22 nology;

23 (B) carry out projects—

24 (i) to exchange water data, including
25 data on water quality; or

1990

1 (ii) that evaluate, demonstrate, or in-
2 stall new and emerging, but proven, water
3 technology; and

4 (C) develop a regional intended use plan,
5 in accordance with paragraph (3), to identify
6 projects to carry out, including projects using
7 grants received under this section.

8 (3) REGIONAL INTENDED USE PLAN.—A re-
9 gional intended use plan of a regional consortium es-
10 tablished under paragraph (1)—

11 (A) shall identify projects that the regional
12 consortium intends to carry out, including
13 projects that meet the requirements of para-
14 graph (2)(B); and

15 (B) may include—

16 (i) projects included in an intended
17 use plan of a State prepared under section
18 606(c) of the Federal Water Pollution
19 Control Act (33 U.S.C. 1386(c)) within the
20 regional consortium; and

21 (ii) projects not included in an in-
22 tended use plan of a State prepared under
23 section 606(c) of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1386(c)) with-
25 in the regional consortium.

1991

1 (e) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Administrator shall submit
3 to Congress a report that describes the implementation of
4 the pilot program, which shall include—

5 (1) a description of the use and deployment of
6 amounts made available under the pilot program;
7 and

8 (2) an accounting of all grants awarded under
9 the program, including a description of each grant
10 recipient and each project funded using a grant
11 under the pilot program.

12 (f) FUNDING.—

13 (1) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 the pilot program \$15,000,000 for each of fiscal
16 years 2022 through 2026, to remain available until
17 expended.

18 (2) REQUIREMENT.—Of the funds made avail-
19 able under paragraph (1), not more than 35 percent
20 may be used to provide grants to regional consortia
21 established under subsection (d).

22 **SEC. 50214. FINAL RATING OPINION LETTERS.**

23 Section 5028(a)(1)(D)(ii) of the Water Infrastruc-
24 ture Finance and Innovation Act of 2014 (33 U.S.C.
25 3907(a)(1)(D)(ii)) is amended by striking “final rating

1992

1 opinion letters from at least 2 rating agencies” and insert-
2 ing “a final rating opinion letter from at least 1 rating
3 agency”.

4 **SEC. 50215. WATER INFRASTRUCTURE FINANCING REAU-**
5 **THORIZATION.**

6 (a) IN GENERAL.—Section 5033 of the Water Infra-
7 structure Finance and Innovation Act of 2014 (33 U.S.C.
8 3912) is amended—

9 (1) in subsection (a), by adding at the end the
10 following:

11 “(3) FISCAL YEARS 2022 THROUGH 2026.—
12 There is authorized to be appropriated to the Ad-
13 ministrator to carry out this subtitle \$50,000,000
14 for each of fiscal years 2022 through 2026, to re-
15 main available until expended.”;

16 (2) in subsection (b)(2)—

17 (A) in the paragraph heading, by striking
18 “2020 AND 2021” and inserting “AFTER 2019”;
19 and

20 (B) by striking “2020 and 2021” and in-
21 serting “2022 through 2026”; and

22 (3) in subsection (e)(1), by striking “2020 and
23 2021” and inserting “2022 through 2026”.

1993

1 (b) OUTREACH PLAN.—The Water Infrastructure Fi-
2 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 5036. OUTREACH PLAN.**

5 “(a) DEFINITION OF RURAL COMMUNITY.—In this
6 section, the term ‘rural community’ means a city, town,
7 or unincorporated area that has a population of not more
8 than 10,000 inhabitants.

9 “(b) OUTREACH REQUIRED.—Not later than 180
10 days after the date of enactment of this section, the Ad-
11 ministrator, in consultation with relevant Federal agen-
12 cies, shall develop and begin implementation of an out-
13 reach plan to promote financial assistance available under
14 this subtitle to small communities and rural commu-
15 nities.”.

16 **SEC. 50216. SMALL AND DISADVANTAGED COMMUNITY**
17 **ANALYSIS.**

18 (a) ANALYSIS.—Not later than 2 years after the date
19 of enactment of this Act, using environmental justice data
20 of the Environmental Protection Agency, including data
21 from the environmental justice mapping and screening tool
22 of the Environmental Protection Agency, the Adminis-
23 trator shall carry out an analysis under which the Admin-
24 istrator shall assess the programs under title VI of the
25 Federal Water Pollution Control Act (33 U.S.C. 1381 et

1994

1 seq.) and section 1452 of the Safe Drinking Water Act
2 (42 U.S.C. 300j-12) to identify historical distributions of
3 funds to small and disadvantaged communities and new
4 opportunities and methods to improve on the distribution
5 of funds under those programs to low-income commu-
6 nities, rural communities, minority communities, and com-
7 munities of indigenous peoples, in accordance with Execu-
8 tive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg.
9 6381; relating to Federal actions to address environmental
10 justice in minority populations and low-income popu-
11 lations).

12 (b) REQUIREMENT.—The analysis under subsection
13 (a) shall include an analysis, to the extent practicable, of
14 communities in the United States that do not have access
15 to drinking water or wastewater services.

16 (c) REPORT.—On completion of the analysis under
17 subsection (a), the Administrator shall submit to the Com-
18 mittee on Environment and Public Works of the Senate
19 and the Committees on Energy and Commerce and Trans-
20 portation and Infrastructure of the House of Representa-
21 tives a report describing—

22 (1) the results of the analysis; and

23 (2) the criteria the Administrator used in car-
24 rying out the analysis.

1995

1 **SEC. 50217. STORMWATER INFRASTRUCTURE TECH-**
2 **NOLOGY.**

3 (a) DEFINITIONS.—In this section:

4 (1) CENTER.—The term “center” means a cen-
5 ter of excellence for stormwater control infrastruc-
6 ture established under subsection (b)(1).

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, Tribal, or local government; or

10 (B) a local, regional, or other public entity
11 that manages stormwater or wastewater re-
12 sources or other related water infrastructure.

13 (3) ELIGIBLE INSTITUTION.—The term “eligi-
14 ble institution” means an institution of higher edu-
15 cation, a research institution, or a nonprofit organi-
16 zation—

17 (A) that has demonstrated excellence in re-
18 searching and developing new and emerging
19 stormwater control infrastructure technologies;
20 and

21 (B) with respect to a nonprofit organiza-
22 tion, the core mission of which includes water
23 management, as determined by the Adminis-
24 trator.

25 (b) CENTERS OF EXCELLENCE FOR STORMWATER
26 CONTROL INFRASTRUCTURE TECHNOLOGIES.—

1996

1 (1) ESTABLISHMENT OF CENTERS.—

2 (A) IN GENERAL.—Subject to the avail-
3 ability of appropriations, the Administrator
4 shall provide grants, on a competitive basis, to
5 eligible institutions to establish and maintain
6 not less than 3, and not more than 5, centers
7 of excellence for new and emerging stormwater
8 control infrastructure technologies, to be lo-
9 cated in various regions throughout the United
10 States.

11 (B) GENERAL OPERATION.—Each center
12 shall—

13 (i) conduct research on new and
14 emerging stormwater control infrastructure
15 technologies that are relevant to the geo-
16 graphical region in which the center is lo-
17 cated, including stormwater and sewer
18 overflow reduction, other approaches to
19 water resource enhancement, alternative
20 funding approaches, and other environ-
21 mental, economic, and social benefits, with
22 the goal of improving the effectiveness,
23 cost efficiency, and protection of public
24 safety and water quality;

25 (ii) maintain a listing of—

1997

1 (I) stormwater control infrastruc-
2 ture needs; and

3 (II) an analysis of new and
4 emerging stormwater control infra-
5 structure technologies that are avail-
6 able;

7 (iii) analyze whether additional finan-
8 cial programs for the implementation of
9 new and emerging, but proven, stormwater
10 control infrastructure technologies would
11 be useful;

12 (iv) provide information regarding re-
13 search conducted under clause (i) to the
14 national electronic clearinghouse center for
15 publication on the Internet website estab-
16 lished under paragraph (3)(B)(i) to pro-
17 vide to the Federal Government and State,
18 Tribal, and local governments and the pri-
19 vate sector information regarding new and
20 emerging, but proven, stormwater control
21 infrastructure technologies;

22 (v) provide technical assistance to
23 State, Tribal, and local governments to as-
24 sist with the design, construction, oper-
25 ation, and maintenance of stormwater con-

1998

1 trol infrastructure projects that use inno-
2 vative technologies;

3 (vi) collaborate with institutions of
4 higher education and private and public or-
5 ganizations, including community-based
6 public-private partnerships and other
7 stakeholders, in the geographical region in
8 which the center is located; and

9 (vii) coordinate with the other centers
10 to avoid duplication of efforts.

11 (2) APPLICATION.—To be eligible to receive a
12 grant under this subsection, an eligible institution
13 shall prepare and submit to the Administrator an
14 application at such time, in such form, and con-
15 taining such information as the Administrator may
16 require.

17 (3) NATIONAL ELECTRONIC CLEARINGHOUSE
18 CENTER.—Of the centers established under para-
19 graph (1)(A), 1 shall—

20 (A) be designated as the “national elec-
21 tronic clearinghouse center”; and

22 (B) in addition to the other functions of
23 that center—

24 (i) develop, operate, and maintain an
25 Internet website and a public database

1999

1 that contains information relating to new
2 and emerging, but proven, stormwater con-
3 trol infrastructure technologies; and

4 (ii) post to the website information
5 from all centers.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 (A) IN GENERAL.—There is authorized to
8 be appropriated to carry out this subsection
9 \$5,000,000 for each of fiscal years 2022
10 through 2026.

11 (B) LIMITATION ON USE OF FUNDS.—Of
12 the amounts made available for grants under
13 subparagraph (A), not more than 2 percent
14 may be used to pay the administrative costs of
15 the Administrator.

16 (c) STORMWATER CONTROL INFRASTRUCTURE
17 PROJECT GRANTS.—

18 (1) GRANT AUTHORITY.—Subject to the avail-
19 ability of appropriations, the Administrator shall
20 provide grants, on a competitive basis, to eligible en-
21 tities to carry out stormwater control infrastructure
22 projects that incorporate new and emerging, but
23 proven, stormwater control technologies in accord-
24 ance with this subsection.

2000

1 (2) STORMWATER CONTROL INFRASTRUCTURE
2 PROJECTS.—

3 (A) PLANNING AND DEVELOPMENT
4 GRANTS.—The Administrator may make plan-
5 ning and development grants under this sub-
6 section for the following projects:

7 (i) Planning and designing
8 stormwater control infrastructure projects
9 that incorporate new and emerging, but
10 proven, stormwater control technologies,
11 including engineering surveys, landscape
12 plans, maps, long-term operations and
13 maintenance plans, and implementation
14 plans.

15 (ii) Identifying and developing stand-
16 ards necessary to accommodate stormwater
17 control infrastructure projects, including
18 those projects that incorporate new and
19 emerging, but proven, stormwater control
20 technologies.

21 (iii) Identifying and developing fee
22 structures to provide financial support for
23 design, installation, and operations and
24 maintenance of stormwater control infra-
25 structure, including new and emerging, but

2001

1 proven, stormwater control infrastructure
2 technologies.

3 (iv) Developing approaches for com-
4 munity-based public-private partnerships
5 for the financing and construction of
6 stormwater control infrastructure tech-
7 nologies, including feasibility studies,
8 stakeholder outreach, and needs assess-
9 ments.

10 (v) Developing and delivering training
11 and educational materials regarding new
12 and emerging, but proven, stormwater con-
13 trol infrastructure technologies for dis-
14 tribution to—

15 (I) individuals and entities with
16 applicable technical knowledge; and

17 (II) the public.

18 (B) IMPLEMENTATION GRANTS.—The Ad-
19 ministrator may make implementation grants
20 under this subsection for the following projects:

21 (i) Installing new and emerging, but
22 proven, stormwater control infrastructure
23 technologies.

2002

1 (ii) Protecting or restoring inter-
2 connected networks of natural areas that
3 protect water quality.

4 (iii) Monitoring and evaluating the en-
5 vironmental, economic, or social benefits of
6 stormwater control infrastructure tech-
7 nologies that incorporate new and emerg-
8 ing, but proven, stormwater control tech-
9 nology.

10 (iv) Implementing a best practices
11 standard for stormwater control infrastruc-
12 ture programs.

13 (3) APPLICATION.—Except as otherwise pro-
14 vided in this section, to be eligible to receive a grant
15 under this subsection, an eligible entity shall prepare
16 and submit to the Administrator an application at
17 such time, in such form, and containing such infor-
18 mation as the Administrator may require, including,
19 as applicable—

20 (A) a description of the stormwater control
21 infrastructure project that incorporates new
22 and emerging, but proven, technologies;

23 (B) a plan for monitoring the impacts and
24 pollutant load reductions associated with the

2003

1 stormwater control infrastructure project on the
2 water quality and quantity;

3 (C) an evaluation of other environmental,
4 economic, and social benefits of the stormwater
5 control infrastructure project; and

6 (D) a plan for the long-term operation and
7 maintenance of the stormwater control infra-
8 structure project and a tracking system, such
9 as asset management practices.

10 (4) PRIORITY.—In making grants under this
11 subsection, the Administrator shall give priority to
12 applications submitted on behalf of—

13 (A) a community that—

14 (i) has municipal combined storm and
15 sanitary sewers in the collection system of
16 the community; or

17 (ii) is a small, rural, or disadvantaged
18 community, as determined by the Adminis-
19 trator; or

20 (B) an eligible entity that will use not less
21 than 15 percent of the grant to provide service
22 to a small, rural, or disadvantaged community,
23 as determined by the Administrator.

24 (5) MAXIMUM AMOUNTS.—

2004

1 (A) PLANNING AND DEVELOPMENT
2 GRANTS.—

3 (i) SINGLE GRANT.—The amount of a
4 single planning and development grant
5 provided under this subsection shall be not
6 more than \$200,000.

7 (ii) AGGREGATE AMOUNT.—The total
8 amount of all planning and development
9 grants provided under this subsection for a
10 fiscal year shall be not more than $\frac{1}{3}$ of the
11 total amount made available to carry out
12 this subsection.

13 (B) IMPLEMENTATION GRANTS.—

14 (i) SINGLE GRANT.—The amount of a
15 single implementation grant provided
16 under this subsection shall be not more
17 than \$2,000,000.

18 (ii) AGGREGATE AMOUNT.—The total
19 amount of all implementation grants pro-
20 vided under this subsection for a fiscal
21 year shall be not more than $\frac{2}{3}$ of the total
22 amount made available to carry out this
23 subsection.

24 (6) FEDERAL SHARE.—

2005

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (C), the Federal share of a grant
3 provided under this subsection shall not exceed
4 80 percent of the total project cost.

5 (B) CREDIT FOR IMPLEMENTATION
6 GRANTS.—The Administrator shall credit to-
7 ward the non-Federal share of the cost of an
8 implementation project carried out under this
9 subsection the cost of planning, design, and
10 construction work completed for the project
11 using funds other than funds provided under
12 this section.

13 (C) EXCEPTION.—The Administrator may
14 waive the Federal share limitation under sub-
15 paragraph (A) for an eligible entity that has
16 adequately demonstrated financial need.

17 (d) REPORT TO CONGRESS.—Not later than 2 years
18 after the date on which the Administrator first awards a
19 grant under this section, the Administrator shall submit
20 to Congress a report that includes, with respect to the pe-
21 riod covered by the report—

22 (1) a description of all grants provided under
23 this section;

24 (2) a detailed description of—

2006

1 (A) the projects supported by those grants;

2 and

3 (B) the outcomes of those projects;

4 (3) a description of the improvements in tech-
5 nology, environmental benefits, resources conserved,
6 efficiencies, and other benefits of the projects funded
7 under this section;

8 (4) recommendations for improvements to pro-
9 mote and support new and emerging, but proven,
10 stormwater control infrastructure, including research
11 into new and emerging technologies, for the centers,
12 grants, and activities under this section; and

13 (5) a description of existing challenges con-
14 cerning the use of new and emerging, but proven,
15 stormwater control infrastructure.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to carry out this section (except for
19 subsection (b)) \$10,000,000 for each of fiscal years
20 2022 through 2026.

21 (2) LIMITATION ON USE OF FUNDS.—Of the
22 amounts made available for grants under paragraph
23 (1), not more than 2 percent may be used to pay the
24 administrative costs of the Administrator.

2007

1 **SEC. 50218. WATER REUSE INTERAGENCY WORKING**
2 **GROUP.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of enactment of this Act, the Administrator shall es-
5 tablish a Water Reuse Interagency Working Group (re-
6 ferred to in this section as the “Working Group”).

7 (b) **PURPOSE.**—The purpose of the Working Group
8 is to develop and coordinate actions, tools, and resources
9 to advance water reuse across the United States, including
10 through the implementation of the February 2020 Na-
11 tional Water Reuse Action Plan, which creates opportuni-
12 ties for water reuse in the mission areas of each of the
13 Federal agencies included in the Working Group under
14 subsection (c) (referred to in this section as the “Action
15 Plan”).

16 (c) **CHAIRPERSON; MEMBERSHIP.**—The Working
17 Group shall be—

18 (1) chaired by the Administrator; and

19 (2) comprised of senior representatives from
20 such Federal agencies as the Administrator deter-
21 mines to be appropriate.

22 (d) **DUTIES OF THE WORKING GROUP.**—In carrying
23 out this section, the Working Group shall—

24 (1) with respect to water reuse, leverage the ex-
25 pertise of industry, the research community, non-
26 governmental organizations, and government;

2008

1 (2) seek to foster water reuse as an important
2 component of integrated water resources manage-
3 ment;

4 (3) conduct an assessment of new opportunities
5 to advance water reuse and annually update the Ac-
6 tion Plan with new actions, as necessary, to pursue
7 those opportunities;

8 (4) seek to coordinate Federal programs and
9 policies to support the adoption of water reuse;

10 (5) consider how each Federal agency can ex-
11 plore and identify opportunities to support water
12 reuse through the programs and activities of that
13 Federal agency; and

14 (6) consult, on a regular basis, with representa-
15 tives of relevant industries, the research community,
16 and nongovernmental organizations.

17 (e) REPORT.—Not less frequently than once every 2
18 years, the Administrator shall submit to Congress a report
19 on the activities and findings of the Working Group.

20 (f) SUNSET.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the Working Group shall terminate on the date that
23 is 6 years after the date of enactment of this Act.

2010

1 **“SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.**

2 “(a) REQUIREMENT.—Not later than 2 years after
3 the date of enactment of this section, and not less fre-
4 quently than once every 4 years thereafter, the Adminis-
5 trator shall—

6 “(1) conduct and complete an assessment of
7 capital improvement needs for all projects that are
8 eligible under section 603(c) for assistance from
9 State water pollution control revolving funds; and

10 “(2) submit to Congress a report describing the
11 results of the assessment completed under para-
12 graph (1).

13 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out the initial
15 needs survey under subsection (a) \$5,000,000, to remain
16 available until expended.”.

17 **SEC. 50221. WATER RESOURCES RESEARCH ACT AMEND-**
18 **MENTS.**

19 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
20 tion 104(b)(1) of the Water Resources Research Act of
21 1984 (42 U.S.C. 10303(b)(1)) is amended—

22 (1) in subparagraph (B)(ii), by striking “water-
23 related phenomena” and inserting “water re-
24 sources”; and

25 (2) in subparagraph (D), by striking the period
26 at the end and inserting “; and”.

2011

1 (b) COMPLIANCE REPORT.—Section 104 of the
2 Water Resources Research Act of 1984 (42 U.S.C. 10303)
3 is amended by striking subsection (c) and inserting the
4 following:

5 “(c) GRANTS.—

6 “(1) IN GENERAL.—From the sums appro-
7 priated pursuant to subsection (f), the Secretary
8 shall make grants to each institute to be matched on
9 a basis of no less than 1 non-Federal dollar for
10 every 1 Federal dollar.

11 “(2) REPORT.—Not later than December 31 of
12 each fiscal year, the Secretary shall submit to the
13 Committee on Environment and Public Works of the
14 Senate, the Committee on the Budget of the Senate,
15 the Committee on Transportation and Infrastructure
16 of the House of Representatives, and the Committee
17 on the Budget of the House of Representatives a re-
18 port regarding the compliance of each funding re-
19 cipient with this subsection for the immediately pre-
20 ceding fiscal year.”.

21 (c) EVALUATION OF WATER RESOURCES RESEARCH
22 PROGRAM.—Section 104 of the Water Resources Research
23 Act of 1984 (42 U.S.C. 10303) is amended by striking
24 subsection (e) and inserting the following:

2012

1 “(e) EVALUATION OF WATER RESOURCES RESEARCH
2 PROGRAM.—

3 “(1) IN GENERAL.—The Secretary shall con-
4 duct a careful and detailed evaluation of each insti-
5 tute at least once every 5 years to determine—

6 “(A) the quality and relevance of the water
7 resources research of the institute;

8 “(B) the effectiveness of the institute at
9 producing measured results and applied water
10 supply research; and

11 “(C) whether the effectiveness of the insti-
12 tute as an institution for planning, conducting,
13 and arranging for research warrants continued
14 support under this section.

15 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
16 as a result of an evaluation under paragraph (1), the
17 Secretary determines that an institute does not qual-
18 ify for further support under this section, no further
19 grants to the institute may be provided until the
20 qualifications of the institute are reestablished to the
21 satisfaction of the Secretary.”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
23 104(f)(1) of the Water Resources Research Act of 1984
24 (42 U.S.C. 10303(f)(1)) is amended by striking “fiscal

2013

1 years 2007 through 2011” and inserting “fiscal years
2 2022 through 2025”.

3 (e) ADDITIONAL APPROPRIATIONS WHERE RE-
4 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
5 NATURE.—Section 104(g)(1) of the Water Resources Re-
6 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
7 in the first sentence by striking “\$6,000,000 for each of
8 fiscal years 2007 through 2011” and inserting
9 “\$3,000,000 for each of fiscal years 2022 through 2025”.

10 **SEC. 50222. ENHANCED AQUIFER USE AND RECHARGE.**

11 Title I of the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.) is amended by adding at the end
13 the following:

14 **“SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.**

15 “(a) IN GENERAL.—Subject to the availability of ap-
16 propriations, the Administrator shall provide funding to
17 carry out groundwater research on enhanced aquifer use
18 and recharge in support of sole-source aquifers, of
19 which—

20 “(1) not less than 50 percent shall be used to
21 provide 1 grant to a State, unit of local government,
22 or Indian Tribe to carry out activities that would di-
23 rectly support that research; and

24 “(2) the remainder shall be provided to 1 ap-
25 propriate research center.

2014

1 “(b) COORDINATION.—As a condition of accepting
2 funds under subsection (a), the State, unit of local govern-
3 ment, or Indian Tribe and the appropriate research center
4 that receive funds under that subsection shall establish a
5 formal research relationship for the purpose of coordi-
6 nating efforts under this section.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Administrator to
9 carry out this section \$5,000,000 for each of fiscal years
10 2022 through 2026.”.

11 **DIVISION F—BROADBAND**
12 **TITLE I—BROADBAND GRANTS**
13 **FOR STATES, DISTRICT OF**
14 **COLUMBIA, PUERTO RICO,**
15 **AND TERRITORIES**

16 **SEC. 60101. FINDINGS.**

17 Congress finds the following:

18 (1) Access to affordable, reliable, high-speed
19 broadband is essential to full participation in mod-
20 ern life in the United States.

21 (2) The persistent “digital divide” in the
22 United States is a barrier to the economic competi-
23 tiveness of the United States and equitable distribu-
24 tion of essential public services, including health care
25 and education.

2015

1 (3) The digital divide disproportionately affects
2 communities of color, lower-income areas, and rural
3 areas, and the benefits of broadband should be
4 broadly enjoyed by all.

5 (4) In many communities across the country,
6 increased competition among broadband providers
7 has the potential to offer consumers more afford-
8 able, high-quality options for broadband service.

9 (5) The 2019 novel coronavirus pandemic has
10 underscored the critical importance of affordable,
11 high-speed broadband for individuals, families, and
12 communities to be able to work, learn, and connect
13 remotely while supporting social distancing.

14 **SEC. 60102. GRANTS FOR BROADBAND DEPLOYMENT.**

15 (a) DEFINITIONS.—

16 (1) AREAS, LOCATIONS, AND INSTITUTIONS
17 LACKING BROADBAND ACCESS.—In this section:

18 (A) UNSERVED LOCATION.—The term
19 “unserved location” means a broadband-service-
20 able location, as determined in accordance with
21 the broadband DATA maps, that—

22 (i) has no access to broadband service;

23 or

24 (ii) lacks access to reliable broadband
25 service offered with—

2016

1 (I) a speed of not less than—

2 (aa) 25 megabits per second

3 for downloads; and

4 (bb) 3 megabits per second

5 for uploads; and

6 (II) a latency sufficient to sup-

7 port real-time, interactive applica-

8 tions.

9 (B) UNSERVED SERVICE PROJECT.—The
10 term “unserved service project” means a
11 project in which not less than 80 percent of
12 broadband-serviceable locations served by the
13 project are unserved locations.

14 (C) UNDERSERVED LOCATION.—The term
15 “underserved location” means a location—

16 (i) that is not an unserved location;

17 and

18 (ii) as determined in accordance with

19 the broadband DATA maps, lacks access

20 to reliable broadband service offered

21 with—

22 (I) a speed of not less than—

23 (aa) 100 megabits per sec-

24 ond for downloads; and

2017

1 (bb) 20 megabits per second
2 for uploads; and

3 (II) a latency sufficient to sup-
4 port real-time, interactive applica-
5 tions.

6 (D) UNDERSERVED SERVICE PROJECT.—
7 The term “underserved service project” means
8 a project in which not less than 80 percent of
9 broadband-serviceable locations served by the
10 project are unserved locations or underserved
11 locations.

12 (E) ELIGIBLE COMMUNITY ANCHOR INSTI-
13 TUTION.—The term “eligible community anchor
14 institution” means a community anchor institu-
15 tion that lacks access to gigabit-level broadband
16 service.

17 (2) OTHER DEFINITIONS.—In this section:

18 (A) ASSISTANT SECRETARY.—The term
19 “Assistant Secretary” means the Assistant Sec-
20 retary of Commerce for Communications and
21 Information.

22 (B) BROADBAND; BROADBAND SERVICE.—
23 The term “broadband” or “broadband service”
24 has the meaning given the term “broadband
25 internet access service” in section 8.1(b) of title

2018

1 47, Code of Federal Regulations, or any suc-
2 cessor regulation.

3 (C) BROADBAND DATA MAPS.—The term
4 “broadband DATA maps” means the maps cre-
5 ated under section 802(c)(1) of the Commu-
6 nications Act of 1934 (47 U.S.C. 642(c)(1)).

7 (D) COMMISSION.—The term “Commis-
8 sion” means the Federal Communications Com-
9 mission.

10 (E) COMMUNITY ANCHOR INSTITUTION.—
11 The term “community anchor institution”
12 means an entity such as a school, library,
13 health clinic, health center, hospital or other
14 medical provider, public safety entity, institu-
15 tion of higher education, public housing organi-
16 zation, or community support organization that
17 facilitates greater use of broadband service by
18 vulnerable populations, including low-income in-
19 dividuals, unemployed individuals, and aged in-
20 dividuals.

21 (F) ELIGIBLE ENTITY.—The term “eligible
22 entity” means a State.

23 (G) HIGH-COST AREA.—

24 (i) IN GENERAL.—The term “high-
25 cost area” means an unserved area in

2019

1 which the cost of building out broadband
2 service is higher, as compared with the av-
3 erage cost of building out broadband serv-
4 ice in unserved areas in the United States
5 (as determined by the Assistant Secretary,
6 in consultation with the Commission), in-
7 corporating factors that include—

8 (I) the remote location of the
9 area;

10 (II) the lack of population den-
11 sity of the area;

12 (III) the unique topography of
13 the area;

14 (IV) a high rate of poverty in the
15 area; or

16 (V) any other factor identified by
17 the Assistant Secretary, in consulta-
18 tion with the Commission, that con-
19 tributes to the higher cost of deploy-
20 ing broadband service in the area.

21 (ii) UNSERVED AREA.—For purposes
22 of clause (i), the term “unserved area”
23 means an area in which not less than 80
24 percent of broadband-serviceable locations
25 are unserved locations.

2020

1 (H) LOCATION; BROADBAND-SERVICEABLE
2 LOCATION.—The terms “location” and
3 “broadband-serviceable location” have the
4 meanings given those terms by the Commission
5 under rules and guidance that are in effect, as
6 of the date of enactment of this Act.

7 (I) PRIORITY BROADBAND PROJECT.—The
8 term “priority broadband project” means a
9 project designed to—

10 (i) provide broadband service that
11 meets speed, latency, reliability, consist-
12 ency in quality of service, and related cri-
13 teria as the Assistant Secretary shall de-
14 termine; and

15 (ii) ensure that the network built by
16 the project can easily scale speeds over
17 time to—

18 (I) meet the evolving connectivity
19 needs of households and businesses;
20 and

21 (II) support the deployment of
22 5G, successor wireless technologies,
23 and other advanced services.

24 (J) PROGRAM.—The term “Program”
25 means the Broadband Equity, Access, and De-

2021

1 ployment Program established under subsection
2 (b)(1).

3 (K) PROJECT.—The term “project” means
4 an undertaking by a subgrantee under this sec-
5 tion to construct and deploy infrastructure for
6 the provision of broadband service.

7 (L) RELIABLE BROADBAND SERVICE.—
8 The term “reliable broadband service” means
9 broadband service that meets performance cri-
10 teria for service availability, adaptability to
11 changing end-user requirements, length of serv-
12 iceable life, or other criteria, other than upload
13 and download speeds, as determined by the As-
14 sistant Secretary in coordination with the Com-
15 mission.

16 (M) STATE.—The term “State” has the
17 meaning given the term in section 158 of the
18 National Telecommunications and Information
19 Administration Organization Act (47 U.S.C.
20 942), except that that definition shall be ap-
21 plied by striking “, and any other territory or
22 possession of the United States”.

23 (N) SUBGRANTEE.—The term “sub-
24 grantee” means an entity that receives grant

2022

1 funds from an eligible entity to carry out activi-
2 ties under subsection (f).

3 (b) BROADBAND EQUITY, ACCESS, AND DEPLOY-
4 MENT PROGRAM.—

5 (1) ESTABLISHMENT.—Not later than 180 days
6 after the date of enactment of this Act, the Assist-
7 ant Secretary shall establish a grant program, to be
8 known as the “Broadband Equity, Access, and De-
9 ployment Program”, under which the Assistant Sec-
10 retary makes grants to eligible entities, in accord-
11 ance with this section, to bridge the digital divide.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to the Assist-
14 ant Secretary to carry out the Program
15 \$42,450,000,000.

16 (3) OBLIGATION TIMELINE.—The Assistant
17 Secretary shall obligate all amounts appropriated
18 pursuant to paragraph (2) in an expedient manner
19 after the Assistant Secretary issues the notice of
20 funding opportunity under subsection (e)(1).

21 (4) TECHNICAL SUPPORT AND ASSISTANCE.—

22 (A) PROGRAM ASSISTANCE.—As part of
23 the Program, the Assistant Secretary, in con-
24 sultation with the Commission, shall provide
25 technical support and assistance to eligible enti-

2023

1 ties to facilitate their participation in the Pro-
2 gram, including by assisting eligible entities
3 with—

4 (i) the development of grant applica-
5 tions under the Program;

6 (ii) the development of plans and pro-
7 cedures for distribution of funds under the
8 Program; and

9 (iii) other technical support as deter-
10 mined by the Assistant Secretary.

11 (B) GENERAL ASSISTANCE.—The Assist-
12 ant Secretary shall provide technical and other
13 assistance to eligible entities—

14 (i) to support the expansion of
15 broadband, with priority for—

16 (I) expansion in rural areas; and

17 (II) eligible entities that consist-
18 ently rank below most other eligible
19 entities with respect to broadband ac-
20 cess and deployment; and

21 (ii) regarding cybersecurity resources
22 and programs available through Federal
23 agencies, including the Election Assistance
24 Commission, the Cybersecurity and Infra-
25 structure Security Agency, the Federal

2024

1 Trade Commission, and the National Insti-
2 tute of Standards and Technology.

3 (c) ALLOCATION.—

4 (1) ALLOCATION FOR HIGH-COST AREAS.—

5 (A) IN GENERAL.—On or after the date on
6 which the broadband DATA maps are made
7 public, the Assistant Secretary shall allocate to
8 eligible entities, in accordance with subpara-
9 graph (B) of this paragraph, 10 percent of the
10 amount appropriated pursuant to subsection
11 (b)(2).

12 (B) FORMULA.—The Assistant Secretary
13 shall calculate the amount allocated to an eligi-
14 ble entity under subparagraph (A) by—

15 (i) dividing the number of unserved
16 locations in high-cost areas in the eligible
17 entity by the total number of unserved lo-
18 cations in high-cost areas in the United
19 States; and

20 (ii) multiplying the quotient obtained
21 under clause (i) by the amount made avail-
22 able under subparagraph (A).

23 (2) MINIMUM INITIAL ALLOCATION.—Of the
24 amount appropriated pursuant to subsection
25 (b)(2)—

2025

1 (A) except as provided in subparagraph
2 (B) of this paragraph, \$100,000,000 shall be
3 allocated to each State; and

4 (B) \$100,000,000 shall be allocated to,
5 and divided equally among, the United States
6 Virgin Islands, Guam, American Samoa, and
7 the Commonwealth of the Northern Mariana Is-
8 lands.

9 (3) ALLOCATION OF REMAINING AMOUNTS.—

10 (A) IN GENERAL.—On or after the date on
11 which the broadband DATA maps are made
12 public, of the amount appropriated pursuant to
13 subsection (b)(2), the Assistant Secretary shall
14 allocate to eligible entities, in accordance with
15 subparagraph (B) of this paragraph, the
16 amount remaining after compliance with para-
17 graphs (1) and (2) of this subsection.

18 (B) ALLOCATION.—The amount allocated
19 to an eligible entity under subparagraph (B)
20 shall be calculated by—

21 (i) dividing the number of unserved
22 locations in the eligible entity by the total
23 number of unserved locations in the United
24 States; and

2026

1 (ii) multiplying the quotient obtained
2 under clause (i) by the amount made avail-
3 able under subparagraph (A).

4 (4) AVAILABILITY CONDITIONED ON APPROVAL
5 OF APPLICATIONS.—The availability of amounts allo-
6 cated under paragraph (1), (2), or (3) to an eligible
7 entity shall be subject to approval by the Assistant
8 Secretary of the letter of intent, initial proposal, or
9 final proposal of the eligible entity, as applicable,
10 under subsection (e).

11 (5) CONTINGENCY PROCEDURES.—

12 (A) DEFINITION.—In this paragraph, the
13 term “covered application” means a letter of in-
14 tent, initial proposal, or final proposal under
15 this section.

16 (B) POLITICAL SUBDIVISIONS AND CON-
17 SORTIA.—

18 (i) APPLICATION FAILURES.—The As-
19 sistant Secretary, in carrying out the Pro-
20 gram, shall provide that if an eligible enti-
21 ty fails to submit a covered application by
22 the applicable deadline, or a covered appli-
23 cation submitted by an eligible entity is not
24 approved by the applicable deadline, a po-
25 litical subdivision or consortium of political

2027

1 subdivisions of the eligible entity may sub-
2 mit the applicable type of covered applica-
3 tion in place of the eligible entity.

4 (ii) TREATMENT OF POLITICAL SUB-
5 DIVISION OR CONSORTIUM AS ELIGIBLE
6 ENTITY.—In the case of a political subdivi-
7 sion or consortium of political subdivisions
8 that submits a covered application under
9 clause (i) that is approved by the Assistant
10 Secretary—

11 (I) except as provided in sub-
12 clause (II) of this clause, any ref-
13 erence in this section to an eligible en-
14 tity shall be deemed to refer to the
15 political subdivision or consortium;
16 and

17 (II) any reference in this section
18 to an eligible entity in a geographic
19 sense shall be deemed to refer to the
20 eligible entity in whose place the polit-
21 ical subdivision or consortium sub-
22 mitted the covered application.

23 (C) REALLOCATION TO OTHER ELIGIBLE
24 ENTITIES.—

2028

1 (i) APPLICATION FAILURES.—The As-
2 sistant Secretary, in carrying out the Pro-
3 gram, shall provide that if an eligible enti-
4 ty fails to submit a covered application by
5 the applicable deadline, or a covered appli-
6 cation submitted by an eligible entity is not
7 approved by the applicable deadline, as
8 provided in subparagraph (A)), and no po-
9 litical subdivision or consortium of political
10 subdivisions of the eligible entity submits a
11 covered application by the applicable dead-
12 line, or no covered application submitted
13 by such a political subdivision or consor-
14 tium is approved by the applicable dead-
15 line, as provided in subparagraph (B), the
16 Assistant Secretary—

17 (I) shall reallocate the amounts
18 that would have been available to the
19 eligible entity pursuant to that type of
20 covered application to other eligible
21 entities that submitted that type of
22 covered application by the applicable
23 deadline; and

24 (II) shall reallocate the amounts
25 described in subclause (I) of this

2029

1 clause in accordance with the formula
2 under paragraph (3).

3 (ii) FAILURE TO USE FULL ALLOCA-
4 TION.—The Assistant Secretary, in car-
5 rying out the Program, shall provide that
6 if an eligible entity fails to use the full
7 amount allocated to the eligible entity
8 under this subsection by the applicable
9 deadline, the Assistant Secretary—

10 (I) shall reallocate the unused
11 amounts to other eligible entities with
12 approved final proposals; and

13 (II) shall reallocate the amounts
14 described in subclause (I) in accord-
15 ance with the formula under para-
16 graph (3).

17 (d) ADMINISTRATIVE EXPENSES.—

18 (1) ASSISTANT SECRETARY.—The Assistant
19 Secretary may use not more than 2 percent of
20 amounts appropriated pursuant to subsection (b) for
21 administrative purposes.

22 (2) ELIGIBLE ENTITIES.—

23 (A) PRE-DEPLOYMENT PLANNING.—An eli-
24 gible entity may use not more than 5 percent
25 of the amount allocated to the eligible entity

2030

1 under subsection (c)(2) for the planning and
2 pre-deployment activities under subsection
3 (e)(1)(C).

4 (B) ADMINISTRATION.—An eligible entity
5 may use not more than 2 percent of the grant
6 amounts made available to the eligible entity
7 under subsection (e) for expenses relating (di-
8 rectly or indirectly) to administration of the
9 grant.

10 (e) IMPLEMENTATION.—

11 (1) INITIAL PROGRAM DEPLOYMENT AND PLAN-
12 NING.—

13 (A) NOTICE OF FUNDING OPPORTUNITY;
14 PROCESS.—Not later than 180 days after the
15 date of enactment of this Act, the Assistant
16 Secretary shall—

17 (i) issue a notice of funding oppor-
18 tunity for the Program that—

19 (I) notifies eligible entities of—

20 (aa) the establishment of the
21 Program; and

22 (bb) the amount of the min-
23 imum initial allocation to each el-
24 igible entity under subsection
25 (c)(2);

2031

1 (II) invites eligible entities to
2 submit letters of intent under sub-
3 paragraph (B) in order to—

4 (aa) participate in the Pro-
5 gram; and

6 (bb) receive funding for
7 planning and pre-deployment ac-
8 tivities under subparagraph (C);

9 (III) contains details about the
10 Program, including an outline of the
11 requirements for—

12 (aa) applications for grants
13 under the Program, which shall
14 consist of letters of intent, initial
15 proposals, and final proposals;
16 and

17 (bb) allowed uses of grant
18 amounts awarded under this sec-
19 tion, as provided in subsection
20 (f); and

21 (IV) includes any other informa-
22 tion determined relevant by the As-
23 sistant Secretary;

24 (ii) establish a process, in accordance
25 with subparagraph (C), through which to

2032

1 provide funding to eligible entities for plan-
2 ning and pre-deployment activities;

3 (iii) develop and make public a stand-
4 ard online application form that an eligible
5 entity may use to submit an initial pro-
6 posal and final proposal for the grant
7 amounts allocated to the eligible entity
8 under subsection (c);

9 (iv) publish a template—

10 (I) initial proposal that complies
11 with paragraph (3)(A); and

12 (II) final proposal that complies
13 with paragraph (4)(A); and

14 (v) in consultation with the Commis-
15 sion, establish standards for how an eligi-
16 ble entity shall assess the capabilities and
17 capacities of a prospective subgrantee
18 under subsection (g)(2)(A).

19 (B) LETTER OF INTENT.—

20 (i) IN GENERAL.—An eligible entity
21 that wishes to participate in the Program
22 shall file a letter of intent to participate in
23 the Program consistent with this subpara-
24 graph.

2033

1 (ii) FORM AND CONTENTS.—The As-
2 sistant Secretary may establish the form
3 and contents required for a letter of intent
4 under this subparagraph, which contents
5 may include—

6 (I) details of—

7 (aa) the existing broadband
8 program or office of the eligible
9 entity, including—

10 (AA) activities that the
11 program or office currently
12 conducts;

13 (BB) the number of
14 rounds of broadband deploy-
15 ment grants that the eligible
16 entity has awarded, if appli-
17 cable;

18 (CC) whether the eligi-
19 ble entity has an eligible en-
20 tity-wide plan and goal for
21 availability of broadband,
22 and any relevant deadlines,
23 as applicable; and

24 (DD) the amount of
25 funding that the eligible en-

2034

1 tity has available for
2 broadband deployment or
3 other broadband-related ac-
4 tivities, including data col-
5 lection and local planning,
6 and the sources of that
7 funding, including whether
8 the funds are from the eligi-
9 ble entity or from the Fed-
10 eral Government under the
11 American Rescue Plan Act
12 of 2021 (Public Law 117-
13 2);

14 (bb) the number of full-time
15 employees and part-time employ-
16 ees of the eligible entity who will
17 assist in administering amounts
18 received under the Program and
19 the duties assigned to those em-
20 ployees;

21 (cc) relevant contracted sup-
22 port; and

23 (dd) the goals of the eligible
24 entity for the use of amounts re-
25 ceived under the Program, the

2035

1 process that the eligible entity
2 will use to distribute those
3 amounts to subgrantees, the
4 timeline for awarding subgrants,
5 and oversight and reporting re-
6 quirements that the eligible enti-
7 ty will impose on subgrantees;

8 (II) the identification of known
9 barriers or challenges to developing
10 and administering a program to ad-
11 minister grants received under the
12 Program, if applicable;

13 (III) the identification of the ad-
14 ditional capacity needed by the eligible
15 entity to implement the requirements
16 under this section, such as—

17 (aa) enhancing the capacity
18 of the broadband program or of-
19 fice of the eligible entity by re-
20 ceiving technical assistance from
21 Federal entities or other part-
22 ners, hiring additional employees,
23 or obtaining support from con-
24 tracted entities; or

2036

1 (bb) acquiring additional
2 programmatic information or
3 data, such as through surveys or
4 asset inventories;

5 (IV) an explanation of how the
6 needs described in subclause (III)
7 were identified and how funds may be
8 used to address those needs, including
9 target areas;

10 (V) details of any relevant part-
11 ners, such as organizations that may
12 inform broadband deployment and
13 adoption planning; and

14 (VI) any other information deter-
15 mined relevant by the Assistant Sec-
16 retary.

17 (C) PLANNING FUNDS.—

18 (i) IN GENERAL.—The Assistant Sec-
19 retary shall establish a process through
20 which an eligible entity, in submitting a
21 letter of intent under subparagraph (B),
22 may request access to not more than 5
23 percent of the amount allocated to the eli-
24 gible entity under subsection (c)(2) for use
25 consistent with this subparagraph.

2037

1 (ii) FUNDING AVAILABILITY.—If the
2 Assistant Secretary approves a request
3 from an eligible entity under clause (i), the
4 Assistant Secretary shall make available to
5 the eligible entity an amount, as deter-
6 mined appropriate by the Assistant Sec-
7 retary, that is not more than 5 percent of
8 the amount allocated to the eligible entity
9 under subsection (c)(2).

10 (iii) ELIGIBLE USE.—The Assistant
11 Secretary shall determine the allowable
12 uses of amounts made available under
13 clause (ii), which may include—

14 (I) research and data collection,
15 including initial identification of
16 unserved locations and underserved lo-
17 cations;

18 (II) the development of a prelimi-
19 nary budget for pre-planning activi-
20 ties;

21 (III) publications, outreach, and
22 communications support;

23 (IV) providing technical assist-
24 ance, including through workshops
25 and events;

2038

1 (V) training for employees of the
2 broadband program or office of the el-
3 igible entity or employees of political
4 subdivisions of the eligible entity, and
5 related staffing capacity or consulting
6 or contracted support; and

7 (VI) with respect to an office
8 that oversees broadband programs
9 and broadband deployment in an eligi-
10 ble entity, establishing, operating, or
11 increasing the capacity of such a
12 broadband office.

13 (D) ACTION PLAN.—

14 (i) IN GENERAL.—An eligible entity
15 that receives funding from the Assistant
16 Secretary under subparagraph (C) shall
17 submit to the Assistant Secretary a 5-year
18 action plan, which shall—

19 (I) be informed by collaboration
20 with local and regional entities; and

21 (II) detail—

22 (aa) investment priorities
23 and associated costs;

24 (bb) alignment of planned
25 spending with economic develop-

2040

1 of cooperatives or public-private part-
2 nerships;

3 (V) identify the technical assist-
4 ance that would be necessary to carry
5 out the plan; and

6 (VI) assess the amount of time it
7 would take to build out universal
8 broadband service in the eligible enti-
9 ty.

10 (2) NOTICE OF AVAILABLE AMOUNTS; INVITA-
11 TION TO SUBMIT INITIAL AND FINAL PROPOSALS.—

12 On or after the date on which the broadband DATA
13 maps are made public, the Assistant Secretary, in
14 coordination with the Commission, shall issue a no-
15 tice to each eligible entity that—

16 (A) contains the estimated amount avail-
17 able to the eligible entity under subsection (c);
18 and

19 (B) invites the eligible entity to submit an
20 initial proposal and final proposal for a grant
21 under this section, in accordance with para-
22 graphs (3) and (4) of this subsection.

23 (3) INITIAL PROPOSAL.—

24 (A) SUBMISSION.—

2041

1 (i) IN GENERAL.—After the Assistant
2 Secretary issues the notice under para-
3 graph (2), an eligible entity that wishes to
4 receive a grant under this section shall
5 submit an initial proposal for a grant,
6 using the online application form developed
7 by the Assistant Secretary under para-
8 graph (1)(A)(iii), that—

9 (I) outlines long-term objectives
10 for deploying broadband, closing the
11 digital divide, and enhancing economic
12 growth and job creation, including—

13 (aa) information developed
14 by the eligible entity as part of
15 the action plan submitted under
16 paragraph (1)(D), if applicable;
17 and

18 (bb) information from any
19 comparable strategic plan other-
20 wise developed by the eligible en-
21 tity, if applicable;

22 (II)(aa) identifies, and outlines
23 steps to support, local and regional
24 broadband planning processes or on-

2042

1 going efforts to deploy broadband or
2 close the digital divide; and

3 (bb) describes coordination with
4 local governments, along with local
5 and regional broadband planning
6 processes;

7 (III) identifies existing efforts
8 funded by the Federal Government or
9 a State within the jurisdiction of the
10 eligible entity to deploy broadband
11 and close the digital divide;

12 (IV) includes a plan to competi-
13 tively award subgrants to ensure time-
14 ly deployment of broadband;

15 (V) identifies—

16 (aa) each unserved location
17 or underserved location under the
18 jurisdiction of the eligible entity;
19 and

20 (bb) each community anchor
21 institution under the jurisdiction
22 of the eligible entity that is an el-
23 igible community anchor institu-
24 tion; and

2043

1 (VI) certifies the intent of the eli-
2 gible entity to comply with all applica-
3 ble requirements under this section,
4 including the reporting requirements
5 under subsection (j)(1).

6 (ii) LOCAL COORDINATION.—

7 (I) IN GENERAL.—The Assistant
8 Secretary shall establish local coordi-
9 nation requirements for eligible enti-
10 ties to follow, to the greatest extent
11 practicable.

12 (II) REQUIREMENTS.— The local
13 coordination requirements established
14 under subclause (I) shall include, at
15 minimum, an opportunity for political
16 subdivisions of an eligible entity to—

17 (aa) submit plans for consid-
18 eration by the eligible entity; and

19 (bb) comment on the initial
20 proposal of the eligible entity be-
21 fore the initial proposal is sub-
22 mitted to the Assistant Sec-
23 retary.

2044

1 (B) SINGLE INITIAL PROPOSAL.—An eligi-
2 ble entity may submit only 1 initial proposal
3 under this paragraph.

4 (C) CORRECTIONS TO INITIAL PRO-
5 POSAL.—The Assistant Secretary may accept
6 corrections to the initial proposal of an eligible
7 entity after the initial proposal has been sub-
8 mitted.

9 (D) CONSIDERATION OF INITIAL PRO-
10 POSAL.—After receipt of an initial proposal for
11 a grant under this paragraph, the Assistant
12 Secretary—

13 (i) shall acknowledge receipt;

14 (ii) if the initial proposal is com-
15 plete—

16 (I) shall determine whether the
17 use of funds proposed in the initial
18 proposal—

19 (aa) complies with sub-
20 section (f);

21 (bb) is in the public interest;

22 and

23 (cc) effectuates the purposes
24 of this Act;

2045

1 (II) shall approve or disapprove
2 the initial proposal based on the de-
3 terminations under subclause (I); and

4 (III) if the Assistant Secretary
5 approves the initial proposal under
6 clause (ii)(II), shall make available to
7 the eligible entity—

8 (aa) 20 percent of the grant
9 funds that were allocated to the
10 eligible entity under subsection
11 (c); or

12 (bb) a higher percentage of
13 the grant funds that were allo-
14 cated to the eligible entity under
15 subsection (c), at the discretion
16 of the Assistant Secretary; and

17 (iii) if the initial proposal is incom-
18 plete, or is disapproved under clause
19 (ii)(II), shall notify the eligible entity and
20 provide the eligible entity with an oppor-
21 tunity to resubmit the initial proposal.

22 (E) CONSIDERATION OF RESUBMITTED
23 INITIAL PROPOSAL.—After receipt of a resub-
24 mitted initial proposal for a grant under this
25 paragraph, the Assistant Secretary—

2046

1 (i) shall acknowledge receipt;

2 (ii) if the initial proposal is com-
3 plete—

4 (I) shall determine whether the
5 use of funds proposed in the initial
6 proposal—

7 (aa) complies with sub-
8 section (f);

9 (bb) is in the public interest;
10 and

11 (cc) effectuates the purposes
12 of this Act;

13 (II) shall approve or disapprove
14 the initial proposal based on the de-
15 terminations under subclause (I); and

16 (III) if the Assistant Secretary
17 approves the initial proposal under
18 clause (ii)(II), shall make available to
19 the eligible entity—

20 (aa) 20 percent of the grant
21 funds that were allocated to the
22 eligible entity under subsection
23 (c); or

24 (bb) a higher percentage of
25 the grant funds that were allo-

2047

1 cated to the eligible entity under
2 subsection (c), at the discretion
3 of the Assistant Secretary; and

4 (iii) if the initial proposal is incom-
5 plete, or is disapproved under clause
6 (ii)(II), shall notify the eligible entity and
7 provide the eligible entity with an oppor-
8 tunity to resubmit the initial proposal.

9 (4) FINAL PROPOSAL.—

10 (A) SUBMISSION.—

11 (i) IN GENERAL.—After the Assistant
12 Secretary approves the initial proposal of
13 an eligible entity under paragraph (3), the
14 eligible entity may submit a final proposal
15 for the remainder of the amount allocated
16 to the eligible entity under subsection (c),
17 using the online application form developed
18 by the Assistant Secretary under para-
19 graph (1)(A)(iii), that includes—

20 (I) a detailed plan that specifies
21 how the eligible entity will—

22 (aa) allocate grant funds for
23 the deployment of broadband net-
24 works to unserved locations and
25 underserved locations, in accord-

2048

1 ance with subsection (h)(1)(A)(i);
2 and

3 (bb) align the grant funds
4 allocated to the eligible entity
5 under subsection (c), where prac-
6 ticable, with the use of other
7 funds that the eligible entity re-
8 ceives from the Federal Govern-
9 ment, a State, or a private entity
10 for related purposes;

11 (II) a timeline for implementa-
12 tion;

13 (III) processes for oversight and
14 accountability to ensure the proper
15 use of the grant funds allocated to the
16 eligible entity under subsection (c);
17 and

18 (IV) a description of coordination
19 with local governments, along with
20 local and regional broadband planning
21 processes.

22 (ii) LOCAL COORDINATION.—

23 (I) IN GENERAL.—The Assistant
24 Secretary shall establish local coordi-
25 nation requirements for eligible enti-

2049

1 ties to follow, to the greatest extent
2 practicable.

3 (II) REQUIREMENTS.— The local
4 coordination requirements established
5 under subclause (I) shall include, at
6 minimum, an opportunity for political
7 subdivisions of an eligible entity to—

8 (aa) submit plans for consid-
9 eration by the eligible entity; and

10 (bb) comment on the final
11 proposal of the eligible entity be-
12 fore the final proposal is sub-
13 mitted to the Assistant Sec-
14 retary.

15 (iii) FEDERAL COORDINATION.—To
16 ensure efficient and effective use of tax-
17 payer funds, an eligible entity shall, to the
18 greatest extent practicable, align the use of
19 grant funds proposed in the final proposal
20 under clause (i) with funds available from
21 other Federal programs that support
22 broadband deployment and access.

23 (B) SINGLE FINAL PROPOSAL.—An eligible
24 entity may submit only 1 final proposal under
25 this paragraph.

2050

1 (C) CORRECTIONS TO FINAL PROPOSAL.—

2 The Assistant Secretary may accept corrections
3 to the final proposal of an eligible entity after
4 the final proposal has been submitted.

5 (D) CONSIDERATION OF FINAL PRO-
6 POSAL.—After receipt of a final proposal for a
7 grant under this paragraph, the Assistant Sec-
8 retary—

9 (i) shall acknowledge receipt;

10 (ii) if the final proposal is complete—

11 (I) shall determine whether the
12 use of funds proposed in the final pro-
13 posal—

14 (aa) complies with sub-
15 section (f);

16 (bb) is in the public interest;

17 and

18 (cc) effectuates the purposes
19 of this Act;

20 (II) shall approve or disapprove
21 the final proposal based on the deter-
22 minations under subclause (I); and

23 (III) if the Assistant Secretary
24 approves the final proposal under
25 clause (ii)(II), shall make available to

2051

1 the eligible entity the remainder of the
2 grant funds allocated to the eligible
3 entity under subsection (c); and

4 (iii) if the final proposal is incomplete,
5 or is disapproved under clause (ii)(II),
6 shall notify the eligible entity and provide
7 the eligible entity with an opportunity to
8 resubmit the final proposal.

9 (E) CONSIDERATION OF RESUBMITTED
10 FINAL PROPOSAL.—After receipt of a resub-
11 mitted final proposal for a grant under this
12 paragraph, the Assistant Secretary—

13 (i) shall acknowledge receipt;

14 (ii) if the final proposal is complete—

15 (I) shall determine whether the
16 use of funds proposed in the final pro-
17 posal—

18 (aa) complies with sub-
19 section (f);

20 (bb) is in the public interest;

21 and

22 (cc) effectuates the purposes
23 of this Act;

2052

1 (II) shall approve or disapprove
2 the final proposal based on the deter-
3 minations under subclause (I); and

4 (III) if the Assistant Secretary
5 approves the final proposal under
6 clause (ii)(II), shall make available to
7 the eligible entity the remainder of the
8 grant funds allocated to the eligible
9 entity under subsection (c); and

10 (iii) if the final proposal is incomplete,
11 or is disapproved under clause (ii)(II),
12 shall notify the eligible entity and provide
13 the eligible entity with an opportunity to
14 resubmit the final proposal.

15 (f) USE OF FUNDS.—An eligible entity may use grant
16 funds received under this section to competitively award
17 subgrants for—

18 (1) unserved service projects and underserved
19 service projects;

20 (2) connecting eligible community anchor insti-
21 tutions;

22 (3) data collection, broadband mapping, and
23 planning;

24 (4) installing internet and Wi-Fi infrastructure
25 or providing reduced-cost broadband within a multi-

1 family residential building, with priority given to a
2 residential building that—

3 (A) has a substantial share of unserved
4 households; or

5 (B) is in a location in which the percentage
6 of individuals with a household income that is
7 at or below 150 percent of the poverty line ap-
8 plicable to a family of the size involved (as de-
9 termined under section 673(2) of the Commu-
10 nity Services Block Grant Act (42 U.S.C.
11 9902(2)) is higher than the national percentage
12 of such individuals;

13 (5) broadband adoption, including programs to
14 provide affordable internet-capable devices; and

15 (6) any use determined necessary by the Assist-
16 ant Secretary to facilitate the goals of the Program.

17 (g) GENERAL PROGRAM REQUIREMENTS.—

18 (1) SUBGRANTEE OBLIGATIONS.—A subgrantee,
19 in carrying out activities using amounts received
20 from an eligible entity under this section—

21 (A) shall adhere to quality-of-service stand-
22 ards, as established by the Assistant Secretary;

23 (B) shall comply with prudent cybersecu-
24 rity and supply chain risk management prac-
25 tices, as specified by the Assistant Secretary, in

2054

1 consultation with the Director of the National
2 Institute of Standards and Technology and the
3 Commission;

4 (C) shall incorporate best practices, as de-
5 fined by the Assistant Secretary, for ensuring
6 reliability and resilience of broadband infra-
7 structure; and

8 (D) may not use the amounts to purchase
9 or support—

10 (i) any covered communications equip-
11 ment or service, as defined in section 9 of
12 the Secure and Trusted Communications
13 Networks Act of 2019 (47 U.S.C. 1608);
14 or

15 (ii) fiber optic cable and optical trans-
16 mission equipment manufactured in the
17 People's Republic of China, except that the
18 Assistant Secretary may waive the applica-
19 tion of this clause with respect to a project
20 if the eligible entity that awards a
21 subgrant for the project shows that such
22 application would unreasonably increase
23 the cost of the project.

2055

1 (2) ELIGIBLE ENTITY OBLIGATIONS.—In dis-
2 tributing funds to subgrantees under this section, an
3 eligible entity shall—

4 (A) ensure that any prospective sub-
5 grantee—

6 (i) is capable of carrying out activities
7 funded by the subgrant in a competent
8 manner in compliance with all applicable
9 Federal, State, and local laws;

10 (ii) has the financial and managerial
11 capacity to meet—

12 (I) the commitments of the sub-
13 grantee under the subgrant;

14 (II) the requirements of the Pro-
15 gram; and

16 (III) such requirements as may
17 be further prescribed by the Assistant
18 Secretary; and

19 (iii) has the technical and operational
20 capability to provide the services promised
21 in the subgrant in the manner con-
22 templated by the subgrant award;

23 (B) stipulate, in any contract with a sub-
24 grantee for the use of such funds, reasonable

1 provisions for recovery of funds for nonperform-
2 ance; and

3 (C)(i) distribute the funds in an equitable
4 and non-discriminatory manner; and

5 (ii) ensure, through a stipulation in any
6 contract with a subgrantee for the use of such
7 funds, that each subgrantee uses the funds in
8 an equitable and nondiscriminatory manner.

9 (3) DEOBLIGATION OF AWARDS; INTERNET DIS-
10 CLOSURE.—The Assistant Secretary—

11 (A) shall establish, in coordination with
12 relevant Federal and State partners, appro-
13 priate mechanisms to ensure appropriate use of
14 funds made available under this section;

15 (B) may, in addition to other authority
16 under applicable law—

17 (i) deobligate grant funds awarded to
18 an eligible entity that—

19 (I) violates paragraph (2); or

20 (II) demonstrates an insufficient
21 level of performance, or wasteful or
22 fraudulent spending, as defined in ad-
23 vance by the Assistant Secretary; and

24 (ii) award grant funds that are
25 deobligated under clause (i) to new or ex-

2057

1 isting applicants consistent with this sec-
2 tion; and

3 (C) shall create and maintain a fully
4 searchable database, accessible on the internet
5 at no cost to the public, that contains informa-
6 tion sufficient to allow the public to understand
7 and monitor grants and subgrants awarded
8 under the Program.

9 (h) BROADBAND NETWORK DEPLOYMENT.—

10 (1) ORDER OF AWARDS; PRIORITY.—

11 (A) IN GENERAL.—An eligible entity, in
12 awarding subgrants for the deployment of a
13 broadband network using grant funds received
14 under this section, as authorized under sub-
15 section (f)(1)—

16 (i) shall award funding in a manner
17 that—

18 (I) prioritizes unserved service
19 projects;

20 (II) after certifying to the Assist-
21 ant Secretary that the eligible entity
22 will ensure coverage of broadband
23 service to all unserved locations within
24 the eligible entity, prioritizes under-
25 served service projects; and

2058

1 (III) after prioritizing under-
2 served service projects, provides fund-
3 ing to connect eligible community an-
4 chor institutions;

5 (ii) in providing funding under sub-
6 clauses (I), (II), and (III) of clause (i),
7 shall prioritize funding for deployment of
8 broadband infrastructure for priority
9 broadband projects;

10 (iii) may not exclude cooperatives,
11 nonprofit organizations, public-private
12 partnerships, private companies, public or
13 private utilities, public utility districts, or
14 local governments from eligibility for such
15 grant funds; and

16 (iv) shall give priority to projects
17 based on—

18 (I) deployment of a broadband
19 network to persistent poverty counties
20 or high-poverty areas;

21 (II) the speeds of the proposed
22 broadband service;

23 (III) the expediency with which a
24 project can be completed; and

2059

1 (IV) a demonstrated record of
2 and plans to be in compliance with
3 Federal labor and employment laws.

4 (B) AUTHORITY OF ASSISTANT SEC-
5 RETARY.—The Assistant Secretary may provide
6 additional guidance on the prioritization of sub-
7 grants awarded for the deployment of a
8 broadband network using grant funds received
9 under this section.

10 (2) CHALLENGE PROCESS.—

11 (A) IN GENERAL.—After submitting an
12 initial proposal under subsection (e)(3) and be-
13 fore allocating grant funds received under this
14 section for the deployment of broadband net-
15 works, an eligible entity shall ensure a trans-
16 parent, evidence-based, and expeditious chal-
17 lenge process under which a unit of local gov-
18 ernment, nonprofit organization, or other
19 broadband service provider can challenge a de-
20 termination made by the eligible entity in the
21 initial proposal as to whether a particular loca-
22 tion or community anchor institution within the
23 jurisdiction of the eligible entity is eligible for
24 the grant funds, including whether a particular
25 location is unserved or underserved.

2060

1 (B) FINAL IDENTIFICATION; NOTIFICATION
2 OF FUNDING ELIGIBILITY.—After resolving
3 each challenge under subparagraph (A), and
4 not later than 60 days before allocating grant
5 funds received under this section for the deploy-
6 ment of broadband networks, an eligible entity
7 shall provide public notice of the final classifica-
8 tion of each unserved location, underserved lo-
9 cation, or eligible community anchor institution
10 within the jurisdiction of the eligible entity.

11 (C) CONSULTATION WITH NTIA.—An eligi-
12 ble entity shall notify the Assistant Secretary of
13 any modification to the initial proposal of the
14 eligible entity submitted under subsection (e)(3)
15 that is necessitated by a successful challenge
16 under subparagraph (A) of this paragraph.

17 (D) NTIA AUTHORITY.—The Assistant
18 Secretary—

19 (i) may modify the challenge process
20 required under subparagraph (A) as nec-
21 essary; and

22 (ii) may reverse the determination of
23 an eligible entity with respect to the eligi-
24 bility of a particular location or community

2061

1 anchor institution for grant funds under
2 this section.

3 (E) EXPEDITING BROADBAND DATA COL-
4 LECTION ACTIVITIES.—

5 (i) DEADLINE FOR RESOLUTION OF
6 CHALLENGE PROCESS UNDER BROADBAND
7 DATA ACT.—Section 802(b)(5)(C)(i) of the
8 Communications Act of 1934 (47 U.S.C.
9 642(b)(5)(C)(i)) is amended by striking
10 “challenges” and inserting the following:
11 “challenges, which shall require that the
12 Commission resolve a challenge not later
13 than 90 days after the date on which a
14 final response by a provider to a challenge
15 to the accuracy of a map or information
16 described in subparagraph (A) is com-
17 plete”.

18 (ii) PAPERWORK REDUCTION ACT EX-
19 EMPTION EXPANSION.—Section 806(b) of
20 the Communications Act of 1934 (47
21 U.S.C. 646(b)) is amended by striking
22 “the initial rule making required under
23 section 802(a)(1)” and inserting “any rule
24 making or other action by the Commission
25 required under this title”.

1 (iii) IMPLEMENTATION.—The Com-
2 mission shall implement the amendments
3 made by this subparagraph as soon as pos-
4 sible after the date of enactment of this
5 Act.

6 (3) NON-FEDERAL SHARE OF BROADBAND IN-
7 FRASTRUCTURE DEPLOYMENT COSTS.—

8 (A) IN GENERAL.—

9 (i) MATCHING REQUIREMENT.—In al-
10 locating grant funds received under this
11 section for deployment of broadband net-
12 works, an eligible entity shall provide, or
13 require a subgrantee to provide, a con-
14 tribution, derived from non-Federal funds
15 (or funds from a Federal regional commis-
16 sion or authority), except in high-cost
17 areas or as otherwise provided by this Act,
18 of not less than 25 percent of project costs.

19 (ii) WAIVER.—Upon request by an eli-
20 gible entity or a subgrantee, the Assistant
21 Secretary may reduce or waive the re-
22 quired matching contribution under clause
23 (i).

24 (B) SOURCE OF MATCH.—A matching con-
25 tribution under subparagraph (A)—

2063

1 (i) may be provided by an eligible en-
2 tity, a unit of local government, a utility
3 company, a cooperative, a nonprofit orga-
4 nization, a for-profit company, regional
5 planning or governmental organization, a
6 Federal regional commission or authority,
7 or any combination thereof;

8 (ii) may include in-kind contributions;
9 and

10 (iii) may include funds that were pro-
11 vided to an eligible entity or a sub-
12 grantee—

13 (I) under—

14 (aa) the Families First
15 Coronavirus Response Act (Pub-
16 lic Law 116–127; 134 Stat. 178);

17 (bb) the CARES Act (Public
18 Law 116–136; 134 Stat. 281);

19 (cc) the Consolidated Appro-
20 priations Act, 2021 (Public Law
21 116–260; 134 Stat. 1182);

22 (dd) the American Rescue
23 Plan Act of 2021 (Public Law
24 117–2; 135 Stat. 4); or

2064

1 (ee) any amendment made
2 by an Act described in any of
3 items (aa) through (dd); and

4 (II) for the purpose of deploy-
5 ment of broadband service, as de-
6 scribed in the applicable provision of
7 law described in subclause (I).

8 (C) DEFINITION.—For purposes of this
9 paragraph, the term “Federal regional commis-
10 sion or authority” means—

11 (i) the Appalachian Regional Commis-
12 sion;

13 (ii) the Delta Regional Authority;

14 (iii) the Denali Commission; and

15 (iv) the Northern Border Regional
16 Commission.

17 (4) DEPLOYMENT AND PROVISION OF SERVICE
18 REQUIREMENTS.—An entity that receives a subgrant
19 under subsection (f)(1) for the deployment of a
20 broadband network—

21 (A) in providing broadband service using
22 the network—

23 (i) shall provide broadband service—

24 (I) at a speed of not less than
25 100 megabits per second for

2065

1 downloads and 20 megabits per sec-
2 ond for uploads;

3 (II) with a latency that is suffi-
4 ciently low to allow reasonably fore-
5 seeable, real-time, interactive applica-
6 tions; and

7 (III) with network outages that
8 do not exceed, on average, 48 hours
9 over any 365-day period; and

10 (ii) shall provide access to broadband
11 service to each customer served by the
12 project that desires broadband service;

13 (B) shall offer not less than 1 low-cost
14 broadband service option for eligible sub-
15 scribers, as those terms are defined in para-
16 graph (5) of this subsection;

17 (C) shall deploy the broadband network
18 and begin providing broadband service to each
19 customer that desires broadband service not
20 later than 4 years after the date on which the
21 entity receives the subgrant, except that an eli-
22 gible entity may extend the deadline under this
23 subparagraph if—

24 (i) the eligible entity has a plan for
25 use of the grant funds;

2066

1 (ii) the construction project is under-
2 way; or

3 (iii) extenuating circumstances require
4 an extension of time to allow the project to
5 be completed;

6 (D) for any project that involves laying
7 fiber optic cables or conduit underground or
8 along a roadway, shall include interspersed con-
9 duit access points at regular and short inter-
10 vals;

11 (E) may use the subgrant to deploy
12 broadband infrastructure in or through any
13 area required to reach interconnection points or
14 otherwise to ensure the technical feasibility and
15 financial sustainability of a project providing
16 broadband service to an unserved location, un-
17 derserved location, or eligible community anchor
18 institution;

19 (F) once the network has been deployed,
20 shall provide public notice, online and through
21 other means, of that fact to the locations and
22 areas to which broadband service has been pro-
23 vided and share the public notice with the eligi-
24 ble entity that awarded the subgrant;

2067

1 (G) shall carry out public awareness cam-
2 paigns in service areas that are designed to
3 highlight the value and benefits of broadband
4 service in order to increase the adoption of
5 broadband service by consumers; and

6 (H) if the entity is no longer able to pro-
7 vide broadband service to the locations covered
8 by the subgrant at any time, shall sell the net-
9 work capacity at a reasonable, wholesale rate on
10 a nondiscriminatory basis to other broadband
11 service providers or public sector entities.

12 (5) LOW-COST BROADBAND SERVICE OPTION.—

13 (A) DEFINITIONS.—In this paragraph—

14 (i) the term “eligible subscriber” shall
15 have the meaning given the term by the
16 Assistant Secretary for purposes of this
17 paragraph; and

18 (ii) the term “low-cost broadband
19 service option” shall be defined by an eligi-
20 ble entity for subgrantees of the eligible
21 entity in accordance with subparagraph
22 (B).

23 (B) DEFINING “LOW-COST BROADBAND
24 SERVICE OPTION”.—

2068

1 (i) PROPOSAL.—An eligible entity
2 shall submit to the Assistant Secretary for
3 approval, in the final proposal of the eligi-
4 ble entity submitted under subsection
5 (e)(4), a proposed definition of “low-cost
6 broadband service option” that shall apply
7 to subgrantees of the eligible entity for
8 purposes of the requirement under para-
9 graph (4)(B) of this subsection.

10 (ii) CONSULTATION.—An eligible enti-
11 ty shall consult with the Assistant Sec-
12 retary and prospective subgrantees regard-
13 ing a proposed definition of “low-cost
14 broadband service option” before submit-
15 ting the proposed definition to the Assist-
16 ant Secretary under clause (i).

17 (iii) APPROVAL OF ASSISTANT SEC-
18 RETARY.—

19 (I) IN GENERAL.—A proposed
20 definition of “low-cost broadband
21 service option” submitted by an eligi-
22 ble entity under clause (i) shall not
23 take effect until the Assistant Sec-
24 retary approves the final proposal of
25 the eligible entity submitted under

2069

1 subsection (e)(4), including approval
2 of the proposed definition of “low-cost
3 broadband service option”.

4 (II) RESUBMISSION.—If the As-
5 sistant Secretary does not approve a
6 proposed definition of “low-cost
7 broadband service option” submitted
8 by an eligible entity under clause (i),
9 the Assistant Secretary shall—

10 (aa) notify the eligible entity
11 and provide the eligible entity
12 with an opportunity to resubmit
13 the final proposal, as provided in
14 subsection (e)(4), with an im-
15 proved definition of “low-cost
16 broadband service option”; and

17 (bb) provide the eligible enti-
18 ty with instructions on how to
19 cure the defects in the proposed
20 definition.

21 (iv) PUBLIC DISCLOSURE.—After the
22 Assistant Secretary approves the final pro-
23 posal of an eligible entity under subsection
24 (e)(4), and before the Assistant Secretary
25 disburses any funds to the eligible entity

2070

1 based on that approval, the Assistant Sec-
2 retary shall publicly disclose the eligible
3 entity's definition of "low-cost broadband
4 service option".

5 (C) NONPERFORMANCE.—The Assistant
6 Secretary shall develop procedures under which
7 the Assistant Secretary or an eligible entity
8 may—

9 (i) evaluate the compliance of a sub-
10 grantee with the requirement under para-
11 graph (4)(B); and

12 (ii) take corrective action, including
13 recoupment of funds from the subgrantee,
14 for noncompliance with the requirement
15 under paragraph (4)(B).

16 (D) NO REGULATION OF RATES PER-
17 MITTED.—Nothing in this title may be con-
18 strued to authorize the Assistant Secretary or
19 the National Telecommunications and Informa-
20 tion Administration to regulate the rates
21 charged for broadband service.

22 (E) GUIDANCE.—The Assistant Secretary
23 may issue guidance to eligible entities to carry
24 out the purposes of this paragraph.

2071

1 (6) RETURN OF FUNDS.—An entity that re-
2 ceives a subgrant from an eligible entity under sub-
3 section (f) and fails to comply with any requirement
4 under this subsection shall return up to the entire
5 amount of the subgrant to the eligible entity, at the
6 discretion of the eligible entity or the Assistant Sec-
7 retary.

8 (i) REGULATIONS.—The Assistant Secretary may
9 issue such regulations or other guidance, forms, instruc-
10 tions, and publications as may be necessary or appropriate
11 to carry out the programs, projects, or activities author-
12 ized under this section, including to ensure that those pro-
13 grams, projects, or activities are completed in a timely and
14 effective manner.

15 (j) REPORTING.—

16 (1) ELIGIBLE ENTITIES.—

17 (A) INITIAL REPORT.—Not later than 90
18 days after receiving grant funds under this sec-
19 tion, for the sole purposes of providing trans-
20 parency and providing information to inform fu-
21 ture Federal broadband planning, an eligible
22 entity shall submit to the Assistant Secretary a
23 report that—

24 (i) describes the planned and actual
25 use of funds;

2072

1 (ii) describes the planned and actual
2 process of subgranting;

3 (iii) identifies the establishment of ap-
4 propriate mechanisms by the eligible entity
5 to ensure that all subgrantees of the eligi-
6 ble entity comply with the eligible uses pre-
7 scribed under subsection (f); and

8 (iv) includes any other information re-
9 quired by the Assistant Secretary.

10 (B) SEMIANNUAL REPORT.—Not later
11 than 1 year after receiving grant funds under
12 this section, and semiannually thereafter until
13 the funds have been expended, an eligible entity
14 shall submit to the Assistant Secretary a re-
15 port, with respect to the 6-month period imme-
16 diately preceding the report date, that—

17 (i) describes how the eligible entity ex-
18 pended the grant funds;

19 (ii) describes each service provided
20 with the grant funds;

21 (iii) describes the number of locations
22 at which broadband service was made
23 available using the grant funds, and the
24 number of those locations at which
25 broadband service was utilized; and

2073

1 (iv) certifies that the eligible entity
2 complied with the requirements of this sec-
3 tion and with any additional reporting re-
4 quirements prescribed by the Assistant
5 Secretary.

6 (C) FINAL REPORT.—Not later than 1
7 year after an eligible entity has expended all
8 grant funds received under this section, the eli-
9 gible entity shall submit to the Assistant Sec-
10 retary a report that—

11 (i) describes how the eligible entity ex-
12 pended the funds;

13 (ii) describes each service provided
14 with the grant funds;

15 (iii) describes the number of locations
16 at which broadband service was made
17 available using the grant funds, and the
18 number of those locations at which
19 broadband service was utilized;

20 (iv) includes each report that the eligi-
21 ble entity received from a subgrantee
22 under paragraph (2); and

23 (v) certifies that the eligible entity
24 complied with the requirements of this sec-
25 tion and with any additional reporting re-

2074

1 requirements prescribed by the Assistant
2 Secretary.

3 (D) PROVISION TO FCC AND USDA.—Sub-
4 ject to section 904(b)(2) of division FF of the
5 Consolidated Appropriations Act, 2021 (Public
6 Law 116–260) (relating to an interagency
7 agreement), the Assistant Secretary shall co-
8 ordinate with the Commission and the Depart-
9 ment of Agriculture, including providing the
10 final reports received under subparagraph (C)
11 to the Commission and the Department of Agri-
12 culture to be used when determining whether to
13 award funds for the deployment of broadband
14 under any program administered by those agen-
15 cies.

16 (E) FEDERAL AGENCY REPORTING RE-
17 QUIREMENT.—

18 (i) DEFINITIONS.—In this subpara-
19 graph, the terms “agency” and “Federal
20 broadband support program” have the
21 meanings given those terms in section 903
22 of division FF of the Consolidated Appro-
23 priations Act, 2021 (Public Law 116–260)
24 (also known as the “ACCESS
25 BROADBAND Act”).

2075

1 (ii) REQUIREMENT.—An agency that
2 offers a Federal broadband support pro-
3 gram shall provide data to the Assistant
4 Secretary, in a manner and format pre-
5 scribed by the Assistant Secretary, to pro-
6 mote coordination of efforts to track con-
7 struction and use of broadband infrastruc-
8 ture.

9 (2) SUBGRANTEES.—

10 (A) SEMIANNUAL REPORT.—The recipient
11 of a subgrant from an eligible entity under this
12 section shall submit to the eligible entity a
13 semiannual report for the duration of the
14 subgrant to track the effectiveness of the use of
15 funds provided.

16 (B) CONTENTS.—Each report submitted
17 under subparagraph (A) shall—

18 (i) describe each type of project car-
19 ried out using the subgrant and the dura-
20 tion of the subgrant;

21 (ii) in the case of a broadband infra-
22 structure project—

23 (I) include a list of addresses or
24 locations that constitute the service lo-
25 cations that will be served by the

2076

1 broadband infrastructure to be con-
2 structed;

3 (II) identify whether each ad-
4 dress or location described in sub-
5 clause (I) is residential, commercial,
6 or a community anchor institution;

7 (III) describe the types of facili-
8 ties that have been constructed and
9 installed;

10 (IV) describe the peak and off-
11 peak actual speeds of the broadband
12 service being offered;

13 (V) describe the maximum adver-
14 tised speed of the broadband service
15 being offered;

16 (VI) describe the non-pro-
17 motional prices, including any associ-
18 ated fees, charged for different tiers
19 of broadband service being offered;

20 (VII) include any other data that
21 would be required to comply with the
22 data and mapping collection standards
23 of the Commission under section
24 1.7004 of title 47, Code of Federal
25 Regulations, or any successor regula-

2077

1 tion, for broadband infrastructure
2 projects; and

3 (VIII) comply with any other rea-
4 sonable reporting requirements deter-
5 mined by the eligible entity or the As-
6 sistant Secretary; and

7 (iii) certify that the information in the
8 report is accurate.

9 (3) STANDARDIZATION AND COORDINATION.—

10 The Assistant Secretary and the Commission shall
11 collaborate to—

12 (A) standardize and coordinate reporting
13 of locations at which broadband service was
14 provided using grant funds received under this
15 section in accordance with title VIII of the
16 Communications Act of 1934 (47 U.S.C. 641 et
17 seq.); and

18 (B) provide a standardized methodology to
19 recipients of grants and subgrantees under this
20 section for reporting the information described
21 in subparagraph (A).

22 (4) INFORMATION ON BROADBAND SUBSIDIES
23 AND LOW-INCOME PLANS.—

24 (A) ESTABLISHMENT OF WEBSITE.—Not
25 later than 2 years after the date of enactment

2078

1 of this Act, the Assistant Secretary, in con-
2 sultation with the Commission, shall establish a
3 publicly available website that—

4 (i) allows a consumer to determine,
5 based on financial information entered by
6 the consumer, whether the consumer is eli-
7 gible—

8 (I) to receive a Federal or State
9 subsidy with respect to broadband
10 service; or

11 (II) for a low-income plan with
12 respect to broadband service; and

13 (ii) contains information regarding
14 how to apply for the applicable benefit de-
15 scribed in clause (i).

16 (B) PROVISION OF DATA.—A Federal enti-
17 ty, State entity receiving Federal funds, or pro-
18 vider of broadband service that offers a subsidy
19 or low-income plan, as applicable, with respect
20 to broadband service shall provide data to the
21 Assistant Secretary in a manner and format as
22 established by the Assistant Secretary as nec-
23 essary for the Assistant Secretary to carry out
24 subparagraph (A).

1 (k) RELATION TO OTHER PUBLIC FUNDING.—Not-
2 withstanding any other provision of law—

3 (1) an entity that has received amounts from
4 the Federal Government or a State or local govern-
5 ment for the purpose of expanding access to
6 broadband service may receive a subgrant under
7 subsection (f) in accordance with this section; and

8 (2) the receipt of a subgrant under subsection
9 (f) by an entity described in paragraph (1) of this
10 subsection shall not affect the eligibility of the entity
11 to receive the amounts from the Federal Government
12 or a State or local government described in that
13 paragraph.

14 (l) SUPPLEMENT NOT SUPPLANT.—Grant funds
15 awarded to an eligible entity under this section shall be
16 used to supplement, and not supplant, the amounts that
17 the eligible entity would otherwise make available for the
18 purposes for which the grant funds may be used.

19 (m) SENSE OF CONGRESS REGARDING FEDERAL
20 AGENCY COORDINATION.—It is the sense of Congress that
21 Federal agencies responsible for supporting broadband de-
22 ployment, including the Commission, the Department of
23 Commerce, and the Department of Agriculture, to the ex-
24 tent possible, should align the goals, application and re-

1 porting processes, and project requirements with respect
2 to broadband deployment supported by those agencies.

3 (n) JUDICIAL REVIEW.—

4 (1) IN GENERAL.—The United States District
5 Court for the District of Columbia shall have exclu-
6 sive jurisdiction to review a decision of the Assistant
7 Secretary made under this section.

8 (2) STANDARD OF REVIEW.—In carrying out
9 any review described in paragraph (1), the court
10 shall affirm the decision of the Assistant Secretary
11 unless—

12 (A) the decision was procured by corrup-
13 tion, fraud, or undue means;

14 (B) there was actual partiality or corrup-
15 tion in the Assistant Secretary; or

16 (C) the Assistant Secretary was guilty of—

17 (i) misconduct in refusing to review
18 the administrative record; or

19 (ii) any other misbehavior by which
20 the rights of any party have been preju-
21 diced.

22 (o) EXEMPTION FROM CERTAIN LAWS.—Any action
23 taken or decision made by the Assistant Secretary under
24 this section shall be exempt from the requirements of—

1 (1) section 3506 of title 44, United States Code
2 (commonly referred to as the “Paperwork Reduction
3 Act”);

4 (2) chapter 5 or 7 of title 5, United States
5 Code (commonly referred to as the “Administrative
6 Procedures Act”); and

7 (3) chapter 6 of title 5, United States Code
8 (commonly referred to as the “Regulatory Flexibility
9 Act”).

10 **SEC. 60103. BROADBAND DATA MAPS.**

11 (a) DEFINITION.—In this section, the term “Commis-
12 sion” means the Federal Communications Commission.

13 (b) PROVISION OF INFORMATION.—A broadband pro-
14 vider shall provide the Commission with any information,
15 in the format, type, or specification requested by the Com-
16 mission, necessary to augment the collection of data by
17 the Commission under—

18 (1) title VIII of the Communications Act of
19 1934 (47 U.S.C. 641 et seq.); or

20 (2) the Form 477 data collection program.

21 (c) NOTICE OF INITIAL BROADBAND DATA COLLEC-
22 TION FILING DEADLINE.—The Commission—

23 (1) shall provide notice to broadband providers
24 not later than 60 days before the initial deadline for
25 submission of data under section 802(a)(1)(A) of the

2082

1 Communications Act of 1934 (47 U.S.C.
2 642(a)(1)(A)); and

3 (2) notwithstanding any prior decision of the
4 Commission to the contrary, shall not be required to
5 provide notice not later than 6 months before the
6 initial deadline described in paragraph (1).

7 (d) AVAILABILITY OF CENSUS DATA.—

8 (1) IN GENERAL.—Section 802(b)(1) of the
9 Communications Act of 1934 (47 U.S.C. 802(b)(1))
10 is amended by adding at the end the following:

11 “(D) AVAILABILITY OF CENSUS DATA.—

12 The Secretary of Commerce shall submit to the
13 Commission, for inclusion in the Fabric, a
14 count of the aggregate number of housing units
15 in each census block, as collected by the Bureau
16 of the Census.”.

17 (2) PROVISION OF UPDATED 2020 CENSUS
18 DATA.—Not later than 30 days after receiving a re-
19 quest from the Commission, the Secretary of Com-
20 merce, in implementing the amendment made by
21 paragraph (1), shall provide the Commission with a
22 count of the aggregate number of housing units in
23 each census block, as collected during the 2020 de-
24 cennial census of population.

1 (e) PUBLICATION OF BROADBAND DATA MAPS ON
2 INTERNET.—Section 802(c)(6) of the Communications
3 Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the mat-
4 ter preceding paragraph (6), by inserting “, including on
5 a publicly available website,” after “make public”.

6 **SEC. 60104. REPORT ON FUTURE OF UNIVERSAL SERVICE**
7 **FUND.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “Commission” means the Federal
10 Communications Commission; and

11 (2) the term “universal service goals for
12 broadband” means the statutorily mandated goals of
13 universal service for advanced telecommunications
14 capability under section 706 of the Telecommuni-
15 cations Act of 1996 (47 U.S.C. 1302).

16 (b) EVALUATION.—Not later than 30 days after the
17 date of enactment of this Act, the Commission shall com-
18 mence a proceeding to evaluate the implications of this
19 Act and the amendments made by this Act on how the
20 Commission should achieve the universal service goals for
21 broadband.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than 270 days
24 after the date of enactment of this Act, the Commis-
25 sion shall submit to Congress a report on the op-

1 tions of the Commission for improving its effective-
2 ness in achieving the universal service goals for
3 broadband in light of this Act and the amendments
4 made by this Act, and other legislation that address-
5 es those goals.

6 (2) RECOMMENDATIONS.—In the report sub-
7 mitted under paragraph (1), the Commission may
8 make recommendations for Congress on further ac-
9 tions the Commission and Congress could take to
10 improve the ability of the Commission to achieve the
11 universal service goals for broadband.

12 (3) SCOPE OF UNIVERSAL SERVICE.—In sub-
13 mitting the report under paragraph (1), the Com-
14 mission—

15 (A) may not in any way reduce the con-
16 gressional mandate to achieve the universal
17 service goals for broadband; and

18 (B) may provide recommendations for Con-
19 gress to expand the universal service goals for
20 broadband, if the Commission believes such an
21 expansion is in the public interest.

2085

1 **TITLE** **II—TRIBAL**
2 **CONNECTIVITY TECHNICAL**
3 **AMENDMENTS.**

4 **SEC. 60201. TRIBAL CONNECTIVITY TECHNICAL AMEND-**
5 **MENTS.**

6 Section 905 of division N of the Consolidated Appro-
7 priations Act, 2021 (Public Law 116–260) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (1)(B), by striking “dur-
10 ing the COVID–19 pandemic”;

11 (B) in paragraph (4)—

12 (i) in subparagraph (A)—

13 (I) in clause (i), by striking “180
14 days after receiving grant funds” and
15 inserting “18 months after receiving
16 an allocation of funds pursuant to a
17 specific grant award”; and

18 (II) in clause (ii), by striking
19 “revert to the general fund of the
20 Treasury” and inserting “be made
21 available to other eligible entities for
22 the purposes provided in this sub-
23 section”;

24 (ii) in subparagraph (B)—

2086

1 (I) in clause (i), by striking “1
2 year after receiving grant funds” and
3 inserting “4 years after receiving an
4 allocation of funds pursuant to a spe-
5 cific grant award”;

6 (II) by redesignating clause (iii)
7 as clause (iv); and

8 (III) by inserting after clause (ii)
9 the following:

10 “(iii) EXTENSIONS FOR OTHER
11 PROJECTS.—The Assistant Secretary may,
12 for good cause shown, extend the period
13 under clause (i) for an eligible entity that
14 proposes to use the grant funds for an eli-
15 gible use other than construction of
16 broadband infrastructure, based on a de-
17 tailed showing by the eligible entity of the
18 need for an extension.”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(C) MULTIPLE GRANT AWARDS.—If the
22 Assistant Secretary awards multiple grants to
23 an eligible entity under this subsection, the
24 deadlines under subparagraphs (A) and (B)

2087

1 shall apply individually to each grant award.”;
2 and

3 (C) by striking paragraph (6) and insert-
4 ing the following:

5 “(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE
6 ENTITIES.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), an eligible entity may use
9 not more than 2 percent of grant funds received
10 under this subsection for administrative pur-
11 poses.

12 “(B) BROADBAND INFRASTRUCTURE
13 PROJECTS.—An eligible entity that proposes to
14 use grant funds for the construction of
15 broadband infrastructure may use an amount of
16 the grant funds equal to not more than 2.5 per-
17 cent of the total project cost for planning, feasi-
18 bility, and sustainability studies related to the
19 project.”; and

20 (2) in subsection (e), by adding at the end the
21 following:

22 “(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL
23 BROADBAND CONNECTIVITY PROGRAM.—

24 “(A) DEFINITION.—In this paragraph, the
25 term ‘initial round of funding’—

2088

1 “(i) means the allocation under para-
2 graph (2)(E) of funds appropriated under
3 subsection (b)(1); and

4 “(ii) does not include any reallocation
5 of funds under paragraph (2)(F).

6 “(B) NEW FUNDING.—If Congress appro-
7 priates additional funds for grants under sub-
8 section (c) after the date of enactment of this
9 Act, the Assistant Secretary—

10 “(i) may use a portion of the funds to
11 fully fund any grants under that sub-
12 section for which the Assistant Secretary
13 received an application and which the As-
14 sistant Secretary did not fully fund during
15 the initial round of funding; and

16 “(ii) shall allocate any remaining
17 funds through subsequent funding rounds
18 consistent with the requirements of this
19 section, except as provided in subpara-
20 graph (C) of this paragraph.

21 “(C) EXCEPTIONS.—If Congress appro-
22 priates additional funds for grants under sub-
23 section (c) after the date of enactment of this
24 Act—

2089

1 “(i) the Assistant Secretary shall not
2 be required to issue an additional notice
3 under paragraph (1) of this subsection, but
4 shall inform eligible entities that additional
5 funding has been made available for grants
6 under subsection (c) and describe the
7 changes made to the Tribal Broadband
8 Connectivity Program under that sub-
9 section by section 60201 of the Infrastruc-
10 ture Investment and Jobs Act;

11 “(ii) the requirement under paragraph
12 (2)(C) of this subsection shall be applied
13 individually to each round of funding for
14 grants under subsection (c);

15 “(iii) paragraph (2)(A) of this sub-
16 section shall be applied by substituting
17 ‘180-day period beginning on the date on
18 which the Assistant Secretary informs eli-
19 gible entities that additional funding has
20 been made available for grants under sub-
21 section (c)’ for ‘90-day period beginning on
22 the date on which the Assistant Secretary
23 issues the notice under paragraph (1)’; and

24 “(iv) notwithstanding paragraph
25 (2)(F) of this subsection, in the case of

2090

1 funds appropriated under subsection (b)(1)
2 that were not allocated during the initial
3 round of funding, the Assistant Secretary
4 may elect to allocate the funds during any
5 subsequent round of funding for grants
6 under subsection (c).”.

7 **TITLE III—DIGITAL EQUITY ACT**
8 **OF 2021**

9 **SEC. 60301. SHORT TITLE.**

10 This title may be cited as the “Digital Equity Act
11 of 2021”.

12 **SEC. 60302. DEFINITIONS.**

13 In this title:

14 (1) **ADOPTION OF BROADBAND.**—The term
15 “adoption of broadband” means the process by
16 which an individual obtains daily access to the inter-
17 net—

18 (A) at a speed, quality, and capacity—

19 (i) that is necessary for the individual
20 to accomplish common tasks; and

21 (ii) such that the access qualifies as
22 an advanced telecommunications capability;

23 (B) with the digital skills that are nec-
24 essary for the individual to participate online;

25 and

2091

1 (C) on a—

2 (i) personal device; and

3 (ii) secure and convenient network.

4 (2) ADVANCED TELECOMMUNICATIONS CAPA-
5 BILITY.—The term “advanced telecommunications
6 capability” has the meaning given the term in sec-
7 tion 706(d) of the Telecommunications Act of 1996
8 (47 U.S.C. 1302(d)).

9 (3) AGING INDIVIDUAL.—The term “aging indi-
10 vidual” has the meaning given the term “older indi-
11 vidual” in section 102 of the Older Americans Act
12 of 1965 (42 U.S.C. 3002).

13 (4) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Committee on Appropriations of
17 the Senate;

18 (B) the Committee on Commerce, Science,
19 and Transportation of the Senate;

20 (C) the Committee on Appropriations of
21 the House of Representatives; and

22 (D) the Committee on Energy and Com-
23 merce of the House of Representatives.

2092

1 (5) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (6) COMMUNITY ANCHOR INSTITUTION.—The
5 term “community anchor institution” means a pub-
6 lic school, a public or multi-family housing authority,
7 a library, a medical or healthcare provider, a com-
8 munity college or other institution of higher edu-
9 cation, a State library agency, and any other non-
10 profit or governmental community support organiza-
11 tion.

12 (7) COVERED HOUSEHOLD.—The term “covered
13 household” means a household, the income of which
14 for the most recently completed year is not more
15 than 150 percent of an amount equal to the poverty
16 level, as determined by using criteria of poverty es-
17 tablished by the Bureau of the Census.

18 (8) COVERED POPULATIONS.—The term “cov-
19 ered populations” means—

20 (A) individuals who live in covered house-
21 holds;

22 (B) aging individuals;

23 (C) incarcerated individuals, other than in-
24 dividuals who are incarcerated in a Federal cor-
25 rectional facility;

2093

- 1 (D) veterans;
- 2 (E) individuals with disabilities;
- 3 (F) individuals with a language barrier, in-
- 4 cluding individuals who—
- 5 (i) are English learners; and
- 6 (ii) have low levels of literacy;
- 7 (G) individuals who are members of a ra-
- 8 cial or ethnic minority group; and
- 9 (H) individuals who primarily reside in a
- 10 rural area.

11 (9) COVERED PROGRAMS.—The term “covered

12 programs” means the State Digital Equity Capacity

13 Grant Program established under section 60304 and

14 the Digital Equity Competitive Grant Program es-

15 tablished under section 60305.

16 (10) DIGITAL EQUITY.—The term “digital eq-

17 uity” means the condition in which individuals and

18 communities have the information technology capac-

19 ity that is needed for full participation in the society

20 and economy of the United States.

21 (11) DIGITAL INCLUSION.—The term “digital

22 inclusion”—

23 (A) means the activities that are necessary

24 to ensure that all individuals in the United

25 States have access to, and the use of, affordable

1 information and communication technologies,
2 such as—

3 (i) reliable fixed and wireless
4 broadband internet service;

5 (ii) internet-enabled devices that meet
6 the needs of the user; and

7 (iii) applications and online content
8 designed to enable and encourage self-suf-
9 ficiency, participation, and collaboration;
10 and

11 (B) includes—

12 (i) obtaining access to digital literacy
13 training;

14 (ii) the provision of quality technical
15 support; and

16 (iii) obtaining basic awareness of
17 measures to ensure online privacy and cy-
18 bersecurity.

19 (12) DIGITAL LITERACY.—The term “digital lit-
20 eracy” means the skills associated with using tech-
21 nology to enable users to find, evaluate, organize,
22 create, and communicate information.

23 (13) DISABILITY.—The term “disability” has
24 the meaning given the term in section 3 of the

2095

1 Americans with Disabilities Act of 1990 (42 U.S.C.
2 12102).

3 (14) ELIGIBLE STATE.—The term “eligible
4 State” means—

5 (A) with respect to planning grants made
6 available under section 60304(c)(3), a State
7 with respect to which the Assistant Secretary
8 has approved an application submitted to the
9 Assistant Secretary under section
10 60304(c)(3)(C); and

11 (B) with respect to capacity grants award-
12 ed under section 60304(d), a State with respect
13 to which the Assistant Secretary has approved
14 an application submitted to the Assistant Sec-
15 retary under section 60304(d)(2), including ap-
16 proval of the State Digital Equity Plan devel-
17 oped by the State under section 60304(c).

18 (15) GENDER IDENTITY.—The term “gender
19 identity” has the meaning given the term in section
20 249(c) of title 18, United States Code.

21 (16) INDIAN TRIBE.—The term “Indian Tribe”
22 has the meaning given the term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304(e)).

2096

1 (17) INSTITUTION OF HIGHER EDUCATION.—

2 The term “institution of higher education”—

3 (A) has the meaning given the term in sec-
4 tion 101 of the Higher Education Act of 1965
5 (20 U.S.C. 1001); and

6 (B) includes a postsecondary vocational in-
7 stitution.

8 (18) LOCAL EDUCATIONAL AGENCY.—The term
9 “local educational agency” has the meaning given
10 the term in section 8101(30) of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 7801(30)).

13 (19) POSTSECONDARY VOCATIONAL INSTITU-
14 TION.—The term “postsecondary vocational institu-
15 tion” has the meaning given the term in section
16 102(c) of the Higher Education Act of 1965 (20
17 U.S.C. 1002(c)).

18 (20) RURAL AREA.—The term “rural area” has
19 the meaning given the term in section 601(b)(3) of
20 the Rural Electrification Act of 1936 (7 U.S.C.
21 950bb(b)(3)).

22 (21) STATE.—The term “State” means—

23 (A) any State of the United States;

24 (B) the District of Columbia; and

25 (C) the Commonwealth of Puerto Rico.

2097

1 (22) VETERAN.—The term “veteran” has the
2 meaning given the term in section 101 of title 38,
3 United States Code.

4 (23) WORKFORCE DEVELOPMENT PROGRAM.—
5 The term “workforce development program” has the
6 meaning given the term in section 3(66) of the
7 Workforce Innovation and Opportunity Act (29
8 U.S.C. 3102(66)).

9 **SEC. 60303. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) a broadband connection and digital literacy
12 are increasingly critical to how individuals—

13 (A) participate in the society, economy,
14 and civic institutions of the United States; and

15 (B) access health care and essential serv-
16 ices, obtain education, and build careers;

17 (2) digital exclusion—

18 (A) carries a high societal and economic
19 cost;

20 (B) materially harms the opportunity of an
21 individual with respect to the economic success,
22 educational achievement, positive health out-
23 comes, social inclusion, and civic engagement of
24 that individual; and

2098

1 (C) exacerbates existing wealth and income
2 gaps, especially those experienced by covered
3 populations;

4 (3) achieving digital equity for all people of the
5 United States requires additional and sustained in-
6 vestment and research efforts;

7 (4) the Federal Government, as well as State,
8 tribal, territorial, and local governments, have made
9 social, legal, and economic obligations that nec-
10 essarily extend to how the citizens and residents of
11 those governments access and use the internet; and

12 (5) achieving digital equity is a matter of social
13 and economic justice and is worth pursuing.

14 **SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
15 **GRAM.**

16 (a) ESTABLISHMENT; PURPOSE.—

17 (1) IN GENERAL.—The Assistant Secretary
18 shall establish in the Department of Commerce the
19 State Digital Equity Capacity Grant Program (re-
20 ferred to in this section as the “Program”)—

21 (A) the purpose of which is to promote the
22 achievement of digital equity, support digital in-
23 clusion activities, and build capacity for efforts
24 by States relating to the adoption of broadband
25 by residents of those States;

2099

1 (B) through which the Assistant Secretary
2 shall make grants to States in accordance with
3 the requirements of this section; and

4 (C) which shall ensure that States have the
5 capacity to promote the achievement of digital
6 equity and support digital inclusion activities.

7 (2) CONSULTATION WITH OTHER FEDERAL
8 AGENCIES; NO CONFLICT.—In establishing the Pro-
9 gram under paragraph (1), the Assistant Secretary
10 shall—

11 (A) consult with—

12 (i) the Secretary of Agriculture;

13 (ii) the Secretary of Housing and
14 Urban Development;

15 (iii) the Secretary of Education;

16 (iv) the Secretary of Labor;

17 (v) the Secretary of Health and
18 Human Services;

19 (vi) the Secretary of Veterans Affairs;

20 (vii) the Secretary of the Interior;

21 (viii) the Federal Communications
22 Commission;

23 (ix) the Federal Trade Commission;

24 (x) the Director of the Institute of
25 Museum and Library Services;

2100

1 (xi) the Administrator of the Small
2 Business Administration;

3 (xii) the Federal Co-Chair of the Ap-
4 palachian Regional Commission; and

5 (xiii) the head of any other agency
6 that the Assistant Secretary determines to
7 be appropriate; and

8 (B) ensure that the Program complements
9 and enhances, and does not conflict with, other
10 Federal broadband initiatives and programs.

11 (b) ADMINISTERING ENTITY.—

12 (1) SELECTION; FUNCTION.—The governor (or
13 equivalent official) of a State that wishes to be
14 awarded a grant under this section shall, from
15 among entities that are eligible under paragraph (2),
16 select an administering entity for that State, which
17 shall—

18 (A) serve as the recipient of, and admin-
19 istering agent for, any grant awarded to the
20 State under this section;

21 (B) develop, implement, and oversee the
22 State Digital Equity Plan for the State de-
23 scribed in subsection (c);

2101

1 (C) make subgrants to any entity described
2 in subsection (c)(1)(D) that is located in the
3 State in support of—

4 (i) the State Digital Equity Plan for
5 the State; and

6 (ii) digital inclusion activities in the
7 State generally; and

8 (D) serve as—

9 (i) an advocate for digital equity pol-
10 icy and digital inclusion activities; and

11 (ii) a repository of best practice mate-
12 rials regarding the policies and activities
13 described in clause (i).

14 (2) ELIGIBLE ENTITIES.—Any of the following
15 entities may serve as the administering entity for a
16 State for the purposes of this section if the entity
17 has demonstrated a capacity to administer the Pro-
18 gram on a statewide level:

19 (A) The State, a political subdivision,
20 agency, or instrumentality of the State, an In-
21 dian Tribe located in the State, an Alaska Na-
22 tive entity located in the State, or a Native Ha-
23 waiian organization located in the State.

24 (B) A foundation, corporation, institution,
25 association, or coalition that is—

2102

1 (i) a not-for-profit entity;

2 (ii) providing services in the State;

3 and

4 (iii) not a school.

5 (C) A community anchor institution, other
6 than a school, that is located in the State.

7 (D) A local educational agency that is lo-
8 cated in the State.

9 (E) An entity located in the State that car-
10 ries out a workforce development program.

11 (F) An agency of the State that is respon-
12 sible for administering or supervising adult edu-
13 cation and literacy activities in the State.

14 (G) A public or multi-family housing au-
15 thority that is located in the State.

16 (H) A partnership between any of the enti-
17 ties described in subparagraphs (A) through
18 (G).

19 (c) STATE DIGITAL EQUITY PLAN.—

20 (1) DEVELOPMENT; CONTENTS.—A State that
21 wishes to be awarded a grant under subsection (d)
22 shall develop a State Digital Equity Plan for the
23 State, which shall include—

2103

1 (A) the identification of the barriers to dig-
2 ital equity faced by covered populations in the
3 State;

4 (B) measurable objectives for documenting
5 and promoting, among each group described in
6 subparagraphs (A) through (H) of section
7 60302(8) located in that State—

8 (i) the availability of, and affordability
9 of access to, fixed and wireless broadband
10 technology;

11 (ii) the online accessibility and
12 inclusivity of public resources and services;

13 (iii) digital literacy;

14 (iv) awareness of, and the use of,
15 measures to secure the online privacy of,
16 and cybersecurity with respect to, an indi-
17 vidual; and

18 (v) the availability and affordability of
19 consumer devices and technical support for
20 those devices;

21 (C) an assessment of how the objectives
22 described in subparagraph (B) will impact and
23 interact with the State's—

24 (i) economic and workforce develop-
25 ment goals, plans, and outcomes;

2104

- 1 (ii) educational outcomes;
- 2 (iii) health outcomes;
- 3 (iv) civic and social engagement; and
- 4 (v) delivery of other essential services;
- 5 (D) in order to achieve the objectives de-
- 6 scribed in subparagraph (B), a description of
- 7 how the State plans to collaborate with key
- 8 stakeholders in the State, which may include—
- 9 (i) community anchor institutions;
- 10 (ii) county and municipal govern-
- 11 ments;
- 12 (iii) local educational agencies;
- 13 (iv) where applicable, Indian Tribes,
- 14 Alaska Native entities, or Native Hawaiian
- 15 organizations;
- 16 (v) nonprofit organizations;
- 17 (vi) organizations that represent—
- 18 (I) individuals with disabilities,
- 19 including organizations that represent
- 20 children with disabilities;
- 21 (II) aging individuals;
- 22 (III) individuals with language
- 23 barriers, including—
- 24 (aa) individuals who are
- 25 English learners; and

2105

1 (bb) individuals who have
2 low levels of literacy;

3 (IV) veterans; and

4 (V) individuals in that State who
5 are incarcerated in facilities other
6 than Federal correctional facilities;

7 (vii) civil rights organizations;

8 (viii) entities that carry out workforce
9 development programs;

10 (ix) agencies of the State that are re-
11 sponsible for administering or supervising
12 adult education and literacy activities in
13 the State;

14 (x) public housing authorities in the
15 State; and

16 (xi) a partnership between any of the
17 entities described in clauses (i) through
18 (x); and

19 (E) a list of organizations with which the
20 administering entity for the State collaborated
21 in developing and implementing the Plan.

22 (2) PUBLIC AVAILABILITY.—

23 (A) IN GENERAL.—The administering enti-
24 ty for a State shall make the State Digital Eq-
25 uity Plan of the State available for public com-

1 ment for a period of not less than 30 days be-
2 fore the date on which the State submits an ap-
3 plication to the Assistant Secretary under sub-
4 section (d)(2).

5 (B) CONSIDERATION OF COMMENTS RE-
6 CEIVED.—The administering entity for a State
7 shall, with respect to an application submitted
8 to the Assistant Secretary under subsection
9 (d)(2)—

10 (i) before submitting the application—

11 (I) consider all comments re-
12 ceived during the comment period de-
13 scribed in subparagraph (A) with re-
14 spect to the application (referred to in
15 this subparagraph as the “comment
16 period”); and

17 (II) make any changes to the
18 plan that the administering entity de-
19 termines to be worthwhile; and

20 (ii) when submitting the application—

21 (I) describe any changes pursued
22 by the administering entity in re-
23 sponse to comments received during
24 the comment period; and

2107

1 (II) include a written response to
2 each comment received during the
3 comment period.

4 (3) PLANNING GRANTS.—

5 (A) IN GENERAL.—Beginning in the first
6 fiscal year that begins after the date of enact-
7 ment of this Act, the Assistant Secretary shall,
8 in accordance with the requirements of this
9 paragraph, award planning grants to States for
10 the purpose of developing the State Digital Eq-
11 uity Plans of those States under this sub-
12 section.

13 (B) ELIGIBILITY.—In order to be awarded
14 a planning grant under this paragraph, a
15 State—

16 (i) shall submit to the Assistant Sec-
17 retary an application under subparagraph
18 (C); and

19 (ii) may not have been awarded, at
20 any time, a planning grant under this
21 paragraph.

22 (C) APPLICATION.—A State that wishes to
23 be awarded a planning grant under this para-
24 graph shall, not later than 60 days after the
25 date on which the notice of funding availability

1 with respect to the grant is released, submit to
2 the Assistant Secretary an application, in a for-
3 mat to be determined by the Assistant Sec-
4 retary, that contains the following materials:

5 (i) A description of the entity selected
6 to serve as the administering entity for the
7 State, as described in subsection (b).

8 (ii) A certification from the State
9 that, not later than 1 year after the date
10 on which the Assistant Secretary awards
11 the planning grant to the State, the ad-
12 ministering entity for that State shall de-
13 velop a State Digital Equity Plan under
14 this subsection, which—

15 (I) the administering entity shall
16 submit to the Assistant Secretary; and

17 (II) shall comply with the re-
18 quirements of this subsection, includ-
19 ing the requirement under paragraph
20 (2)(B).

21 (iii) The assurances required under
22 subsection (e).

23 (D) AWARDS.—

24 (i) AMOUNT OF GRANT.—A planning
25 grant awarded to an eligible State under

2109

1 this paragraph shall be determined accord-
2 ing to the formula under subsection
3 (d)(3)(A)(i).

4 (ii) DURATION.—

5 (I) IN GENERAL.—Except as pro-
6 vided in subclause (II), with respect to
7 a planning grant awarded to an eligi-
8 ble State under this paragraph, the
9 State shall expend the grant funds
10 during the 1-year period beginning on
11 the date on which the State is award-
12 ed the grant funds.

13 (II) EXCEPTION.—The Assistant
14 Secretary may grant an extension of
15 not longer than 180 days with respect
16 to the requirement under subclause
17 (I).

18 (iii) CHALLENGE MECHANISM.—The
19 Assistant Secretary shall ensure that any
20 eligible State to which a planning grant is
21 awarded under this paragraph may appeal
22 or otherwise challenge in a timely fashion
23 the amount of the grant awarded to the
24 State, as determined under clause (i).

2110

1 (E) USE OF FUNDS.—An eligible State to
2 which a planning grant is awarded under this
3 paragraph shall, through the administering en-
4 tity for that State, use the grant funds only for
5 the following purposes:

6 (i) To develop the State Digital Eq-
7 uity Plan of the State under this sub-
8 section.

9 (ii)(I) Subject to subclause (II), to
10 make subgrants to any of the entities de-
11 scribed in paragraph (1)(D) to assist in
12 the development of the State Digital Eq-
13 uity Plan of the State under this sub-
14 section.

15 (II) If the administering entity for a
16 State makes a subgrant described in sub-
17 clause (I), the administering entity shall,
18 with respect to the subgrant, provide to the
19 State the assurances required under sub-
20 section (e).

21 (d) STATE CAPACITY GRANTS.—

22 (1) IN GENERAL.—Beginning not later than 2
23 years after the date on which the Assistant Sec-
24 retary begins awarding planning grants under sub-

2111

1 section (c)(3), the Assistant Secretary shall each
2 year award grants to eligible States to support—

3 (A) the implementation of the State Dig-
4 ital Equity Plans of those States; and

5 (B) digital inclusion activities in those
6 States.

7 (2) APPLICATION.—A State that wishes to be
8 awarded a grant under this subsection shall, not
9 later than 60 days after the date on which the notice
10 of funding availability with respect to the grant is
11 released, submit to the Assistant Secretary an appli-
12 cation, in a format to be determined by the Assist-
13 ant Secretary, that contains the following materials:

14 (A) A description of the entity selected to
15 serve as the administering entity for the State,
16 as described in subsection (b).

17 (B) The State Digital Equity Plan of that
18 State, as described in subsection (c).

19 (C) A certification that the State, acting
20 through the administering entity for the State,
21 shall—

22 (i) implement the State Digital Equity
23 Plan of the State; and

2112

1 (ii) make grants in a manner that is
2 consistent with the aims of the Plan de-
3 scribed in clause (i).

4 (D) The assurances required under sub-
5 section (e).

6 (E) In the case of a State to which the As-
7 sistant Secretary has previously awarded a
8 grant under this subsection, any amendments
9 to the State Digital Equity Plan of that State,
10 as compared with the State Digital Equity Plan
11 of the State previously submitted.

12 (3) AWARDS.—

13 (A) AMOUNT OF GRANT.—

14 (i) FORMULA.—Subject to clauses (ii),
15 (iii), and (iv), the Assistant Secretary shall
16 calculate the amount of a grant awarded to
17 an eligible State under this subsection in
18 accordance with the following criteria,
19 using the best available data for all States
20 for the fiscal year in which the grant is
21 awarded:

22 (I) 50 percent of the total grant
23 amount shall be based on the popu-
24 lation of the eligible State in propor-

2113

1 tion to the total population of all eligi-
2 ble States.

3 (II) 25 percent of the total grant
4 amount shall be based on the number
5 of individuals in the eligible State who
6 are members of covered populations in
7 proportion to the total number of indi-
8 viduals in all eligible States who are
9 members of covered populations.

10 (III) 25 percent of the total
11 grant amount shall be based on the
12 comparative lack of availability and
13 adoption of broadband in the eligible
14 State in proportion to the lack of
15 availability and adoption of broadband
16 of all eligible States, which shall be
17 determined according to data collected
18 from—

19 (aa) the annual inquiry of
20 the Federal Communications
21 Commission conducted under sec-
22 tion 706(b) of the Telecommuni-
23 cations Act of 1996 (47 U.S.C.
24 1302(b));

2114

1 (bb) the American Commu-
2 nity Survey or, if necessary,
3 other data collected by the Bu-
4 reau of the Census;

5 (cc) the NTIA Internet Use
6 Survey, which is administered as
7 the Computer and Internet Use
8 Supplement to the Current Popu-
9 lation Survey of the Bureau of
10 the Census; and

11 (dd) any other source that
12 the Assistant Secretary, after ap-
13 propriate notice and opportunity
14 for public comment, determines
15 to be appropriate.

16 (ii) MINIMUM AWARD.—The amount
17 of a grant awarded to an eligible State
18 under this subsection in a fiscal year shall
19 be not less than 0.5 percent of the total
20 amount made available to award grants to
21 eligible States for that fiscal year.

22 (iii) ADDITIONAL AMOUNTS.—If, after
23 awarding planning grants to States under
24 subsection (c)(3) and capacity grants to el-
25 ible States under this subsection in a fis-

2115

1 cal year, there are amounts remaining to
2 carry out this section, the Assistant Sec-
3 retary shall distribute those amounts—

4 (I) to eligible States to which the
5 Assistant Secretary has awarded
6 grants under this subsection for that
7 fiscal year; and

8 (II) in accordance with the for-
9 mula described in clause (i).

10 (iv) DATA UNAVAILABLE.—If, in a fis-
11 cal year, the Commonwealth of Puerto
12 Rico (referred to in this clause as “Puerto
13 Rico”) is an eligible State and specific data
14 for Puerto Rico is unavailable for a factor
15 described in subclause (I), (II), or (III) of
16 clause (i), the Assistant Secretary shall use
17 the median data point with respect to that
18 factor among all eligible States and assign
19 it to Puerto Rico for the purposes of mak-
20 ing any calculation under that clause for
21 that fiscal year.

22 (B) DURATION.—With respect to a grant
23 awarded to an eligible State under this sub-
24 section, the eligible State shall expend the grant
25 funds during the 5-year period beginning on the

1 date on which the eligible State is awarded the
2 grant funds.

3 (C) CHALLENGE MECHANISM.—The As-
4 sistant Secretary shall ensure that any eligible
5 State to which a grant is awarded under this
6 subsection may appeal or otherwise challenge in
7 a timely fashion the amount of the grant
8 awarded to the State, as determined under sub-
9 paragraph (A).

10 (D) USE OF FUNDS.—The administering
11 entity for an eligible State to which a grant is
12 awarded under this subsection shall use the
13 grant amounts for the following purposes:

14 (i)(I) Subject to subclause (II), to up-
15 date or maintain the State Digital Equity
16 Plan of the State.

17 (II) An administering entity for an el-
18 igible State to which a grant is awarded
19 under this subsection may use not more
20 than 20 percent of the amount of the
21 grant for the purpose described in sub-
22 clause (I).

23 (ii) To implement the State Digital
24 Equity Plan of the State.

2117

1 (iii)(I) Subject to subclause (II), to
2 award a grant to any entity that is de-
3 scribed in section 60305(b) and is located
4 in the eligible State in order to—

5 (aa) assist in the implementation
6 of the State Digital Equity Plan of
7 the State;

8 (bb) pursue digital inclusion ac-
9 tivities in the State consistent with
10 the State Digital Equity Plan of the
11 State; and

12 (cc) report to the State regarding
13 the digital inclusion activities of the
14 entity.

15 (II) Before an administering entity
16 for an eligible State may award a grant
17 under subclause (I), the administering en-
18 tity shall require the entity to which the
19 grant is awarded to certify that—

20 (aa) the entity shall carry out the
21 activities required under items (aa),
22 (bb), and (cc) of that subclause;

23 (bb) the receipt of the grant shall
24 not result in unjust enrichment of the
25 entity; and

2118

1 (cc) the entity shall cooperate
2 with any evaluation—

3 (AA) of any program that
4 relates to a grant awarded to the
5 entity; and

6 (BB) that is carried out by
7 or for the administering entity,
8 the Assistant Secretary, or an-
9 other Federal official.

10 (iv)(I) Subject to subclause (II), to
11 evaluate the efficacy of the efforts funded
12 by grants made under clause (iii).

13 (II) An administering entity for an el-
14 igible State to which a grant is awarded
15 under this subsection may use not more
16 than 5 percent of the amount of the grant
17 for a purpose described in subclause (I).

18 (v)(I) Subject to subclause (II), for
19 the administrative costs incurred in car-
20 rying out the activities described in clauses
21 (i) through (iv).

22 (II) An administering entity for an el-
23 igible State to which a grant is awarded
24 under this subsection may use not more

1 than 3 percent of the amount of the grant
2 for a purpose described in subclause (I).

3 (e) ASSURANCES.—When applying for a grant under
4 this section, a State shall include in the application for
5 that grant assurances that—

6 (1) if an entity described in section 60305(b) is
7 awarded grant funds under this section (referred to
8 in this subsection as a “covered recipient”), provide
9 that—

10 (A) the covered recipient shall use the
11 grant funds in accordance with any applicable
12 statute, regulation, and application procedure;

13 (B) the administering entity for that State
14 shall adopt and use proper methods of admin-
15 istering any grant that the covered recipient is
16 awarded, including by—

17 (i) enforcing any obligation imposed
18 under law on any agency, institution, orga-
19 nization, or other entity that is responsible
20 for carrying out the program to which the
21 grant relates;

22 (ii) correcting any deficiency in the
23 operation of a program to which the grant
24 relates, as identified through an audit or

2120

1 another monitoring or evaluation proce-
2 dure; and

3 (iii) adopting written procedures for
4 the receipt and resolution of complaints al-
5 leging a violation of law with respect to a
6 program to which the grant relates; and

7 (C) the administering entity for that State
8 shall cooperate in carrying out any evaluation—

9 (i) of any program that relates to a
10 grant awarded to the covered recipient;
11 and

12 (ii) that is carried out by or for the
13 Assistant Secretary or another Federal of-
14 ficial;

15 (2) the administering entity for that State
16 shall—

17 (A) use fiscal control and fund accounting
18 procedures that ensure the proper disbursement
19 of, and accounting for, any Federal funds that
20 the State is awarded under this section;

21 (B) submit to the Assistant Secretary any
22 reports that may be necessary to enable the As-
23 sistant Secretary to perform the duties of the
24 Assistant Secretary under this section;

2121

1 (C) maintain any records and provide any
2 information to the Assistant Secretary, includ-
3 ing those records, that the Assistant Secretary
4 determines is necessary to enable the Assistant
5 Secretary to perform the duties of the Assistant
6 Secretary under this section; and

7 (D) with respect to any significant pro-
8 posed change or amendment to the State Dig-
9 ital Equity Plan for the State, make the change
10 or amendment available for public comment in
11 accordance with subsection (c)(2); and

12 (3) the State, before submitting to the Assist-
13 ant Secretary the State Digital Equity Plan of the
14 State, has complied with the requirements of sub-
15 section (c)(2).

16 (f) TERMINATION OF GRANT.—

17 (1) IN GENERAL.—The Assistant Secretary
18 shall terminate a grant awarded to an eligible State
19 under this section if, after notice to the State and
20 opportunity for a hearing, the Assistant Secretary—

21 (A) presents to the State a rationale and
22 supporting information that clearly dem-
23 onstrates that—

24 (i) the grant funds are not contrib-
25 uting to the development or execution of

1 the State Digital Equity Plan of the State,
2 as applicable; and

3 (ii) the State is not upholding assur-
4 ances made by the State to the Assistant
5 Secretary under subsection (e); and

6 (B) determines that the grant is no longer
7 necessary to achieve the original purpose for
8 which Assistant Secretary awarded the grant.

9 (2) REDISTRIBUTION.—If the Assistant Sec-
10 retary, in a fiscal year, terminates a grant under
11 paragraph (1), the Assistant Secretary shall redis-
12 tribute the unspent grant amounts—

13 (A) to eligible States to which the Assist-
14 ant Secretary has awarded grants under sub-
15 section (d) for that fiscal year; and

16 (B) in accordance with the formula de-
17 scribed in subsection (d)(3)(A)(i).

18 (g) REPORTING AND INFORMATION REQUIREMENTS;
19 INTERNET DISCLOSURE.—The Assistant Secretary—

20 (1) shall—

21 (A) require any entity to which a grant, in-
22 cluding a subgrant, is awarded under this sec-
23 tion to publicly report, for each year during the
24 period described in subsection (c)(3)(D)(ii) or
25 (d)(3)(B), as applicable, with respect to the

1 grant, and in a format specified by the Assist-
2 ant Secretary, on—

3 (i) the use of that grant by the entity;

4 (ii) the progress of the entity towards
5 fulfilling the objectives for which the grant
6 was awarded; and

7 (iii) the implementation of the State
8 Digital Equity Plan of the State;

9 (B) establish appropriate mechanisms to
10 ensure that each eligible State to which a grant
11 is awarded under this section—

12 (i) uses the grant amounts in an ap-
13 propriate manner; and

14 (ii) complies with all terms with re-
15 spect to the use of the grant amounts; and

16 (C) create and maintain a fully searchable
17 database, which shall be accessible on the inter-
18 net at no cost to the public, that contains, at
19 a minimum—

20 (i) the application of each State that
21 has applied for a grant under this section;

22 (ii) the status of each application de-
23 scribed in clause (i);

24 (iii) each report submitted by an enti-
25 ty under subparagraph (A);

1 (iv) a record of public comments made
2 regarding the State Digital Equity Plan of
3 a State, as well as any written responses to
4 or actions taken as a result of those com-
5 ments; and

6 (v) any other information that is suf-
7 ficient to allow the public to understand
8 and monitor grants awarded under this
9 section; and

10 (2) may establish additional reporting and in-
11 formation requirements for any recipient of a grant
12 under this section.

13 (h) SUPPLEMENT NOT SUPPLANT.—A grant or
14 subgrant awarded under this section shall supplement, not
15 supplant, other Federal or State funds that have been
16 made available to carry out activities described in this sec-
17 tion.

18 (i) SET ASIDES.—From amounts made available in
19 a fiscal year to carry out the Program, the Assistant Sec-
20 retary shall reserve—

21 (1) not more than 5 percent for the implemen-
22 tation and administration of the Program, which
23 shall include—

2125

1 (A) providing technical support and assist-
2 ance, including ensuring consistency in data re-
3 porting;

4 (B) providing assistance to—

5 (i) States, or administering entities
6 for States, to prepare the applications of
7 those States; and

8 (ii) administering entities with respect
9 to grants awarded under this section; and

10 (C) developing the report required under
11 section 60306(a);

12 (2) not less than 5 percent to award grants to,
13 or enter into contracts or cooperative agreements
14 with, Indian Tribes, Alaska Native entities, and Na-
15 tive Hawaiian organizations to allow those tribes,
16 entities, and organizations to carry out the activities
17 described in this section; and

18 (3) not less than 1 percent to award grants to,
19 or enter into contracts or cooperative agreements
20 with, the United States Virgin Islands, Guam,
21 American Samoa, the Commonwealth of the North-
22 ern Mariana Islands, and any other territory or pos-
23 session of the United States that is not a State to
24 enable those entities to carry out the activities de-
25 scribed in this section.

1 (j) RULES.—The Assistant Secretary may prescribe
2 such rules as may be necessary to carry out this section.

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated—

5 (1) \$60,000,000 for the award of grants under
6 subsection (c)(3), which shall remain available until
7 expended;

8 (2) for the award of grants under subsection
9 (d)—

10 (A) \$240,000,000 for fiscal year 2022; and

11 (B) \$300,000,000 for each of fiscal years
12 2023 through 2026; and

13 (3) such sums as may be necessary to carry out
14 this section for each fiscal year after the end of the
15 5-fiscal year period described in paragraph (2).

16 **SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PRO-**
17 **GRAM.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the date on which the Assistant Secretary begins
21 awarding grants under section 60304(d), and not
22 before that date, the Assistant Secretary shall estab-
23 lish in the Department of Commerce the Digital Eq-
24 uity Competitive Grant Program (referred to in this
25 section as the “Program”), the purpose of which is

1 to award grants to support efforts to achieve digital
2 equity, promote digital inclusion activities, and spur
3 greater adoption of broadband among covered popu-
4 lations.

5 (2) CONSULTATION; NO CONFLICT.—In estab-
6 lishing the Program under paragraph (1), the As-
7 sistant Secretary—

8 (A) may consult a State with respect to—

9 (i) the identification of groups de-
10 scribed in subparagraphs (A) through (H)
11 of section 60302(8) located in that State;
12 and

13 (ii) the allocation of grant funds with-
14 in that State for projects in or affecting
15 the State; and

16 (B) shall—

17 (i) consult with—

18 (I) the Secretary of Agriculture;

19 (II) the Secretary of Housing
20 and Urban Development;

21 (III) the Secretary of Education;

22 (IV) the Secretary of Labor;

23 (V) the Secretary of Health and
24 Human Services;

2128

1 (VI) the Secretary of Veterans
2 Affairs;

3 (VII) the Secretary of the Inte-
4 rior;

5 (VIII) the Federal Communica-
6 tions Commission;

7 (IX) the Federal Trade Commis-
8 sion;

9 (X) the Director of the Institute
10 of Museum and Library Services;

11 (XI) the Administrator of the
12 Small Business Administration;

13 (XII) the Federal Co-Chair of
14 the Appalachian Regional Commis-
15 sion; and

16 (XIII) the head of any other
17 agency that the Assistant Secretary
18 determines to be appropriate; and

19 (ii) ensure that the Program com-
20 plements and enhances, and does not con-
21 flict with, other Federal broadband initia-
22 tives and programs.

23 (b) ELIGIBILITY.—The Assistant Secretary may
24 award a grant under the Program to any of the following
25 entities if the entity is not serving, and has not served,

1 as the administering entity for a State under section
2 60304(b):

3 (1) A political subdivision, agency, or instru-
4 mentality of a State, including an agency of a State
5 that is responsible for administering or supervising
6 adult education and literacy activities, or for pro-
7 viding public housing, in the State.

8 (2) An Indian Tribe, an Alaska Native entity,
9 or a Native Hawaiian organization.

10 (3) A foundation, corporation, institution, or
11 association that is—

12 (A) a not-for-profit entity; and

13 (B) not a school.

14 (4) A community anchor institution.

15 (5) A local educational agency.

16 (6) An entity that carries out a workforce devel-
17 opment program.

18 (7) A partnership between any of the entities
19 described in paragraphs (1) through (6).

20 (8) A partnership between—

21 (A) an entity described in any of para-
22 graphs (1) through (6); and

23 (B) an entity that—

24 (i) the Assistant Secretary, by rule,
25 determines to be in the public interest; and

2130

1 (ii) is not a school.

2 (c) APPLICATION.—An entity that wishes to be
3 awarded a grant under the Program shall submit to the
4 Assistant Secretary an application—

5 (1) at such time, in such form, and containing
6 such information as the Assistant Secretary may re-
7 quire; and

8 (2) that—

9 (A) provides a detailed explanation of how
10 the entity will use any grant amounts awarded
11 under the Program to carry out the purposes of
12 the Program in an efficient and expeditious
13 manner;

14 (B) identifies the period in which the ap-
15 plicant will expend the grant funds awarded
16 under the Program;

17 (C) includes—

18 (i) a justification for the amount of
19 the grant that the applicant is requesting;
20 and

21 (ii) for each fiscal year in which the
22 applicant will expend the grant funds, a
23 budget for the activities that the grant
24 funds will support;

2131

1 (D) demonstrates to the satisfaction of the
2 Assistant Secretary that the entity—

3 (i) is capable of carrying out—

4 (I) the project or function to
5 which the application relates; and

6 (II) the activities described in
7 subsection (h)—

8 (aa) in a competent manner;

9 and

10 (bb) in compliance with all
11 applicable Federal, State, and
12 local laws; and

13 (ii) if the applicant is an entity de-
14 scribed in subsection (b)(1), shall appro-
15 priate or otherwise unconditionally obligate
16 from non-Federal sources funds that are
17 necessary to meet the requirements of sub-
18 section (e);

19 (E) discloses to the Assistant Secretary the
20 source and amount of other Federal, State, or
21 outside funding sources from which the entity
22 receives, or has applied for, funding for activi-
23 ties or projects to which the application relates;
24 and

25 (F) provides—

1 (i) the assurances that are required
2 under subsection (f); and

3 (ii) an assurance that the entity shall
4 follow such additional procedures as the
5 Assistant Secretary may require to ensure
6 that grant funds are used and accounted
7 for in an appropriate manner.

8 (d) AWARD OF GRANTS.—

9 (1) FACTORS CONSIDERED IN AWARD OF
10 GRANTS.—In deciding whether to award a grant
11 under the Program, the Assistant Secretary shall, to
12 the extent practicable, consider—

13 (A) whether an application shall, if ap-
14 proved—

15 (i) increase internet access and the
16 adoption of broadband among covered pop-
17 ulations to be served by the applicant; and

18 (ii) not result in unjust enrichment;

19 (B) the comparative geographic diversity of
20 the application in relation to other eligible ap-
21 plications; and

22 (C) the extent to which an application may
23 duplicate or conflict with another program.

24 (2) USE OF FUNDS.—

2133

1 (A) IN GENERAL.—In addition to the ac-
2 tivities required under subparagraph (B), an
3 entity to which the Assistant Secretary awards
4 a grant under the Program shall use the grant
5 amounts to support not less than 1 of the fol-
6 lowing activities:

7 (i) To develop and implement digital
8 inclusion activities that benefit covered
9 populations.

10 (ii) To facilitate the adoption of
11 broadband by covered populations in order
12 to provide educational and employment op-
13 portunities to those populations.

14 (iii) To implement, consistent with the
15 purposes of this title—

16 (I) training programs for covered
17 populations that cover basic, ad-
18 vanced, and applied skills; or

19 (II) other workforce development
20 programs.

21 (iv) To make available equipment, in-
22 strumentation, networking capability, hard-
23 ware and software, or digital network tech-
24 nology for broadband services to covered
25 populations at low or no cost.

2134

1 (v) To construct, upgrade, expend, or
2 operate new or existing public access com-
3 puting centers for covered populations
4 through community anchor institutions.

5 (vi) To undertake any other project
6 and activity that the Assistant Secretary
7 finds to be consistent with the purposes for
8 which the Program is established.

9 (B) EVALUATION.—

10 (i) IN GENERAL.—An entity to which
11 the Assistant Secretary awards a grant
12 under the Program shall use not more
13 than 10 percent of the grant amounts to
14 measure and evaluate the activities sup-
15 ported with the grant amounts.

16 (ii) SUBMISSION TO ASSISTANT SEC-
17 RETARY.—An entity to which the Assistant
18 Secretary awards a grant under the Pro-
19 gram shall submit to the Assistant Sec-
20 retary each measurement and evaluation
21 performed under clause (i)—

22 (I) in a manner specified by the
23 Assistant Secretary;

2135

1 (II) not later than 15 months
2 after the date on which the entity is
3 awarded the grant amounts; and

4 (III) annually after the submis-
5 sion described in subclause (II) for
6 any year in which the entity expends
7 grant amounts.

8 (C) ADMINISTRATIVE COSTS.—An entity to
9 which the Assistant Secretary awards a grant
10 under the Program may use not more than 10
11 percent of the amount of the grant for adminis-
12 trative costs in carrying out any of the activities
13 described in subparagraph (A).

14 (D) TIME LIMITATIONS.—With respect to
15 a grant awarded to an entity under the Pro-
16 gram, the entity—

17 (i) except as provided in clause (ii),
18 shall expend the grant amounts during the
19 4-year period beginning on the date on
20 which the entity is awarded the grant
21 amounts; and

22 (ii) during the 1-year period beginning
23 on the date that is 4 years after the date
24 on which the entity is awarded the grant
25 amounts, may continue to measure and

1 evaluate the activities supported with the
2 grant amounts, as required under subpara-
3 graph (B).

4 (e) FEDERAL SHARE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Federal share of any project for
7 which the Assistant Secretary awards a grant under
8 the Program may not exceed 90 percent.

9 (2) EXCEPTION.—The Assistant Secretary may
10 grant a waiver with respect to the limitation on the
11 Federal share of a project described in paragraph
12 (1) if—

13 (A) the applicant with respect to the
14 project petitions the Assistant Secretary for the
15 waiver; and

16 (B) the Assistant Secretary determines
17 that the petition described in subparagraph (A)
18 demonstrates financial need.

19 (f) ASSURANCES.—When applying for a grant under
20 this section, an entity shall include in the application for
21 that grant assurances that the entity shall—

22 (1) use any grant funds that the entity is
23 awarded—

24 (A) in accordance with any applicable stat-
25 ute, regulation, and application procedure; and

1 (B) to the extent required under applicable
2 law;

3 (2) adopt and use proper methods of admin-
4 istering any grant that the entity is awarded, includ-
5 ing by—

6 (A) enforcing any obligation imposed under
7 law on any agency, institution, organization, or
8 other entity that is responsible for carrying out
9 a program to which the grant relates;

10 (B) correcting any deficiency in the oper-
11 ation of a program to which the grant relates,
12 as identified through an audit or another moni-
13 toring or evaluation procedure; and

14 (C) adopting written procedures for the re-
15 ceipt and resolution of complaints alleging a
16 violation of law with respect to a program to
17 which the grant relates;

18 (3) cooperate with respect to any evaluation—

19 (A) of any program that relates to a grant
20 awarded to the entity; and

21 (B) that is carried out by or for the Assist-
22 ant Secretary or another Federal official;

23 (4) use fiscal control and fund accounting pro-
24 cedures that ensure the proper disbursement of, and

1 mitted by the entity under subsection (c);

2 and

3 (ii) the entity is not upholding assur-

4 ances made by the entity to the Assistant

5 Secretary under subsection (f); and

6 (B) determines that the grant is no longer

7 necessary to achieve the original purpose for

8 which Assistant Secretary awarded the grant;

9 and

10 (2) with respect to any grant funds that the As-

11 sistant Secretary deobligates or terminates under

12 paragraph (1), competitively award the grant funds

13 to another applicant, consistent with the require-

14 ments of this section.

15 (h) REPORTING AND INFORMATION REQUIREMENTS;

16 INTERNET DISCLOSURE.—The Assistant Secretary—

17 (1) shall—

18 (A) require any entity to which the Assist-

19 ant Secretary awards a grant under the Pro-

20 gram to, for each year during the period de-

21 scribed in subsection (d)(2)(D) with respect to

22 the grant, submit to the Assistant Secretary a

23 report, in a format specified by the Assistant

24 Secretary, regarding—

25 (i) the amount of the grant;

1 (ii) the use by the entity of the grant
2 amounts; and

3 (iii) the progress of the entity towards
4 fulfilling the objectives for which the grant
5 was awarded;

6 (B) establish mechanisms to ensure appro-
7 priate use of, and compliance with respect to all
8 terms regarding, grant funds awarded under
9 the Program;

10 (C) create and maintain a fully searchable
11 database, which shall be accessible on the inter-
12 net at no cost to the public, that contains, at
13 a minimum—

14 (i) a list of each entity that has ap-
15 plied for a grant under the Program;

16 (ii) a description of each application
17 described in clause (i), including the pro-
18 posed purpose of each grant described in
19 that clause;

20 (iii) the status of each application de-
21 scribed in clause (i), including whether the
22 Assistant Secretary has awarded a grant
23 with respect to the application and, if so,
24 the amount of the grant;

2141

1 (iv) each report submitted by an enti-
2 ty under subparagraph (A); and

3 (v) any other information that is suf-
4 ficient to allow the public to understand
5 and monitor grants awarded under the
6 Program; and

7 (D) ensure that any entity with respect to
8 which an award is deobligated or terminated
9 under subsection (g) may, in a timely manner,
10 appeal or otherwise challenge that deobligation
11 or termination, as applicable; and

12 (2) may establish additional reporting and in-
13 formation requirements for any recipient of a grant
14 under the Program.

15 (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded
16 to an entity under the Program shall supplement, not sup-
17 plant, other Federal or State funds that have been made
18 available to the entity to carry out activities described in
19 this section.

20 (j) SET ASIDES.—From amounts made available in
21 a fiscal year to carry out the Program, the Assistant Sec-
22 retary shall reserve—

23 (1) 5 percent for the implementation and ad-
24 ministration of the Program, which shall include—

1 (A) providing technical support and assist-
2 ance, including ensuring consistency in data re-
3 porting;

4 (B) providing assistance to entities to pre-
5 pare the applications of those entities with re-
6 spect to grants awarded under this section;

7 (C) developing the report required under
8 section 60306(a); and

9 (D) conducting outreach to entities that
10 may be eligible to be awarded a grant under the
11 Program regarding opportunities to apply for
12 such a grant;

13 (2) 5 percent to award grants to, or enter into
14 contracts or cooperative agreements with, Indian
15 Tribes, Alaska Native entities, and Native Hawaiian
16 organizations to allow those tribes, entities, and or-
17 ganizations to carry out the activities described in
18 this section; and

19 (3) 1 percent to award grants to, or enter into
20 contracts or cooperative agreements with, the United
21 States Virgin Islands, Guam, American Samoa, the
22 Commonwealth of the Northern Mariana Islands,
23 and any other territory or possession of the United
24 States that is not a State to enable those entities to
25 carry out the activities described in this section.

1 (k) RULES.—The Assistant Secretary may prescribe
2 such rules as may be necessary to carry out this section.

3 (l) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 (1) \$250,000,000 for each of the first 5 fiscal
7 years in which funds are made available to carry out
8 this section; and

9 (2) such sums as may be necessary for each fis-
10 cal year after the end of the 5-fiscal year period de-
11 scribed in paragraph (1).

12 **SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANAL-**
13 **YSIS AND MODELING, EVALUATION, AND DIS-**
14 **SEMINATION.**

15 (a) REPORTING REQUIREMENTS.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date on which the Assistant Secretary begins
18 awarding grants under section 60304(d)(1), and an-
19 nually thereafter, the Assistant Secretary shall—

20 (A) submit to the appropriate committees
21 of Congress a report that documents, for the
22 year covered by the report—

23 (i) the findings of each evaluation
24 conducted under subparagraph (B);

2144

1 (ii) a list of each grant awarded under
2 each covered program, which shall in-
3 clude—

4 (I) the amount of each such
5 grant;

6 (II) the recipient of each such
7 grant; and

8 (III) the purpose for which each
9 such grant was awarded;

10 (iii) any deobligation, termination, or
11 modification of a grant awarded under the
12 covered programs, which shall include a
13 description of the subsequent usage of any
14 funds to which such an action applies; and

15 (iv) each challenge made by an appli-
16 cant for, or a recipient of, a grant under
17 the covered programs and the outcome of
18 each such challenge; and

19 (B) conduct evaluations of the activities
20 carried out under the covered programs, which
21 shall include an evaluation of—

22 (i) whether eligible States to which
23 grants are awarded under the program es-
24 tablished under section 60304 are—

2145

1 (I) abiding by the assurances
2 made by those States under sub-
3 section (e) of that section;

4 (II) meeting, or have met, the
5 stated goals of the Digital Equity
6 Plans developed by the States under
7 subsection (c) of that section;

8 (III) satisfying the requirements
9 imposed by the Assistant Secretary on
10 those States under subsection (g) of
11 that section; and

12 (IV) in compliance with any
13 other rules, requirements, or regula-
14 tions promulgated by the Assistant
15 Secretary in implementing that pro-
16 gram; and

17 (ii) whether entities to which grants
18 are awarded under the program established
19 under section 60305 are—

20 (I) abiding by the assurances
21 made by those entities under sub-
22 section (f) of that section;

23 (II) meeting, or have met, the
24 stated goals of those entities with re-
25 spect to the use of the grant amounts;

2146

1 (III) satisfying the requirements
2 imposed by the Assistant Secretary on
3 those States under subsection (h) of
4 that section; and

5 (IV) in compliance with any
6 other rules, requirements, or regula-
7 tions promulgated by the Assistant
8 Secretary in implementing that pro-
9 gram.

10 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
11 retary shall make each report submitted under para-
12 graph (1)(A) publicly available in an online format
13 that—

14 (A) facilitates access and ease of use;

15 (B) is searchable; and

16 (C) is accessible—

17 (i) to individuals with disabilities; and

18 (ii) in languages other than English.

19 (b) AUTHORITY TO CONTRACT AND ENTER INTO
20 OTHER ARRANGEMENTS.—The Assistant Secretary may
21 award grants and enter into contracts, cooperative agree-
22 ments, and other arrangements with Federal agencies,
23 public and private organizations, and other entities with
24 expertise that the Assistant Secretary determines appro-
25 priate in order to—

1 (1) evaluate the impact and efficacy of activities
2 supported by grants awarded under the covered pro-
3 grams; and

4 (2) develop, catalog, disseminate, and promote
5 the exchange of best practices, both with respect to
6 and independent of the covered programs, in order
7 to achieve digital equity.

8 (c) CONSULTATION AND PUBLIC ENGAGEMENT.—In
9 carrying out subsection (a), and to further the objectives
10 described in paragraphs (1) and (2) of subsection (b), the
11 Assistant Secretary shall conduct ongoing collaboration
12 and consult with—

13 (1) the Secretary of Agriculture;

14 (2) the Secretary of Housing and Urban Devel-
15 opment;

16 (3) the Secretary of Education;

17 (4) the Secretary of Labor;

18 (5) the Secretary of Health and Human Serv-
19 ices;

20 (6) the Secretary of Veterans Affairs;

21 (7) the Secretary of the Interior;

22 (8) the Federal Communications Commission;

23 (9) the Federal Trade Commission;

24 (10) the Director of the Institute of Museum
25 and Library Services;

1 (11) the Administrator of the Small Business
2 Administration;

3 (12) the Federal Co-Chair of the Appalachian
4 Regional Commission;

5 (13) State agencies and governors of States (or
6 equivalent officials);

7 (14) entities serving as administering entities
8 for States under section 60304(b);

9 (15) national, State, tribal, and local organiza-
10 tions that provide digital inclusion, digital equity, or
11 digital literacy services;

12 (16) researchers, academics, and philanthropic
13 organizations; and

14 (17) other agencies, organizations (including
15 international organizations), entities (including enti-
16 ties with expertise in the fields of data collection,
17 analysis and modeling, and evaluation), and commu-
18 nity stakeholders, as determined appropriate by the
19 Assistant Secretary.

20 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
21 Assistant Secretary shall provide technical support and as-
22 sistance, assistance to entities to prepare the applications
23 of those entities with respect to grants awarded under the
24 covered programs, and other resources, to the extent prac-

1 ticable, to ensure consistency in data reporting and to
2 meet the objectives of this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section, which shall remain
6 available until expended.

7 **SEC. 60307. GENERAL PROVISIONS.**

8 (a) NONDISCRIMINATION.—

9 (1) IN GENERAL.—No individual in the United
10 States may, on the basis of actual or perceived race,
11 color, religion, national origin, sex, gender identity,
12 sexual orientation, age, or disability, be excluded
13 from participation in, be denied the benefits of, or
14 be subjected to discrimination under any program or
15 activity that is funded in whole or in part with funds
16 made available to carry out this title.

17 (2) ENFORCEMENT.—The Assistant Secretary
18 shall effectuate paragraph (1) with respect to any
19 program or activity described in that paragraph by
20 issuing regulations and taking actions consistent
21 with section 602 of the Civil Rights Act of 1964 (42
22 U.S.C. 2000d–1).

23 (3) JUDICIAL REVIEW.—Judicial review of an
24 action taken by the Assistant Secretary under para-
25 graph (2) shall be available to the extent provided in

1 section 603 of the Civil Rights Act of 1964 (42
2 U.S.C. 2000d-2).

3 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant
4 Secretary shall, to the extent practicable, carry out this
5 title in a technologically neutral manner.

6 (c) AUDIT AND OVERSIGHT.—Beginning in the first
7 fiscal year in which amounts are made available to carry
8 out an activity authorized under this title, and in each of
9 the 4 fiscal years thereafter, there is authorized to be ap-
10 propriated to the Office of Inspector General for the De-
11 partment of Commerce \$1,000,000 for audits and over-
12 sight of funds made available to carry out this title, which
13 shall remain available until expended.

14 **TITLE IV—ENABLING MIDDLE**
15 **MILE BROADBAND INFRA-**
16 **STRUCTURE**

17 **SEC. 60401. ENABLING MIDDLE MILE BROADBAND INFRA-**
18 **STRUCTURE.**

19 (a) DEFINITIONS.—In this section:

20 (1) ANCHOR INSTITUTION.—The term “anchor
21 institution” means a school, library, medical or
22 healthcare provider, community college or other in-
23 stitution of higher education, or other community
24 support organization or entity.

2151

1 (2) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (3) COMMISSION.—The term “Commission”
5 means the Federal Communications Commission.

6 (4) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State, political subdivision of a
9 State, Tribal government, technology company,
10 electric utility, utility cooperative, public utility
11 district, telecommunications company, tele-
12 communications cooperative, nonprofit founda-
13 tion, nonprofit corporation, nonprofit institu-
14 tion, nonprofit association, regional planning
15 counsel, Native entity, or economic development
16 authority; or

17 (B) a partnership of 2 or more entities de-
18 scribed in subparagraph (A).

19 (5) FCC FIXED BROADBAND MAP.—The term
20 “FCC fixed broadband map” means the map created
21 by the Commission under section 802(c)(1)(B) of
22 the Communications Act of 1934 (47 U.S.C.
23 642(c)(1)(B)).

24 (6) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304)).

3 (7) INTERCONNECT.—The term “interconnect”
4 means the physical linking of 2 networks for the mu-
5 tual exchange of traffic on non-discriminatory terms
6 and conditions.

7 (8) INTERNET EXCHANGE FACILITY.—The term
8 “internet exchange facility” means physical infra-
9 structure through which internet service providers
10 and content delivery networks exchange internet
11 traffic between their networks.

12 (9) MIDDLE MILE INFRASTRUCTURE.—The
13 term “middle mile infrastructure”—

14 (A) means any broadband infrastructure
15 that does not connect directly to an end-user lo-
16 cation, including an anchor institution; and

17 (B) includes—

18 (i) leased dark fiber, interoffice trans-
19 port, backhaul, carrier-neutral internet ex-
20 change facilities, carrier-neutral submarine
21 cable landing stations, undersea cables,
22 transport connectivity to data centers, spe-
23 cial access transport, and other similar
24 services; and

1 (ii) wired or private wireless
2 broadband infrastructure, including micro-
3 wave capacity, radio tower access, and
4 other services or infrastructure for a pri-
5 vate wireless broadband network, such as
6 towers, fiber, and microwave links.

7 (10) MIDDLE MILE GRANT.—The term “middle
8 mile grant” means a grant awarded under sub-
9 section (c).

10 (11) NATIVE ENTITY.—The term “Native enti-
11 ty” means—

12 (A) an Indian Tribe;

13 (B) an Alaska Native Corporation;

14 (C) a Native Hawaiian organization (as de-
15 fined in section 6207 of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 7517));

18 (D) the Department of Hawaiian Home
19 Lands; and

20 (E) the Office of Hawaiian Affairs.

21 (12) STATE.—The term “State” has the mean-
22 ing given the term in section 3 of the Communica-
23 tions Act of 1934 (47 U.S.C. 153).

24 (13) SUBMARINE CABLE LANDING STATION.—
25 The term “submarine cable landing station” means

1 a cable landing station, as that term is used in sec-
2 tion 1.767(a)(5) of title 47, Code of Federal Regula-
3 tions (or any successor regulation), that can be uti-
4 lized to land a submarine cable by an entity that has
5 obtained a license under the first section of the Act
6 entitled “An Act relating to the landing and oper-
7 ation of submarine cables in the United States”, ap-
8 proved May 27, 1921 (47 U.S.C. 34) (commonly
9 known as the “Cable Landing Licensing Act”).

10 (14) TRIBAL GOVERNMENT.—The term “Tribal
11 government” means the recognized governing body
12 of any Indian or Alaska Native tribe, band, nation,
13 pueblo, village, community, component band, or com-
14 ponent reservation, individually identified (including
15 parenthetically) in the list published most recently as
16 of the date of enactment of this Act pursuant to sec-
17 tion 104 of the Federally Recognized Indian Tribe
18 List Act of 1994 (25 U.S.C. 5131).

19 (15) TRUST LAND.—The term “trust land” has
20 the meaning given the term in section 3765 of title
21 38, United States Code.

22 (16) UNDERSERVED.—The term “under-
23 served”, with respect to an area, means an area—

2155

1 (A) that is designated as a Tribally under-
2 served area through the process described in
3 subsection (g); or

4 (B) that—

5 (i) is of a standard size not larger
6 than a census block, as established by the
7 Commission;

8 (ii) is not an unserved area; and

9 (iii) as determined in accordance with
10 the FCC fixed broadband map, does not
11 have access to broadband service with—

12 (I) except as provided in sub-
13 clause (II)—

14 (aa) a download speed of not
15 less than 100 megabits per sec-
16 ond; and

17 (bb) an upload speed of not
18 less than 20 megabits per second;

19 or

20 (II) minimum download and
21 upload speeds established as bench-
22 marks by the Commission for pur-
23 poses of this Act after the date of en-
24 actment of this Act, if those minimum

2156

1 speeds are higher than the minimum
2 speeds required under subclause (I).

3 (17) UNSERVED.—The term “unserved”, with
4 respect to an area, means an area—

5 (A) that is designated as a Tribally under-
6 served area through the process described in
7 subsection (g); or

8 (B) that—

9 (i) is of a standard size not larger
10 than a census block, as established by the
11 Commission; and

12 (ii) as determined in accordance with
13 the FCC fixed broadband map, does not
14 have access to broadband service with—

15 (I) except as provided in sub-
16 clause (II)—

17 (aa) a download speed of not
18 less than 25 megabits per second;
19 and

20 (bb) an upload speed of not
21 less than 3 megabits per second;

22 or

23 (II) minimum download and
24 upload speeds established as bench-
25 marks by the Commission for pur-

1 poses of this Act after the date of en-
2 actment of this Act, if those minimum
3 speeds are higher than the minimum
4 speeds required under subclause (I).

5 (b) PURPOSE; SENSE OF CONGRESS.—

6 (1) PURPOSE.—The purposes of this section
7 are—

8 (A) to encourage the expansion and exten-
9 sion of middle mile infrastructure to reduce the
10 cost of connecting unserved and underserved
11 areas to the backbone of the internet (com-
12 monly referred to as the “last mile”); and

13 (B) to promote broadband connection resil-
14 iency through the creation of alternative net-
15 work connection paths that can be designed to
16 prevent single points of failure on a broadband
17 network.

18 (2) SENSE OF CONGRESS.—It is the sense of
19 Congress that—

20 (A) in awarding middle mile grants, the
21 Assistant Secretary should give priority to—

22 (i) projects that leverage existing
23 rights-of-way, assets, and infrastructure to
24 minimize financial, regulatory, and permit-
25 ting challenges;

1 (ii) projects in which the eligible enti-
2 ty designs the route of the middle mile in-
3 frastructure to enable the connection of
4 unserved anchor institutions, including
5 Tribal anchor institutions; and

6 (iii) projects that facilitate the devel-
7 opment of carrier-neutral interconnection
8 facilities; and

9 (iv) projects that—

10 (I) improve the redundancy and
11 resiliency of existing middle mile in-
12 frastructure; and

13 (II) reduce regulatory and per-
14 mitting barriers to promote the con-
15 struction of new middle mile infra-
16 structure; and

17 (B) a regulated utility should use funds re-
18 ceived from a middle mile grant as a supple-
19 ment to the core utility capital investment plan
20 of the regulated utility to—

21 (i) facilitate increased broadband re-
22 siliency or redundancy of existing middle
23 mile infrastructure; or

24 (ii) provide connectivity to unserved
25 areas and underserved areas within the

1 service territory of the utility and nearby
2 communities.

3 (c) MIDDLE MILE GRANTS.—The Assistant Sec-
4 retary shall establish a program under which the Assistant
5 Secretary makes grants on a technology-neutral, competi-
6 tive basis to eligible entities for the construction, improve-
7 ment, or acquisition of middle mile infrastructure.

8 (d) APPLICATIONS FOR GRANTS.—

9 (1) IN GENERAL.—The Assistant Secretary
10 shall establish an application process for middle mile
11 grants in accordance with this subsection.

12 (2) EVALUATION OF APPLICATIONS.—In estab-
13 lishing an application process for middle mile grants
14 under paragraph (1), the Assistant Secretary shall
15 give priority to an application from an eligible entity
16 that satisfies 2 or more of the following conditions:

17 (A) The eligible entity adopts fiscally sus-
18 tainable middle mile strategies.

19 (B) The eligible entity commits to offering
20 non-discriminatory interconnect to terrestrial
21 and wireless last mile broadband providers and
22 any other party making a bona fide request.

23 (C) The eligible entity identifies specific
24 terrestrial and wireless last mile broadband pro-
25 viders that have—

1 (i) expressed written interest in inter-
2 connecting with middle mile infrastructure
3 planned to be deployed by the eligible enti-
4 ty; and

5 (ii) demonstrated sustainable business
6 plans or adequate funding sources with re-
7 spect to the interconnect described in
8 clause (i).

9 (D) The eligible entity has identified sup-
10 plemental investments or in-kind support (such
11 as waived franchise or permitting fees) that will
12 accelerate the completion of the planned
13 project.

14 (E) The eligible entity has demonstrated
15 that the middle mile infrastructure will benefit
16 national security interests of the United States
17 and the Department of Defense.

18 (3) GRANT APPLICATION COMPETENCE.—The
19 Assistant Secretary shall include in the application
20 process established under paragraph (1) a require-
21 ment that an eligible entity provide evidence that the
22 eligible entity is capable of carrying out a proposed
23 project in a competent manner, including by dem-
24 onstrating that the eligible entity has the financial,
25 technical, and operational capability to carry out the

2161

1 proposed project and operate the resulting middle
2 mile broadband network.

3 (e) ELIGIBILITY.—

4 (1) PRIORITIZATION.—To be eligible to obtain a
5 middle mile grant, an eligible entity shall agree, in
6 the application submitted through the process estab-
7 lished under subsection (d), to prioritize—

8 (A) connecting middle mile infrastructure
9 to last mile networks that provide or plan to
10 provide broadband service to households in
11 unserved areas;

12 (B) connecting non-contiguous trust lands;

13 or

14 (C) the offering of wholesale broadband
15 service at reasonable rates on a carrier-neutral
16 basis.

17 (2) BUILDOUT TIMELINE.—Subject to para-
18 graph (5), to be eligible to obtain a middle mile
19 grant, an eligible entity shall agree, in the applica-
20 tion submitted through the process established under
21 subsection (d), to complete buildout of the middle
22 mile infrastructure described in the application by
23 not later than 5 years after the date on which
24 amounts from the grant are made available to the el-
25 ible entity.

1 (3) PROJECT ELIGIBILITY REQUIREMENTS.—

2 (A) CAPABILITY TO SUPPORT RETAIL
3 BROADBAND SERVICE.—A project shall be eligi-
4 ble for a middle mile grant if, at the time of the
5 application, the Assistant Secretary determines
6 that the proposed middle mile broadband net-
7 work will be capable of supporting retail
8 broadband service.

9 (B) MAPPING DATA.—

10 (i) USE OF MOST RECENT DATA.—In
11 mapping out gaps in broadband coverage,
12 an eligible entity that uses a middle mile
13 grant to build out terrestrial or fixed wire-
14 less middle mile infrastructure shall use
15 the most recent broadband mapping data
16 available from one of the following sources:

17 (I) The FCC fixed broadband
18 map.

19 (II) The State in which the area
20 that will be served by the middle mile
21 infrastructure is located, or the Tribal
22 government with jurisdiction over the
23 area that will be served by the middle
24 mile infrastructure (if applicable).

2163

1 (III) Speed and usage surveys of
2 existing broadband service that—

3 (aa) demonstrate that more
4 than 25 percent of the respond-
5 ents display a broadband service
6 speed that is slower than the
7 speeds required for an area to
8 qualify as unserved; and

9 (bb) are conducted by—

10 (AA) the eligible entity;

11 (BB) the State in
12 which the area that will be
13 served by the middle mile in-
14 frastructure is located; or

15 (CC) the Tribal govern-
16 ment with jurisdiction over
17 the area that will be served
18 by the middle mile infra-
19 structure (if applicable).

20 (ii) SHARING FACILITY LOCATIONS.—

21 (I) DEFINITION.—In this clause,
22 the term “covered recipient”, with re-
23 spect to an eligible entity, means—

24 (aa) the Assistant Secretary;

25 (bb) the Commission;

2164

1 (cc) the Tribal government
2 with jurisdiction over the area
3 that will be served by the middle
4 mile infrastructure (if applica-
5 ble); and

6 (dd) the State broadband of-
7 fice for the State in which the
8 area that will be served by the
9 middle mile infrastructure is lo-
10 cated.

11 (II) PROVISION OF INFORMA-
12 TION.—Subject to subclauses (III)
13 and (IV), an eligible entity that con-
14 structs, improves, or acquires middle
15 mile infrastructure using a middle
16 mile grant shall share with each cov-
17 ered recipient the location of all the
18 middle mile broadband infrastructure.

19 (III) FORMAT.—An eligible enti-
20 ty shall provide the information re-
21 quired under subclause (II) to each
22 covered recipient in a uniform format
23 determined by the Assistant Sec-
24 retary.

2165

1 (IV) PROTECTION OF INFORMA-
2 TION.—

3 (aa) IN GENERAL.—The in-
4 formation provided by an eligible
5 entity under subclause (II) may
6 only be used for purposes of car-
7 rying out the grant program
8 under subsection (c) and any re-
9 porting related thereto.

10 (bb) LEGAL DEFENSES.—

11 (AA) IN GENERAL.—A
12 covered recipient may not
13 receive information under
14 subclause (II) unless the
15 covered recipient agrees in
16 writing to assert all available
17 legal defenses to the disclo-
18 sure of the information if a
19 person or entity seeks disclo-
20 sure from the covered recipi-
21 ent under any Federal,
22 State, or local public disclo-
23 sure law.

24 (BB) RULE OF CON-
25 STRUCTION.—Nothing in

2166

1 subitem (AA) is intended to
2 be or shall be construed as a
3 waiver of Tribal sovereign
4 immunity.

5 (C) CONNECTION TO ANCHOR INSTITU-
6 TIONS.—To the extent feasible, an eligible enti-
7 ty that receives a middle mile grant to build
8 middle mile infrastructure using fiber optic
9 technology shall—

10 (i) ensure that the proposed middle
11 mile broadband network will be capable of
12 providing broadband to an anchor institu-
13 tion at a speed of not less than—

14 (I) 1 gigabit per second for
15 downloads; and

16 (II) 1 gigabit per second for
17 uploads to an anchor institution; and

18 (ii) include direct interconnect facili-
19 ties that will facilitate the provision of
20 broadband service to anchor institutions lo-
21 cated within 1,000 feet of the middle mile
22 infrastructure.

23 (D) INTERCONNECTION AND NON-
24 DISCRIMINATION.—

2167

1 (i) IN GENERAL.—An eligible entity
2 that receives a middle mile grant to build
3 a middle mile project using fiber optic
4 technology shall offer interconnection in
5 perpetuity, where technically feasible with-
6 out exceeding current or reasonably antici-
7 pated capacity limitations, on reasonable
8 rates and terms to be negotiated with re-
9 questing parties.

10 (ii) NATURE OF INTERCONNECTION.—
11 The interconnection required to be offered
12 under clause (i) includes both the ability to
13 connect to the public internet and physical
14 interconnection for the exchange of traffic.

15 (iii) INCLUSION IN APPLICATION.—An
16 applicant for a middle mile grant shall dis-
17 close the applicant's proposed interconnec-
18 tion, nondiscrimination, and network man-
19 agement practices in the application sub-
20 mitted through the process established
21 under subsection (d).

22 (4) ACCOUNTABILITY.—The Assistant Sec-
23 retary shall—

24 (A) establish sufficient transparency, ac-
25 countability, reporting, and oversight measures

1 for the grant program established under sub-
2 section (c) to deter waste, fraud, and abuse of
3 program funds; and

4 (B) establish—

5 (i) buildout requirements for each eli-
6 gible entity that receives a middle mile
7 grant, which shall require the completion
8 of a certain percentage of project miles by
9 a certain date; and

10 (ii) penalties, which may include re-
11 scission of funds, for grantees that do not
12 meet requirements described in clause (i)
13 or the deadline under paragraph (2).

14 (5) EXTENSIONS.—

15 (A) IN GENERAL.—At the request of an eli-
16 gible entity, the Assistant Secretary may ex-
17 tend the buildout deadline under paragraph (2)
18 by not more than 1 year if the eligible entity
19 certifies that—

20 (i) the eligible entity has a plan for
21 use of the middle mile grant;

22 (ii) the project to build out middle
23 mile infrastructure is underway; or

24 (iii) extenuating circumstances require
25 an extension of time to allow completion of

1 the project to build out middle mile infra-
2 structure.

3 (B) EFFECT ON INTERIM BUILDOUT RE-
4 QUIREMENTS.—If the Assistant Secretary
5 grants an extension under subparagraph (A),
6 the Assistant Secretary shall modify any build-
7 out requirements established under paragraph
8 (4)(B)(i) as necessary.

9 (f) FEDERAL SHARE.—The amount of a middle mile
10 grant awarded to an eligible entity may not exceed 70 per-
11 cent of the total project cost.

12 (g) SPECIAL RULES FOR TRIBAL GOVERNMENTS.—

13 (1) WAIVERS; ALTERNATIVE REQUIREMENTS.—

14 The Assistant Secretary, in consultation with Tribal
15 governments and Native entities, may waive, or
16 specify alternative requirements for, any provision of
17 subsections (c) through (f) if the Assistant Secretary
18 finds that the waiver or alternative requirement is
19 necessary—

20 (A) for the effective delivery and adminis-
21 tration of middle mile grants to Tribal govern-
22 ments; or

23 (B) the construction, improvement, or ac-
24 quisition of middle mile infrastructure on trust
25 land.

2170

1 (2) TRIBALLY UNSERVED AREAS; TRIBALLY UN-
2 DERSERVED AREAS.—The Assistant Secretary, in
3 consultation with Tribal governments and Native en-
4 tities, shall develop a process for designating Trib-
5 ally unserved areas and Tribally underserved areas
6 for purposes of this section.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$1,000,000,000 for fiscal years 2022 through 2026.

10 **TITLE V—BROADBAND**
11 **AFFORDABILITY**

12 **SEC. 60501. DEFINITIONS.**

13 In this title—

14 (1) the term “broadband internet access serv-
15 ice” has the meaning given the term in section
16 8.1(b) of title 47, Code of Federal Regulations, or
17 any successor regulation; and

18 (2) the term “Commission” means the Federal
19 Communications Commission.

20 **SEC. 60502. BROADBAND AFFORDABILITY.**

21 (a) EXTENSION AND MODIFICATION OF EMERGENCY
22 BROADBAND BENEFIT.—

23 (1) EXTENSION.—Section 904 of division N of
24 the Consolidated Appropriations Act, 2021 (Public
25 Law 116–260) is amended—

2171

1 (A) in the heading, by striking “**DURING**
2 **EMERGENCY PERIOD RELATING TO**
3 **COVID–19**”;

4 (B) in subsection (a)—

5 (i) by striking paragraph (8); and

6 (ii) by redesignating paragraphs (9)
7 through (13) as paragraphs (8) through
8 (12), respectively; and

9 (C) in subsection (b)—

10 (i) in paragraph (1), by striking “dur-
11 ing the emergency period”;

12 (ii) in paragraph (4), by striking
13 “during the emergency period”; and

14 (iii) in paragraph (5), by striking
15 “during the emergency period.”

16 (2) CHANGE TO PROGRAM NAME.—Section 904
17 of division N of the Consolidated Appropriations
18 Act, 2021 (Public Law 116–260), as amended by
19 paragraph (1) of this subsection, is amended—

20 (A) in subsection (a)(7), in the heading, by
21 striking “**EMERGENCY BROADBAND**” and insert-
22 ing “**AFFORDABLE CONNECTIVITY**”;

23 (B) in subsection (b), in the heading, by
24 striking “**EMERGENCY BROADBAND BENEFIT**”
25 and inserting “**AFFORDABLE CONNECTIVITY**”;

2172

1 (C) in subsection (i), in the heading, by
2 striking “EMERGENCY BROADBAND” and in-
3 serting “AFFORDABLE”;

4 (D) by striking “Emergency Broadband
5 Benefit” each place the term appears and in-
6 serting “Affordable Connectivity”;

7 (E) by striking “Emergency Broadband”
8 each place the term appears and inserting “Af-
9 fordable”; and

10 (F) by striking “emergency broadband”
11 each place the term appears and inserting “af-
12 fordable connectivity”.

13 (3) OTHER INITIAL MODIFICATIONS.—Section
14 904 of division N of the Consolidated Appropriations
15 Act, 2021 (Public Law 116–260), as amended by
16 paragraph (2) of this subsection, is amended—

17 (A) in subsection (a)(7)—

18 (i) by striking “The term” and insert-
19 ing the following:

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the term”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(B) HIGH-COST AREAS.—The Commis-
25 sion shall, by regulation, establish a mechanism

1 by which a participating provider in a high-cost
2 area (as defined in section 60102(a)(2) of the
3 Infrastructure Investment and Jobs Act) may
4 provide an affordable connectivity benefit in an
5 amount up to the amount specified in subpara-
6 graph (A) for an internet service offering pro-
7 vided on Tribal land upon a showing that the
8 applicability of the lower limit under subpara-
9 graph (A) to the provision of the affordable
10 connectivity benefit by the provider would cause
11 particularized economic hardship to the pro-
12 vider such that the provider may not be able to
13 maintain the operation of part or all of its
14 broadband network.”;

15 (B) in subsection (b)—

16 (i) by redesignating paragraphs (7)
17 through (10) as paragraphs (12) through
18 (15), respectively;

19 (ii) by inserting after paragraph (6)
20 the following:

21 “(7) REQUIREMENT TO ALLOW CUSTOMERS TO
22 APPLY AFFORDABLE CONNECTIVITY BENEFIT TO
23 ANY INTERNET SERVICE OFFERING.—

24 “(A) IN GENERAL.—A participating pro-
25 vider—

2174

1 “(i) shall allow an eligible household
2 to apply the affordable connectivity benefit
3 to any internet service offering of the par-
4 ticipating provider at the same terms avail-
5 able to households that are not eligible
6 households; and

7 “(ii) may not require the eligible
8 household to submit to a credit check in
9 order to apply the affordable connectivity
10 benefit to an internet service offering of
11 the participating provider.

12 “(B) NONPAYMENT.—Nothing in subpara-
13 graph (A) shall prevent a participating provider
14 from terminating the provision of broadband
15 internet access service to a subscriber after 90
16 days of nonpayment.

17 “(8) PUBLIC AWARENESS.—A participating
18 provider, in collaboration with the applicable State
19 agencies, public interest groups, and non-profit orga-
20 nizations, in order to increase the adoption of
21 broadband internet access service by consumers,
22 shall carry out public awareness campaigns in serv-
23 ice areas that are designed to highlight—

24 “(A) the value and benefits of broadband
25 internet access service; and

1 “(B) the existence of the Affordable
2 Connectivity Program.

3 “(9) OVERSIGHT.—The Commission—

4 “(A) shall establish a dedicated complaint
5 process for consumers who participate in the
6 Affordable Connectivity Program to file com-
7 plaints about the compliance of participating
8 providers with, including with respect to the
9 quality of service received under, the Program;

10 “(B) shall require a participating provider
11 to supply information about the existence of the
12 complaint process described in subparagraph
13 (A) to subscribers who participate in the Af-
14 fordable Connectivity Program;

15 “(C)(i) shall act expeditiously to inves-
16 tigate potential violations of and enforce compli-
17 ance with this section, including under clause
18 (ii) of this subparagraph; and

19 “(ii) in enforcing compliance with this sec-
20 tion, may impose forfeiture penalties under sec-
21 tion 503 of the Communications Act of 1934
22 (47 U.S.C. 503); and

23 “(D) shall regularly issue public reports
24 about complaints regarding the compliance of

2176

1 participating providers with the Affordable
2 Connectivity Program.

3 “(10) INFORMATION ON AFFORDABLE
4 CONNECTIVITY PROGRAM.—

5 “(A) PARTICIPATING PROVIDERS.—When a
6 customer subscribes to, or renews a subscrip-
7 tion to, an internet service offering of a partici-
8 pating provider, the participating provider shall
9 notify the customer about the existence of the
10 Affordable Connectivity Program and how to
11 enroll in the Program.

12 “(B) FEDERAL AGENCIES.—The Commis-
13 sion shall collaborate with relevant Federal
14 agencies, including to ensure relevant Federal
15 agencies update their System of Records No-
16 tices, to ensure that a household that partici-
17 pates in any program that qualifies the house-
18 hold for the Affordable Connectivity Program is
19 provided information about the Program, in-
20 cluding how to enroll in the Program.

21 “(C) COMMISSION OUTREACH.—

22 “(i) IN GENERAL.—The Commission
23 may conduct outreach efforts to encourage
24 eligible households to enroll in the Afford-
25 able Connectivity Program.

2177

1 “(ii) ACTIVITIES.—In carrying out
2 clause (i), the Commission may—

3 “(I) facilitate consumer research;

4 “(II) conduct focus groups;

5 “(III) engage in paid media cam-
6 paigns;

7 “(IV) provide grants to outreach
8 partners; and

9 “(V) provide an orderly transi-
10 tion for participating providers and
11 consumers from the Emergency
12 Broadband Benefit Program estab-
13 lished under paragraph (1) (as that
14 paragraph was in effect on the day
15 before the date of enactment of the
16 Infrastructure Investment and Jobs
17 Act) to the Affordable Connectivity
18 Program.

19 “(11) CONSUMER PROTECTION ISSUES.—

20 “(A) IN GENERAL.—The Commission
21 shall, after providing notice and opportunity for
22 comment in accordance with section 553 of title
23 5, United States Code, promulgate rules to pro-
24 tect consumers who participate in, or seek to

2178

1 participate in, the Affordable Connectivity Pro-
2 gram from—

3 “(i) inappropriate upselling or
4 downselling by a participating provider;

5 “(ii) inappropriate requirements that
6 a consumer opt in to an extended service
7 contract as a condition of participating in
8 the Affordable Connectivity Program;

9 “(iii) inappropriate restrictions on the
10 ability of a consumer to switch internet
11 service offerings or otherwise apply support
12 from the Affordable Connectivity Program
13 to a different internet service offering with
14 a participating provider;

15 “(iv) inappropriate restrictions on the
16 ability of a consumer to switch partici-
17 pating providers, other than a requirement
18 that the customer return any customer
19 premises equipment provided by a partici-
20 pating provider; and

21 “(v) similar restrictions that amount
22 to unjust and unreasonable acts or prac-
23 tices that undermine the purpose, intent,
24 or integrity of the Affordable Connectivity
25 Program.

1 “(B) EXCEPTIONS.—In complying with
2 this paragraph, the Commission may take ad-
3 vantage of the exceptions set forth in sub-
4 sections (e) and (f).”; and

5 (iii) in paragraph (14), as so redesign-
6 ated, by striking “paragraph (7)” and in-
7 serting “paragraph (12)”.

8 (b) DELAYED AMENDMENTS TO AFFORDABLE
9 CONNECTIVITY PROGRAM.—

10 (1) IN GENERAL.—Effective on the date on
11 which the Commission submits the certification re-
12 quired under paragraph (4), or December 31, 2021,
13 whichever is earlier, section 904 of division N of the
14 Consolidated Appropriations Act, 2021 (Public Law
15 116–260), as amended by subsection (a) of this sec-
16 tion, is amended—

17 (A) in subsection (a)—

18 (i) in paragraph (6)—

19 (I) in subparagraph (A), by in-
20 serting before the semicolon at the
21 end the following: “except that such
22 subsection (a), including for purposes
23 of such subsection (b), shall be ap-
24 plied by substituting ‘200 percent’ for
25 ‘135 percent’ ”;

2180

1 (II) by striking subparagraph
2 (C);

3 (III) by redesignating subpara-
4 graphs (D) and (E) as subparagraphs
5 (C) and (D), respectively;

6 (IV) in subparagraph (C), as so
7 redesignated, by striking “or” at the
8 end;

9 (V) in subparagraph (D), as so
10 redesignated—

11 (aa) by striking “or
12 COVID-19”; and

13 (bb) by striking the period
14 at the end and inserting “; or”;
15 and

16 (VI) by adding at the end the fol-
17 lowing:

18 “(E) at least one member of the household
19 receives assistance through the special supple-
20 mental nutritional program for women, infants,
21 and children established by section 17 of the
22 Child Nutrition Act of 1996 (42 U.S.C.
23 1786).”;

24 (ii) in paragraph (7)—

2181

1 (I) by striking “which shall be no
2 more than the standard rate for an
3 internet service offering and associ-
4 ated equipment,”; and

5 (II) by striking “\$50” and in-
6 serting “\$30”;

7 (iii) in paragraph (8), as so redesign-
8 ated by subsection (a) of this section, by
9 striking “, offered in the same manner,
10 and on the same terms, as described in any
11 of such provider’s offerings for broadband
12 internet access service to such household,
13 as on December 1, 2020”; and

14 (iv) by striking paragraph (12), as so
15 redesignated by subsection (a) of this sec-
16 tion; and

17 (B) in subsection (b)(6)—

18 (i) by striking subparagraph (A);

19 (ii) by redesignating subparagraphs
20 (B), (C), and (D) as subparagraphs (A),
21 (B), and (C), respectively; and

22 (iii) in subparagraph (A), as so redesi-
23 gnated—

24 (I) by striking clause (i); and

2182

1 (II) by redesignating clauses (ii),
2 (iii), and (iv) as clauses (i), (ii), and
3 (iii), respectively.

4 (2) APPLICABILITY OF AMENDMENT TO ELIGI-
5 BILITY.— A household that qualified for the Afford-
6 able Connectivity Program under section 904 of divi-
7 sion N of the Consolidated Appropriations Act, 2021
8 (Public Law 116–260) before the effective date in
9 paragraph (1) and, as of that effective date, would,
10 but for this subparagraph, see a reduction in the
11 amount of the affordable connectivity benefit under
12 the Program, shall, during the 60-day period begin-
13 ning on that effective date, be eligible for the afford-
14 able connectivity benefit in the amount in effect with
15 respect to that household, as of the day before that
16 effective date.

17 (3) TRANSITION.—After the effective date
18 under paragraph (1), an eligible household that was
19 participating in the Emergency Broadband Benefit
20 Program under section 904 of division N of the Con-
21 solidated Appropriations Act, 2021 (Public Law
22 116–260) on the day before the date of enactment
23 of this Act and qualifies for the Affordable
24 Connectivity Program established under that section

1 (as amended by this section) shall continue to have
2 access to an affordable service offering.

3 (4) CERTIFICATION REQUIRED.—On the date
4 on which the amounts appropriated under section
5 904(i)(2) of division N of the Consolidated Appro-
6 priations Act, 2021 (Public Law 116–260) have
7 been fully expended, the Commission shall submit to
8 Congress a certification regarding that fact.

9 (c) BROADBAND TRANSPARENCY RULES.—

10 (1) RULES.—Not later than 1 year after the
11 date of enactment of this Act, the Commission shall
12 issue final rules regarding the annual collection by
13 the Commission of data relating to the price and
14 subscription rates of each internet service offering of
15 a participating provider under the Affordable
16 Connectivity Program established under section 904
17 of division N of the Consolidated Appropriations
18 Act, 2021 (Public Law 116–260) (as amended by
19 this section) to which an eligible household sub-
20 scribes.

21 (2) UPDATES.—Not later than 180 days after
22 the date on which rules are issued under paragraph
23 (1), and when determined to be necessary by the
24 Commission thereafter, the Commission shall revise

1 the rules to verify the accuracy of data submitted
2 pursuant to the rules.

3 (3) REDUNDANCY AVOIDANCE.—Nothing in this
4 subsection shall be construed to require the Commis-
5 sion, in order to meet a requirement of this sub-
6 section, to duplicate an activity that the Commission
7 is undertaking as of the date of enactment of this
8 Act, if—

9 (A) the Commission refers to the activity
10 in the rules issued under paragraph (1);

11 (B) the activity meets the requirements of
12 this subsection; and

13 (C) the Commission discloses the activity
14 to the public.

15 (4) AVAILABILITY OF DATA.—

16 (A) PUBLIC AVAILABILITY.—The Commis-
17 sion shall make data relating to broadband
18 internet access service collected under the rules
19 issued under paragraph (1) available to the
20 public in a commonly used electronic format
21 without risking the disclosure of personally
22 identifiable information or proprietary informa-
23 tion, consistent with section 0.459 of title 47,
24 Code of Federal Regulations (or any successor
25 regulation).

1 (B) DETERMINATION OF PERSONALLY
2 IDENTIFIABLE INFORMATION.—The Commis-
3 sion—

4 (i) shall define the term “personally
5 identifiable information”, for purposes of
6 subparagraph (A) through notice and com-
7 ment rulemaking; and

8 (ii) may not make any data available
9 to the public under subparagraph (A) be-
10 fore completing the rulemaking under
11 clause (i) of this subparagraph.

12 (d) GUIDANCE.—The Commission may issue such
13 guidance, forms, instructions, or publications, or provide
14 such technical assistance, as may be necessary or appro-
15 priate to carry out the programs, projects, or activities au-
16 thorized under this section and the amendments made by
17 this section, including to ensure that such programs,
18 projects, or activities are completed in a timely and effec-
19 tive manner.

20 (e) COORDINATION.—The Secretary of Agriculture,
21 the Secretary of Education, and the Secretary of Health
22 and Human Services shall—

23 (1) not later than 60 days after the date of en-
24 actment of this Act, enter into a memorandum of
25 understanding with the Universal Service Adminis-

1 trative Company to provide for the expeditious shar-
2 ing of data through the National Verifier (as that
3 term is defined in section 54.400 of title 47, Code
4 of Federal Regulations, or any successor regulation),
5 or any successor system, for the purposes of
6 verifying consumer eligibility for the program estab-
7 lished under section 904 of division N of the Con-
8 solidated Appropriations Act, 2021 (Public Law
9 116–260), as amended by this section; and

10 (2) not later than 90 days after the date of en-
11 actment of this Act, begin to share data under the
12 memorandum of understanding described in para-
13 graph (1) for the purposes described in that para-
14 graph.

15 **SEC. 60503. COORDINATION WITH CERTAIN OTHER FED-**
16 **ERAL AGENCIES.**

17 Section 804(b)(2) of the Communications Act of
18 1934 (47 U.S.C. 644(b)(2)), as added by section 2 of the
19 Broadband DATA Act (Public Law 116–130), is amend-
20 ed—

21 (1) in subparagraph (A), by adding “and” at
22 the end; and

23 (2) by striking subparagraphs (B) and (C) and
24 inserting the following:

1 “(B) coordinate with the Postmaster Gen-
2 eral, the heads of other Federal agencies that
3 operate delivery fleet vehicles, and the Director
4 of the Bureau of the Census for assistance with
5 data collection whenever coordination could fea-
6 sibly yield more specific geographic data.”.

7 **SEC. 60504. ADOPTION OF CONSUMER BROADBAND LABELS.**

8 (a) FINAL RULE.—Not later than 1 year after the
9 date of enactment of this Act, the Commission shall pro-
10 mulgate regulations to require the display of broadband
11 consumer labels, as described in the Public Notice of the
12 Commission issued on April 4, 2016 (DA 16–357), to dis-
13 close to consumers information regarding broadband inter-
14 net access service plans.

15 (b) INTRODUCTORY RATE INFORMATION.—

16 (1) IN GENERAL.—The broadband consumer
17 label required under subsection (a) shall also include
18 information regarding whether the offered price is
19 an introductory rate and, if so, the price the con-
20 sumer will be required to pay following the introduc-
21 tory period.

22 (2) USE IN BROADBAND DATA COLLECTION.—

23 The Commission shall rely on the price information
24 displayed on the broadband consumer label required
25 under subsection (a) for any collection of data relat-

1 ing to the price and subscription rates of each cov-
2 ered broadband internet access service under section
3 60502(c).

4 (c) HEARINGS.—In issuing the final rule under sub-
5 section (a), the Commission shall conduct a series of pub-
6 lic hearings to assess, at the time of the proceeding—

7 (1) how consumers evaluate broadband internet
8 access service plans; and

9 (2) whether disclosures to consumers of infor-
10 mation regarding broadband internet access service
11 plans, including the disclosures required under sec-
12 tion 8.1 of title 47, Code of Federal Regulations, are
13 available, effective, and sufficient.

14 **SEC. 60505. GAO REPORT.**

15 (a) DEFINITIONS.—In this section, the term “appro-
16 priate committees of Congress” means—

17 (1) the Committee on Appropriations of the
18 Senate;

19 (2) the Committee on Appropriations of the
20 House of Representatives;

21 (3) the Committee on Commerce, Science, and
22 Transportation of the Senate;

23 (4) the Committee on Environment and Public
24 Works of the Senate;

1 (5) the Committee on Agriculture, Nutrition,
2 and Forestry of the Senate;

3 (6) the Committee on Energy and Commerce of
4 the House of Representatives;

5 (7) the Committee on Agriculture of the House
6 of Representatives; and

7 (8) the Committee on Transportation and In-
8 frastructure of the House of the Representatives.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Comptroller General of the
11 United States shall submit to the appropriate committees
12 of Congress a report that evaluates the process used by
13 the Commission for establishing, reviewing, and updating
14 the upload and download speed thresholds for broadband
15 internet access service, including—

16 (1) how the Commission reviews and updates
17 broadband internet access speed thresholds;

18 (2) whether the Commission should consider fu-
19 ture broadband internet access service speed needs
20 when establishing broadband internet access service
21 speed thresholds, including whether the Commission
22 considers the need, or the anticipated need, for high-
23 er upload or download broadband internet access
24 service speeds in the 5-year period and the 10-year
25 period after the date on which a broadband internet

1 access service speed threshold is to be established;
2 and

3 (3) whether the Commission should consider the
4 impacts of changing uses of the internet in estab-
5 lishing, reviewing, or updating broadband internet
6 access service speed thresholds, including—

7 (A) the proliferation of internet-based busi-
8 ness;

9 (B) working remotely and running a busi-
10 ness from home;

11 (C) video conferencing;

12 (D) distance learning;

13 (E) in-house web hosting; and

14 (F) cloud data storage.

15 **SEC. 60506. DIGITAL DISCRIMINATION.**

16 (a) STATEMENT OF POLICY.—It is the policy of the
17 United States that, insofar as technically and economically
18 feasible—

19 (1) subscribers should benefit from equal access
20 to broadband internet access service within the serv-
21 ice area of a provider of such service;

22 (2) the term “equal access”, for purposes of
23 this section, means the equal opportunity to sub-
24 scribe to an offered service that provides comparable
25 speeds, capacities, latency, and other quality of serv-

1 ice metrics in a given area, for comparable terms
2 and conditions; and

3 (3) the Commission should take steps to ensure
4 that all people of the United States benefit from
5 equal access to broadband internet access service.

6 (b) ADOPTION OF RULES.—Not later than 2 years
7 after the date of enactment of this Act, the Commission
8 shall adopt final rules to facilitate equal access to
9 broadband internet access service, taking into account the
10 issues of technical and economic feasibility presented by
11 that objective, including—

12 (1) preventing digital discrimination of access
13 based on income level, race, ethnicity, color, religion,
14 or national origin; and

15 (2) identifying necessary steps for the Commis-
16 sions to take to eliminate discrimination described in
17 paragraph (1).

18 (c) FEDERAL POLICIES.—The Commission and the
19 Attorney General shall ensure that Federal policies pro-
20 mote equal access to robust broadband internet access
21 service by prohibiting deployment discrimination based
22 on—

23 (1) the income level of an area;

24 (2) the predominant race or ethnicity composi-
25 tion of an area; or

1 (3) other factors the Commission determines to
2 be relevant based on the findings in the record devel-
3 oped from the rulemaking under subsection (b).

4 (d) MODEL STATE AND LOCAL POLICIES.—The
5 Commission shall develop model policies and best practices
6 that can be adopted by States and localities to ensure that
7 broadband internet access service providers do not engage
8 in digital discrimination.

9 (e) COMPLAINTS.—The Commission shall revise its
10 public complaint process to accept complaints from con-
11 sumers or other members of the public that relate to dig-
12 ital discrimination.

13 **DIVISION G—OTHER**
14 **AUTHORIZATIONS**
15 **TITLE I—INDIAN WATER RIGHTS**
16 **SETTLEMENT COMPLETION**
17 **FUND**

18 **SEC. 70101. INDIAN WATER RIGHTS SETTLEMENT COMPLE-**
19 **TION FUND.**

20 (a) ESTABLISHMENT.—There is established in the
21 Treasury of the United States a fund to be known as the
22 “Indian Water Rights Settlement Completion Fund” (re-
23 ferred to in this section as the “Fund”).

24 (b) DEPOSITS.—

1 (1) IN GENERAL.—On the later of October 1,
2 2021, and the date of enactment of this Act, out of
3 any funds in the Treasury not otherwise appro-
4 priated, the Secretary of the Treasury shall deposit
5 in the Fund \$2,500,000,000, to remain available
6 until expended.

7 (2) AVAILABILITY.—Amounts deposited in the
8 Fund under paragraph (1) shall be available to the
9 Secretary of the Interior, without further appropria-
10 tion or fiscal year limitation, for the uses described
11 in subsection (c).

12 (c) USES.—Subject to subsection (d), amounts depos-
13 ited in the Fund under subsection (b) shall be used by
14 the Secretary of the Interior for transfers to funds or ac-
15 counts authorized to receive discretionary appropriations,
16 or to satisfy other obligations identified by the Secretary
17 of the Interior, under an Indian water settlement approved
18 and authorized by an Act of Congress before the date of
19 enactment of this Act.

20 (d) SCOPE OF TRANSFERS.—

21 (1) IN GENERAL.—Transfers authorized under
22 subsection (c) shall be made in such amounts as are
23 determined by the Secretary of the Interior to be ap-
24 propriate to satisfy the obligations of the United

1 States, including appropriate indexing, pursuant to
2 the applicable Indian water settlement.

3 (2) SEQUENCE AND TIMING.—The Secretary of
4 the Interior shall have the discretion to determine
5 the sequence and timing of transfers from the Fund
6 under subsection (c) in order to substantially com-
7 plete the eligible Indian water settlements as expedi-
8 tiously as practicable.

9 **TITLE II—WILDFIRE MITIGATION**

10 **SEC. 70201. SHORT TITLE.**

11 This title may be cited as the “Wildland Fire Mitiga-
12 tion and Management Commission Act of 2021”.

13 **SEC. 70202. DEFINITIONS.**

14 In this title:

15 (1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term “appropriate committees of Con-
17 gress” means—

18 (A) the Committee on Energy and Natural
19 Resources of the Senate;

20 (B) the Committee on Agriculture, Nutri-
21 tion, and Forestry of the Senate;

22 (C) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (D) the Committee on Appropriations of
25 the Senate;

1 (E) the Committee on Environment and
2 Public Works of the Senate;

3 (F) the Committee on Natural Resources
4 of the House of Representatives;

5 (G) the Committee on Agriculture of the
6 House of Representatives;

7 (H) the Committee on Homeland Security
8 of the House of Representatives;

9 (I) the Committee on Appropriations of the
10 House of Representatives;

11 (J) the Committee on Ways and Means of
12 the House of Representatives; and

13 (K) the Committee on Natural Resources
14 of the House of Representatives.

15 (2) COMMISSION.—The term “Commission”
16 means the commission established under section
17 70203(a).

18 (3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—
19 The term “high-risk Indian tribal government”
20 means an Indian tribal government, during not
21 fewer than 4 of the 5 years preceding the date of en-
22 actment of this Act—

23 (A) that received fire management assist-
24 ance under section 420 of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5187); or

3 (B) land of which included an area for
4 which the President declared a major disaster
5 for fire in accordance with section 401 of that
6 Act (42 U.S.C. 5170).

7 (4) HIGH-RISK STATE.—The term “high-risk
8 State” means a State that, during not fewer than 4
9 of the 5 years preceding the date of enactment of
10 this Act—

11 (A) received fire management assistance
12 under section 420 of the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act
14 (42 U.S.C. 5187); or

15 (B) included an area for which the Presi-
16 dent declared a major disaster for fire in ac-
17 cordance with section 401 of that Act (42
18 U.S.C. 5170).

19 (5) INDIAN TRIBAL GOVERNMENT.—The term
20 “Indian tribal government” has the meaning given
21 the term in section 102 of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5122).

24 (6) SECRETARIES.—The term “Secretaries”
25 means—

- 1 (A) the Secretary of the Interior;
2 (B) the Secretary of Agriculture; and
3 (C) the Secretary of Homeland Security,
4 acting through the Administrator of the Federal
5 Emergency Management Agency.

6 (7) STATE.—The term “State” has the mean-
7 ing given the term in section 102 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5122).

10 (8) WILDLAND-URBAN INTERFACE.—The term
11 “wildland-urban interface” has the meaning given
12 the term in section 101 of the Healthy Forests Res-
13 toration Act of 2003 (16 U.S.C. 6511).

14 **SEC. 70203. ESTABLISHMENT OF COMMISSION.**

15 (a) ESTABLISHMENT.—Not later than 30 days after
16 the date of enactment of this Act, the Secretaries shall
17 jointly establish a commission to study and make rec-
18 ommendations to improve Federal policies relating to—

19 (1) the prevention, mitigation, suppression, and
20 management of wildland fires in the United States;
21 and

22 (2) the rehabilitation of land in the United
23 States devastated by wildland fires.

24 (b) MEMBERSHIP.—

2198

1 (1) COMPOSITION.—The Commission shall be
2 composed of—

3 (A) each of the Secretaries (or designees),
4 who shall jointly serve as the co-chairpersons of
5 the Commission;

6 (B) 9 representatives of Federal depart-
7 ments or agencies, to be appointed by the Sec-
8 retaries, including—

9 (i) not fewer than 1 representative
10 from each of—

11 (I) the Bureau of Land Manage-
12 ment;

13 (II) the National Park Service;

14 (III) the Bureau of Indian Af-
15 fairs;

16 (IV) the United States Fish and
17 Wildlife Service; and

18 (V) the Forest Service;

19 (ii) a representative of or liaison to
20 the Mitigation Framework Leadership
21 Group of the Federal Emergency Manage-
22 ment Agency;

23 (iii) a representative to the National
24 Interagency Coordination Center, which is

1 part of the National Wildfire Coordination
2 Group;

3 (iv) a representative from 1 of the co-
4 ordinating agencies of the Recovery Sup-
5 port Function Leadership Group; and

6 (v) if the Secretaries determine it to
7 be appropriate, a representative of any
8 other Federal department or agency, such
9 as the Department of Energy, the Environ-
10 mental Protection Agency, or the Depart-
11 ment of Defense; and

12 (C) 18 non-Federal stakeholders with ex-
13 pertise in wildland fire preparedness, mitiga-
14 tion, suppression, or management, who collec-
15 tively have a combination of backgrounds, expe-
16 riences, and viewpoints and are representative
17 of rural, urban, and suburban areas, to be ap-
18 pointed by the Secretaries, including—

19 (i) not fewer than 1 State hazard
20 mitigation officer of a high-risk State (or
21 a designee);

22 (ii) with preference given to represent-
23 atives from high-risk States and high-risk
24 Indian tribal governments, not fewer than
25 1 representative from each of—

2200

1 (I) a State department of natural
2 resources, forestry, or agriculture or a
3 similar State agency;

4 (II) a State department of energy
5 or a similar State agency;

6 (III) a county government, with
7 preference given to counties at least a
8 portion of which is in the wildland-
9 urban interface; and

10 (IV) a municipal government,
11 with preference given to municipalities
12 at least a portion of which is in the
13 wildland-urban interface;

14 (iii) with preference given to rep-
15 resentatives from high-risk States and
16 high-risk Indian tribal governments, not
17 fewer than 1 representative from each of—

18 (I) the public utility industry;

19 (II) the property development in-
20 dustry;

21 (III) Indian tribal governments;

22 (IV) wildland firefighters; and

23 (V) an organization—

24 (aa) described in section
25 501(c)(3) of the Internal Rev-

2201

1 enue Code of 1986 and exempt
2 from taxation under section
3 501(a) of that Code; and

4 (bb) with expertise in forest
5 management and environmental
6 conservation;

7 (iv) not greater than 2 other appro-
8 priate non-Federal stakeholders, which
9 may include the private sector; and

10 (v) any other appropriate non-Federal
11 stakeholders, which may include the pri-
12 vate sector, with preference given to non-
13 Federal stakeholders from high-risk States
14 and high-risk Indian tribal governments.

15 (2) STATE LIMITATION.—Each member of the
16 Commission appointed under clauses (i) and (ii) of
17 paragraph (1)(C) shall represent a different State.

18 (3) DATE.—The appointments of the members
19 of the Commission shall be made not later than 60
20 days after the date of enactment of this Act.

21 (c) PERIOD OF APPOINTMENT; VACANCIES.—

22 (1) IN GENERAL.—A member of the Commis-
23 sion shall be appointed for the life of the Commis-
24 sion.

2202

1 (2) VACANCIES.—A vacancy in the Commis-
2 sion—

3 (A) shall not affect the powers of the Com-
4 mission; and

5 (B) shall be filled in the same manner as
6 the original appointment.

7 (d) MEETINGS.—

8 (1) INITIAL MEETING.—Not later than 30 days
9 after the date on which all members of the Commis-
10 sion have been appointed, the Commission shall hold
11 the first meeting of the Commission.

12 (2) FREQUENCY.—The Commission shall meet
13 not less frequently than once every 30 days.

14 (3) TYPE.—The Commission may hold meet-
15 ings, and a member of the Commission may partici-
16 pate in a meeting, remotely through teleconference,
17 video conference, or similar means.

18 (4) QUORUM.—A majority of the members of
19 the Commission shall constitute a quorum, but a
20 lesser number of members may hold hearings.

21 **SEC. 70204. DUTIES OF COMMISSION.**

22 (a) REPORT ON RECOMMENDATIONS TO MITIGATE
23 AND MANAGE WILDLAND FIRES.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of the first meeting of the Commission, the

2203

1 Commission shall submit to the appropriate commit-
2 tees of Congress a report describing recommenda-
3 tions to prevent, mitigate, suppress, and manage
4 wildland fires, including—

5 (A) policy recommendations, including rec-
6 ommendations—

7 (i) to maximize the protection of
8 human life, community water supplies,
9 homes, and other essential structures,
10 which may include recommendations to ex-
11 pand the use of initial attack strategies;

12 (ii) to facilitate efficient short- and
13 long-term forest management in residential
14 and nonresidential at-risk areas, which
15 may include a review of community wildfire
16 protection plans;

17 (iii) to manage the wildland-urban
18 interface;

19 (iv) to manage utility corridors;

20 (v) to rehabilitate land devastated by
21 wildland fire; and

22 (vi) to improve the capacity of the
23 Secretary of Agriculture and the Secretary
24 of the Interior to conduct hazardous fuels
25 reduction projects;

2204

1 (B) policy recommendations described in
2 subparagraph (A) with respect to any rec-
3 ommendations for—

4 (i) categorical exclusions from the re-
5 quirement to prepare an environmental im-
6 pact statement or analysis under the Na-
7 tional Environmental Policy Act of 1969
8 (42 U.S.C. 4321 et seq.); or

9 (ii) additional staffing or resources
10 that may be necessary to more expedi-
11 tiously prepare an environmental impact
12 statement or analysis under that Act;

13 (C) policy recommendations for modern-
14 izing and expanding the use of technology, in-
15 cluding satellite technology, remote sensing, un-
16 manned aircraft systems, and any other type of
17 emerging technology, to prevent, mitigate, sup-
18 press, and manage wildland fires, including any
19 recommendations with respect to—

20 (i) the implementation of section 1114
21 of the John D. Dingell, Jr. Conservation,
22 Management, and Recreation Act (43
23 U.S.C. 1748b–1); or

24 (ii) improving early wildland fire de-
25 tection;

2205

1 (D) an assessment of Federal spending on
2 wildland fire-related disaster management, in-
3 cluding—

4 (i) a description and assessment of
5 Federal grant programs for States and
6 units of local government for pre- and
7 post-wildland fire disaster mitigation and
8 recovery, including—

9 (I) the amount of funding pro-
10 vided under each program;

11 (II) the effectiveness of each pro-
12 gram with respect to long-term forest
13 management and maintenance; and

14 (III) recommendations to im-
15 prove the effectiveness of each pro-
16 gram, including with respect to—

17 (aa) the conditions on the
18 use of funds received under the
19 program; and

20 (bb) the extent to which ad-
21 ditional funds are necessary for
22 the program;

23 (ii) an evaluation, including rec-
24 ommendations to improve the effectiveness

2206

1 in mitigating wildland fires, which may in-
2 clude authorizing prescribed fires, of—

3 (I) the Building Resilient Infra-
4 structure and Communities program
5 under section 203 of the Robert T.
6 Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C.
8 5133);

9 (II) the Pre-Disaster Mitigation
10 program under that section (42
11 U.S.C. 5133);

12 (III) the Hazard Mitigation
13 Grant Program under section 404 of
14 that Act (42 U.S.C. 5170e);

15 (IV) Hazard Mitigation Grant
16 Program post-fire assistance under
17 sections 404 and 420 of that Act (42
18 U.S.C. 5170e, 5187); and

19 (V) such other programs as the
20 Commission determines to be appro-
21 priate;

22 (iii) an assessment of the definition of
23 “small impoverished community” under
24 section 203(a) of the Robert T. Stafford

2207

1 Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5133(a)), specifically—

3 (I) the exclusion of the percent-
4 age of land owned by an entity other
5 than a State or unit of local govern-
6 ment; and

7 (II) any related economic impact
8 of that exclusion; and

9 (iv) recommendations for Federal
10 budgeting for wildland fires and post-wild-
11 fire recovery;

12 (E) any recommendations for matters
13 under subparagraph (A), (B), (C), or (D) spe-
14 cific to—

15 (i) forest type, vegetation type, or for-
16 est and vegetation type; or

17 (ii) State land, Tribal land, or private
18 land;

19 (F)(i) a review of the national strategy de-
20 scribed in the report entitled “The National
21 Strategy: The Final Phase in the Development
22 of the National Cohesive Wildland Fire Man-
23 agement Strategy” and dated April 2014; and

1 (ii) any recommendations for changes to
2 that national strategy to improve its effective-
3 ness; and

4 (G)(i) an evaluation of coordination of re-
5 sponse to, and suppression of, wildfires occur-
6 ring on Federal, Tribal, State, and local land
7 among Federal, Tribal, State, and local agen-
8 cies with jurisdiction over that land; and

9 (ii) any recommendations to improve the
10 coordination described in clause (i).

11 (2) SPECIFIC POLICY RECOMMENDATIONS.—To
12 the maximum extent practicable, the report de-
13 scribed in paragraph (1) shall include detailed short-
14 and long-term policy recommendations, including
15 any recommendations for Federal legislation.

16 (3) INTERIM REPORTS.—Before the submission
17 of the report under paragraph (1), on approval of all
18 members of the Commission, the Commission may
19 submit to the appropriate committees of Congress 1
20 or more interim reports, as the Commission deter-
21 mines to be appropriate, relating to any matters de-
22 scribed in paragraph (1).

23 (b) REPORT ON AERIAL WILDLAND FIREFIGHTING
24 EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—

2209

1 (1) SUBMISSION OF INVENTORY TO THE COM-
2 MISSION.—Not later than 45 days after the date on
3 which the Commission holds the first meeting of the
4 Commission, the Secretary of Defense and the heads
5 of other relevant Federal departments and agencies
6 shall submit to the Commission an inventory of sur-
7 plus cargo and passenger aircraft and excess com-
8 mon-use aircraft parts that may be used for wildland
9 firefighting purposes, excluding any aircraft or air-
10 craft parts that are—

11 (A) reasonably anticipated to be necessary
12 for military operations, readiness, or fleet man-
13 agement in the future; or

14 (B) already obligated for purposes other
15 than fighting wildland fires.

16 (2) SUBMISSION OF REPORT TO CONGRESS.—
17 Not later than 90 days after the date on which the
18 Commission receives the inventory described in para-
19 graph (1), the Commission shall submit to the ap-
20 propriate committees of Congress a report outlining
21 a strategy to meet aerial firefighting equipment
22 needs through 2030 in the most cost-effective man-
23 ner, including—

2210

1 (A) an assessment of the expected number
2 of aircraft and aircraft parts needed to fight
3 wildland fires through 2030;

4 (B) an assessment of existing authorities
5 of the Secretary of Defense and the heads of
6 other relevant Federal departments and agen-
7 cies to provide or sell surplus aircraft or air-
8 craft parts to Federal, State, or local authori-
9 ties for wildland firefighting use, including—

10 (i) a description of the current use of
11 each existing authority; and

12 (ii) a description of any additional au-
13 thorities that are needed for the Secretary
14 of Defense and the heads of other relevant
15 Federal departments and agencies to pro-
16 vide or sell surplus aircraft or aircraft
17 parts to Federal, State, or local authorities
18 for wildland firefighting use; and

19 (C) recommendations to ensure the avail-
20 ability of aircraft and aircraft parts that the
21 Commission expects will be necessary to fight
22 wildland fires through 2030 in the most cost-ef-
23 fective manner.

24 (3) CONSIDERATIONS FOR ACCESSING AIRCRAFT
25 AND AIRCRAFT PARTS.—In developing the strategy

1 in the report required under paragraph (2) and the
2 recommendations under paragraph (2)(C), the Com-
3 mission shall consider all private and public sector
4 options for accessing necessary aircraft and aircraft
5 parts, including procurement, contracting, retro-
6 fitting, and public-private partnerships.

7 (4) UNCLASSIFIED REPORT.—The inventory
8 and report submitted under paragraphs (1) and (2),
9 respectively—

10 (A) shall be unclassified; but

11 (B) may include a classified annex.

12 (c) MAJORITY REQUIREMENT.—Not less than $\frac{2}{3}$ of
13 the members of the Commission shall approve the rec-
14 ommendations contained in each report submitted under
15 subsection (a) or (b)(2).

16 **SEC. 70205. POWERS OF COMMISSION.**

17 (a) HEARINGS.—The Commission may hold such
18 hearings, sit and act at such times and places, take such
19 testimony, and receive such evidence as the Commission
20 considers advisable to carry out this title.

21 (b) INFORMATION FROM FEDERAL AGENCIES.—

22 (1) IN GENERAL.—The Commission may secure
23 directly from a Federal department or agency such
24 information as the Commission considers necessary
25 to carry out this title.

2212

1 (2) FURNISHING INFORMATION.—On request of
2 the Chairpersons of the Commission, the head of the
3 department or agency shall furnish the information
4 to the Commission.

5 (c) POSTAL SERVICES.—The Commission may use
6 the United States mails in the same manner and under
7 the same conditions as other departments and agencies of
8 the Federal Government.

9 (d) GIFTS.—The Commission may accept, use, and
10 dispose of such gifts or donations of services or property
11 as the Commission considers necessary to carry out this
12 title.

13 **SEC. 70206. COMMISSION PERSONNEL MATTERS.**

14 (a) NO COMPENSATION.—A member of the Commis-
15 sion shall serve without compensation.

16 (b) TRAVEL EXPENSES.—A member of the Commis-
17 sion shall be allowed travel expenses, including per diem
18 in lieu of subsistence, at rates authorized for employees
19 of agencies under subchapter I of chapter 57 of title 5,
20 United States Code, while away from their homes or reg-
21 ular places of business in the performance of services for
22 the Commission.

23 (c) STAFF.—

24 (1) IN GENERAL.—The Chairpersons of the
25 Commission may, without regard to the civil service

1 laws (including regulations), appoint and terminate
2 an executive director and such other additional per-
3 sonnel as may be necessary to enable the Commis-
4 sion to perform its duties, except that the employ-
5 ment of an executive director shall be subject to con-
6 firmation by the Commission.

7 (2) COMPENSATION.—The Chairpersons of the
8 Commission may fix the compensation of the execu-
9 tive director and other personnel without regard to
10 chapter 51 and subchapter III of chapter 53 of title
11 5, United States Code, relating to classification of
12 positions and General Schedule pay rates, except
13 that the rate of pay for the executive director and
14 other personnel may not exceed the rate payable for
15 level V of the Executive Schedule under section 5316
16 of that title.

17 (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-
18 eral Government employee may be detailed to the Commis-
19 sion without reimbursement, and such detail shall be with-
20 out interruption or loss of civil service status or privilege.

21 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
22 TENT SERVICES.—The Chairpersons of the Commission
23 may procure temporary and intermittent services under
24 section 3109(b) of title 5, United States Code, at rates
25 for individuals that do not exceed the daily equivalent of

1 the annual rate of basic pay prescribed for level V of the
2 Executive Schedule under section 5316 of that title.

3 **SEC. 70207. TERMINATION OF COMMISSION.**

4 The Commission shall terminate on the date that is
5 180 days after the date on which the Commission has sub-
6 mitted the reports under subsections (a) and (b) of section
7 70204.

8 **TITLE III—REFORESTATION**

9 **SEC. 70301. SHORT TITLE.**

10 This title may be cited as the “Repairing Existing
11 Public Land by Adding Necessary Trees Act” or the “RE-
12 PLANT Act”.

13 **SEC. 70302. REFORESTATION FOLLOWING WILDFIRES AND**
14 **OTHER UNPLANNED EVENTS.**

15 (a) FOREST AND RANGELAND RENEWABLE RE-
16 SOURCES PLANNING ACT OF 1974.—

17 (1) NATIONAL FOREST COVER POLICY.—

18 (A) IN GENERAL.—Section 3 of the Forest
19 and Rangeland Renewable Resources Planning
20 Act of 1974 (16 U.S.C. 1601) is amended—

21 (i) by redesignating subsection (e) as
22 subsection (f);

23 (ii) by redesignating the second sub-
24 section (d) (relating to the policy of Con-
25 gress regarding forested land in the Na-

2215

1 tional Forest System) as subsection (e);

2 and

3 (iii) in subsection (e) (as so redesign-

4 nated)—

5 (I) in paragraph (2)—

6 (aa) in the first sentence—

7 (AA) by striking “9 of

8 this Act, the Secretary shall

9 annually for eight years fol-

10 lowing the enactment of this

11 subsection” and inserting

12 “9, the Secretary shall, an-

13 nually during each of the 10

14 years beginning after the

15 date of enactment of the

16 REPLANT Act”; and

17 (BB) by striking

18 “eight-year” and inserting

19 “10-year”;

20 (bb) in the second sentence,

21 by striking “such eight-year pe-

22 riod” and inserting “the 10-year

23 period”; and

2216

1 (cc) in the third sentence, by
2 striking “1978” and inserting
3 “2021”;

4 (II) in paragraph (3), in the first
5 sentence, by striking “subsection (d)”
6 and inserting “subsection”; and

7 (III) by adding at the end the
8 following:

9 “(4) REFORESTATION REQUIREMENTS.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) NATURAL REGENERATION.—

12 “(I) IN GENERAL.—The term
13 ‘natural regeneration’ means the es-
14 tablishment of a tree or tree age class
15 from natural seeding, sprouting, or
16 suckering in accordance with the man-
17 agement objectives of an applicable
18 land management plan.

19 “(II) INCLUSION.—The term
20 ‘natural regeneration’ may include
21 any site preparation activity to en-
22 hance the success of regeneration to
23 the desired species composition and
24 structure.

2217

1 “(ii) PRIORITY LAND.—The term ‘pri-
2 ority land’ means National Forest System
3 land that, due to an unplanned event—

4 “(I) does not meet the conditions
5 for appropriate forest cover described
6 in paragraph (1);

7 “(II) requires reforestation to
8 meet the objectives of an applicable
9 land management plan; and

10 “(III) is unlikely to experience
11 natural regeneration without assist-
12 ance.

13 “(iii) REFORESTATION.—The term
14 ‘reforestation’ means the act of renewing
15 tree cover, taking into consideration spe-
16 cies composition and resilience, by estab-
17 lishing young trees through—

18 “(I) natural regeneration;

19 “(II) natural regeneration with
20 site preparation; or

21 “(III) planting or direct seeding.

22 “(iv) SECRETARY.—The term ‘Sec-
23 retary’ means the Secretary, acting
24 through the Chief of the Forest Service.

25 “(v) UNPLANNED EVENT.—

2218

1 “(I) IN GENERAL.—The term
2 ‘unplanned event’ means any un-
3 planned disturbance that—

4 “(aa) disrupts ecosystem or
5 forest structure or composition;
6 or

7 “(bb) changes resources,
8 substrate availability, or the
9 physical environment.

10 “(II) INCLUSIONS.—The term
11 ‘unplanned event’ may include—

12 “(aa) a wildfire;

13 “(bb) an infestation of in-
14 sects or disease;

15 “(cc) a weather event; and

16 “(dd) animal damage.

17 “(B) REQUIREMENT.—Each reforestation
18 activity under this section shall be carried out
19 in accordance with applicable Forest Service
20 management practices and definitions, including
21 definitions relating to silvicultural practices and
22 forest management.

23 “(C) REFORESTATION PRIORITY.—

24 “(i) IN GENERAL.—In carrying out
25 this subsection, the Secretary shall give

2219

1 priority to projects on the priority list de-
2 scribed in clause (ii).

3 “(ii) PRIORITY LIST.—

4 “(I) IN GENERAL.—The Sec-
5 retary shall, based on recommenda-
6 tions from regional foresters, create a
7 priority list of reforestation projects
8 that—

9 “(aa) primarily take place
10 on priority land;

11 “(bb) promote effective re-
12 forestation following unplanned
13 events; and

14 “(cc) may include activities
15 to ensure adequate and appro-
16 priate seed availability.

17 “(II) RANKING.—The Secretary
18 shall rank projects on the priority list
19 under subclause (I) based on—

20 “(aa) documentation of an
21 effective reforestation project
22 plan;

23 “(bb) the ability to measure
24 the progress and success of the
25 project; and

2220

1 “(cc) the ability of a project
2 to provide benefits relating to
3 forest function and health, soil
4 health and productivity, wildlife
5 habitat, improved air and water
6 quality, carbon sequestration po-
7 tential, resilience, job creation,
8 and enhanced recreational oppor-
9 tunities.”.

10 (B) CONFORMING AMENDMENT.—Section
11 9 of the Cooperative Forestry Assistance Act of
12 1978 (16 U.S.C. 2105) is amended, in the un-
13 designated matter following paragraph (5) of
14 subsection (g)—

15 (i) by striking “section 3(d)” and in-
16 serting “subsection (e) of section 3”; and

17 (ii) by striking “1601(d)” and insert-
18 ing “1601”.

19 (2) NATIONAL FOREST SYSTEM PROGRAM ELE-
20 MENTS.—Section 9 of the Forest and Rangeland Re-
21 newable Resources Planning Act of 1974 (16 U.S.C.
22 1607) is amended, in the second sentence, by strik-
23 ing “2000” and inserting “2030”.

24 (b) REFORESTATION TRUST FUND.—Section 303 of
25 Public Law 96–451 (16 U.S.C. 1606a) is amended—

2221

1 (1) in subsection (b)—

2 (A) by striking paragraph (2);

3 (B) in paragraph (3)—

4 (i) in the second sentence, by striking
5 “Proper adjustment” and inserting the fol-
6 lowing:

7 “(3) ADJUSTMENT OF ESTIMATES.—Proper ad-
8 justment”; and

9 (ii) by striking “(3) The amounts”
10 and inserting the following:

11 “(2) FREQUENCY.—The amounts”; and

12 (C) by striking the subsection designation
13 and all that follows through “the Secretary” in
14 paragraph (1) and inserting the following:

15 “(b) TRANSFERS TO TRUST FUND.—

16 “(1) IN GENERAL.—The Secretary”; and

17 (2) in subsection (d)(1)—

18 (A) by striking “section 3(d)” and insert-
19 ing “subsection (e) of section 3”; and

20 (B) by striking “1601(d)” and inserting
21 “1601”.

22 **SEC. 70303. REPORT.**

23 Not later than 1 year after the date of enactment
24 of this Act, and annually thereafter, the Secretary of Agri-
25 culture shall submit to the Committee on Agriculture, Nu-

2222

1 trition, and Forestry of the Senate and the Committee on
2 Agriculture of the House of Representatives, and make
3 publicly available on the website of the Forest Service, a
4 report that describes, with respect to the preceding year—

5 (1) an evaluation of the degree to which the
6 Secretary has achieved compliance with the require-
7 ments contained in the amendments made by this
8 title, including, as a result of those amendments, the
9 number of acres covered by reforestation projects
10 that follow unplanned events (such as wildfires);

11 (2) the total number of acres of land reforested
12 under each authority of the Secretary under which
13 reforestation projects have been carried out;

14 (3) the number of acres of National Forest Sys-
15 tem land affected by, and the substance of reforest-
16 ation needs on that land resulting from, unplanned
17 events; and

18 (4) the number of acres in need of reforestation
19 under subsection (e)(1) of section 3 of the Forest
20 and Rangeland Renewable Resources Planning Act
21 of 1974 (16 U.S.C. 1601).

2223

1 **TITLE IV—RECYCLING**
2 **PRACTICES**

3 **SEC. 70401. BEST PRACTICES FOR BATTERY RECYCLING**
4 **AND LABELING GUIDELINES.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) BATTERY.—The term “battery” means a
10 device that—

11 (A) consists of 1 or more electrochemical
12 cells that are electrically connected; and

13 (B) is designed to store and deliver electric
14 energy.

15 (3) RECYCLING.—The term “recycling” means
16 the series of activities—

17 (A) during which recyclable materials are
18 processed into specification-grade commodities,
19 and consumed as raw-material feedstock, in lieu
20 of virgin materials, in the manufacturing of new
21 products;

22 (B) that may include collection, processing,
23 and brokering; and

1 (C) that result in subsequent consumption
2 by a materials manufacturer, including for the
3 manufacturing of new products.

4 (b) BEST PRACTICES FOR COLLECTION OF BAT-
5 TERIES TO BE RECYCLED.—

6 (1) IN GENERAL.—The Administrator shall de-
7 velop best practices that may be implemented by
8 State, Tribal, and local governments with respect to
9 the collection of batteries to be recycled in a manner
10 that—

11 (A) to the maximum extent practicable, is
12 technically and economically feasible for State,
13 Tribal, and local governments;

14 (B) is environmentally sound and safe for
15 waste management workers; and

16 (C) optimizes the value and use of material
17 derived from recycling of batteries.

18 (2) CONSULTATION.—The Administrator shall
19 develop the best practices described in paragraph (1)
20 in coordination with State, Tribal, and local govern-
21 ments and relevant nongovernmental and private
22 sector entities.

23 (3) REPORT.—Not later than 2 years after the
24 date of enactment of this Act, the Administrator

2225

1 shall submit to Congress a report describing the best
2 practices developed under paragraph (1).

3 (4) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Ad-
5 ministrator to carry out this subsection \$10,000,000
6 for fiscal year 2022, to remain available until Sep-
7 tember 30, 2026.

8 (c) VOLUNTARY LABELING GUIDELINES.—

9 (1) IN GENERAL.—There is established within
10 the Environmental Protection Agency a program (re-
11 ferred to in this subsection as the “program”) to
12 promote battery recycling through the development
13 of—

14 (A) voluntary labeling guidelines for bat-
15 teries; and

16 (B) other forms of communication mate-
17 rials for battery producers and consumers about
18 the reuse and recycling of critical materials
19 from batteries.

20 (2) PURPOSES.—The purposes of the program
21 are to improve battery collection and reduce battery
22 waste, including by—

23 (A) identifying battery collection locations
24 and increasing accessibility to those locations;

2226

1 (B) promoting consumer education about
2 battery collection and recycling; and

3 (C) reducing safety concerns relating to
4 the improper disposal of batteries.

5 (3) OTHER STANDARDS AND LAW.—The Ad-
6 ministrator shall make every reasonable effort to en-
7 sure that voluntary labeling guidelines and other
8 forms of communication materials developed under
9 the program are consistent with—

10 (A) international battery labeling stand-
11 ards; and

12 (B) the Mercury-Containing and Recharge-
13 able Battery Management Act (42 U.S.C.
14 14301 et seq.).

15 (4) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Ad-
17 ministrator to carry out this subsection \$15,000,000
18 for fiscal year 2022, to remain available until Sep-
19 tember 30, 2026.

20 **SEC. 70402. CONSUMER RECYCLING EDUCATION AND OUT-**
21 **REACH GRANT PROGRAM; FEDERAL PRO-**
22 **CUREMENT.**

23 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
24 tion, the term “Administrator” means the Administrator
25 of the Environmental Protection Agency.

2227

1 (b) CONSUMER RECYCLING EDUCATION AND OUT-
2 REACH GRANT PROGRAM.—

3 (1) IN GENERAL.—The Administrator shall es-
4 tablish a program (referred to in this subsection as
5 the “grant program”) to award competitive grants
6 to eligible entities to improve the effectiveness of res-
7 idential and community recycling programs through
8 public education and outreach.

9 (2) CRITERIA.—The Administrator shall award
10 grants under the grant program for projects that, by
11 using one or more eligible activities described in
12 paragraph (5)—

13 (A) inform the public about residential or
14 community recycling programs;

15 (B) provide information about the recycled
16 materials that are accepted as part of a residen-
17 tial or community recycling program that pro-
18 vides for the separate collection of residential
19 solid waste from recycled material; and

20 (C) increase collection rates and decrease
21 contamination in residential and community re-
22 cycling programs.

23 (3) ELIGIBLE ENTITIES.—

2228

1 (A) IN GENERAL.—An entity that is eligi-
2 ble to receive a grant under the grant program
3 is—

4 (i) a State;

5 (ii) a unit of local government;

6 (iii) an Indian Tribe (as defined in
7 section 4 of the Indian Self-Determination
8 and Education Assistance Act (25 U.S.C.
9 5304));

10 (iv) a Native Hawaiian organization
11 (as defined in section 6207 of the Elemen-
12 tary and Secondary Education Act of 1965
13 (20 U.S.C. 7517));

14 (v) the Department of Hawaiian
15 Home Lands;

16 (vi) the Office of Hawaiian Affairs;

17 (vii) a nonprofit organization; or

18 (viii) a public-private partnership.

19 (B) COORDINATION OF ACTIVITIES.—2 or
20 more entities described in subparagraph (A)
21 may receive a grant under the grant program to
22 coordinate the provision of information to resi-
23 dents that may access 2 or more residential re-
24 cycling programs, including programs that ac-
25 cept different recycled materials, to provide to

1 the residents information regarding differences
2 among those residential recycling programs.

3 (4) REQUIREMENT.—

4 (A) IN GENERAL.—To receive a grant
5 under the grant program, an eligible entity
6 shall demonstrate to the Administrator that the
7 grant funds will be used to encourage the col-
8 lection of recycled materials that are sold to an
9 existing or developing market.

10 (B) BUSINESS PLANS AND FINANCIAL
11 DATA.—

12 (i) IN GENERAL.—An eligible entity
13 may make a demonstration under subpara-
14 graph (A) through the submission to the
15 Administrator of appropriate business
16 plans and financial data.

17 (ii) CONFIDENTIALITY.—The Admin-
18 istrator shall treat any business plans or
19 financial data received under clause (i) as
20 confidential information.

21 (5) ELIGIBLE ACTIVITIES.—An eligible entity
22 that receives a grant under the grant program may
23 use the grant funds for activities including—

24 (A) public service announcements;

2230

- 1 (B) a door-to-door education and outreach
2 campaign;
- 3 (C) social media and digital outreach;
- 4 (D) an advertising campaign on recycling
5 awareness;
- 6 (E) the development and dissemination
7 of—
- 8 (i) a toolkit for a municipal and com-
9 mercial recycling program;
- 10 (ii) information on the importance of
11 quality in the recycling stream;
- 12 (iii) information on the economic and
13 environmental benefits of recycling; and
- 14 (iv) information on what happens to
15 materials after the materials are placed
16 into a residential or community recycling
17 program;
- 18 (F) businesses recycling outreach;
- 19 (G) bin, cart, and other receptacle labeling
20 and signs; and
- 21 (H) such other activities that the Adminis-
22 trator determines are appropriate to carry out
23 the purposes of this subsection.

2231

1 (6) PROHIBITION ON USE OF FUNDS.—No
2 funds may be awarded under the grant program for
3 a residential recycling program that—

4 (A) does not provide for the separate col-
5 lection of residential solid waste (as defined in
6 section 246.101 of title 40, Code of Federal
7 Regulations (as in effect on the date of enact-
8 ment of this Act)) from recycled material (as
9 defined in that section), unless the funds are
10 used to promote a transition to a system that
11 separately collects recycled materials; or

12 (B) promotes the establishment of, or con-
13 version to, a residential collection system that
14 does not provide for the separate collection of
15 residential solid waste from recycled material
16 (as those terms are defined under subparagraph
17 (A)).

18 (7) MODEL RECYCLING PROGRAM TOOLKIT.—

19 (A) IN GENERAL.—In carrying out the
20 grant program, the Administrator, in consulta-
21 tion with other relevant Federal agencies,
22 States, Indian Tribes, units of local govern-
23 ment, nonprofit organizations, and the private
24 sector, shall develop a model recycling program
25 toolkit for States, Indian Tribes, and units of

1 local government that includes, at a min-
2 imum—

3 (i) a standardized set of terms and ex-
4 amples that may be used to describe mate-
5 rials that are accepted by a residential re-
6 cycling program;

7 (ii) information that the Adminis-
8 trator determines can be widely applied
9 across residential recycling programs, tak-
10 ing into consideration the differences in re-
11 cycled materials accepted by residential re-
12 cycling programs;

13 (iii) educational principles on best
14 practices for the collection and processing
15 of recycled materials;

16 (iv) a community self-assessment
17 guide to identify gaps in existing recycling
18 programs;

19 (v) training modules that enable
20 States and nonprofit organizations to pro-
21 vide technical assistance to units of local
22 government;

23 (vi) access to consumer educational
24 materials that States, Indian Tribes, and

1 units of local government can adapt and
2 use in recycling programs; and

3 (vii) a guide to measure the effective-
4 ness of a grant received under the grant
5 program, including standardized measure-
6 ments for recycling rates and decreases in
7 contamination.

8 (B) REQUIREMENT.—In developing the
9 standardized set of terms and examples under
10 subparagraph (A)(i), the Administrator may
11 not establish any requirements for—

12 (i) what materials shall be accepted by
13 a residential recycling program; or

14 (ii) the labeling of products.

15 (8) SCHOOL CURRICULUM.—The Administrator
16 shall provide assistance to the educational commu-
17 nity, including nonprofit organizations, such as an
18 organization the science, technology, engineering,
19 and mathematics program of which incorporates re-
20 cycling, to promote the introduction of recycling
21 principles and best practices into public school cur-
22 ricula.

23 (9) REPORTS.—

24 (A) TO THE ADMINISTRATOR.—Not earlier
25 than 180 days, and not later than 2 years, after

1 the date on which a grant under the grant pro-
2 gram is awarded to an eligible entity, the eligi-
3 ble entity shall submit to the Administrator a
4 report describing, by using the guide developed
5 under paragraph (7)(A)(vii)—

6 (i) the change in volume of recycled
7 material collected through the activities
8 funded with the grant;

9 (ii) the change in participation rate of
10 the recycling program funded with the
11 grant;

12 (iii) the reduction of contamination in
13 the recycling stream as a result of the ac-
14 tivities funded with the grant; and

15 (iv) such other information as the Ad-
16 ministrator determines to be appropriate.

17 (B) TO CONGRESS.—The Administrator
18 shall submit to Congress an annual report de-
19 scribing—

20 (i) the effectiveness of residential re-
21 cycling programs awarded funds under the
22 grant program, including statistics com-
23 paring the quantity and quality of recycled
24 materials collected by those programs, as
25 described in the reports submitted to the

2235

1 Administrator under subparagraph (A);

2 and

3 (ii) recommendations on additional ac-
4 tions to improve residential recycling.

5 (c) FEDERAL PROCUREMENT.—Section 6002 of the
6 Solid Waste Disposal Act (42 U.S.C. 6962) is amended—

7 (1) in subsection (e), in the matter preceding
8 paragraph (1), by striking “and from time to time,
9 revise” and inserting “review not less frequently
10 than once every 5 years, and, if appropriate, revise,
11 in consultation with recyclers and manufacturers of
12 products containing recycled content, not later than
13 2 years after the completion of the initial review
14 after the date of enactment of the Infrastructure In-
15 vestment and Jobs Act and thereafter, as appro-
16 priate”; and

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

18 “(j) CONSULTATION AND PROVISION OF INFORMA-
19 TION BY ADMINISTRATOR.—The Administrator shall—

20 “(1) consult with each procuring agency, in-
21 cluding contractors of the procuring agency, to clar-
22 ify the responsibilities of the procuring agency under
23 this section; and

24 “(2) provide to each procuring agency informa-
25 tion on the requirements under this section and the

1 responsibilities of the procuring agency under this
2 section.

3 “(k) REPORTS.—The Administrator, in consultation
4 with the Administrator of General Services, shall submit
5 to Congress an annual report describing—

6 “(1) the quantity of federally procured recycled
7 products listed in the guidelines under subsection
8 (e); and

9 “(2) with respect to the products described in
10 paragraph (1), the percentage of recycled material in
11 each product.”.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to the Administrator to carry out this
15 section and the amendments made by this section
16 \$15,000,000 for each of fiscal years 2022 through
17 2026.

18 (2) REQUIREMENT.—Of the amount made
19 available under paragraph (1) for a fiscal year, not
20 less than 20 percent shall be allocated to—

21 (A) low-income communities;

22 (B) rural communities; and

23 (C) communities identified as Native
24 American pursuant to section 2(9) of the Na-

1 residence, a school, in recreation, or other-
2 wise; and

3 (B) any product or product category de-
4 scribed in subparagraphs (A) through (I) of
5 section 3(a)(5) of the Consumer Product Safety
6 Act (15 U.S.C. 2052(a)(5)).

7 (3) COVERED AGRICULTURAL COMMODITY.—
8 The term “covered agricultural commodity” means
9 any agricultural commodity, food, feed, fiber, live-
10 stock, oil, or a derivative thereof, that the Secretary
11 determines to have been used in the production of
12 materials that have demonstrated market viability
13 and benefits (as described in paragraphs (1) through
14 (7) of subsection (b)) as of the date of enactment of
15 this Act.

16 (4) QUALIFIED INSTITUTION.—The term
17 “qualified institution” means a bioproducts research
18 facility that—

19 (A) is funded, in part, by a State;

20 (B) is located within a reasonable distance,
21 not to exceed 3 miles, of the primary residence
22 hall of an institution of higher education (as de-
23 fined in section 101(a) of the Higher Education
24 Act of 1965 (20 U.S.C. 1001(a)));

1 (C) provides students opportunities to en-
2 gage in research activities; and

3 (D) provides opportunities for an institu-
4 tion of higher education (as defined in section
5 101(a) of the Higher Education Act of 1965
6 (20 U.S.C. 1001(a))) to collaborate with private
7 enterprise.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (b) ESTABLISHMENT.—The Secretary shall carry out
11 a pilot program under which the Secretary shall partner
12 with not less than 1 qualified institution to study the bene-
13 fits of using materials derived from covered agricultural
14 commodities in the production of construction products
15 and consumer products, including—

16 (1) cost savings relative to other commonly
17 used alternative materials;

18 (2) greenhouse gas emission reductions and
19 other environmental benefits relative to other com-
20 monly used alternative materials;

21 (3) life-cycle and longevity-extending character-
22 istics relative to other commonly used alternative
23 materials;

1 (4) life-cycle and longevity-reducing characteris-
2 tics relative to other commonly used alternative ma-
3 terials;

4 (5) landfill quantity and waste management
5 cost reductions;

6 (6) product development and production scale-
7 up; and

8 (7) any other benefits that the Secretary deter-
9 mines to be appropriate.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry
12 out this section \$2,000,000 for each of fiscal years 2022
13 through 2023.

14 **TITLE VI—CYBERSECURITY**
15 **Subtitle A—Cyber Response and**
16 **Recovery Act**

17 **SEC. 70601. SHORT TITLE.**

18 This subtitle may be cited as the “Cyber Response
19 and Recovery Act”.

20 **SEC. 70602. DECLARATION OF A SIGNIFICANT INCIDENT.**

21 (a) IN GENERAL.—Title XXII of the Homeland Se-
22 curity Act of 2002 (6 U.S.C. 651 et seq.) is amended by
23 adding at the end the following:

1 **“Subtitle C—Declaration of a**
2 **Significant Incident**

3 **“SEC. 2231. SENSE OF CONGRESS.**

4 “It is the sense of Congress that—

5 “(1) the purpose of this subtitle is to authorize
6 the Secretary to declare that a significant incident
7 has occurred and to establish the authorities that
8 are provided under the declaration to respond to and
9 recover from the significant incident; and

10 “(2) the authorities established under this sub-
11 title are intended to enable the Secretary to provide
12 voluntary assistance to non-Federal entities im-
13 pacted by a significant incident.

14 **“SEC. 2232. DEFINITIONS.**

15 “For the purposes of this subtitle:

16 “(1) ASSET RESPONSE ACTIVITY.—The term
17 ‘asset response activity’ means an activity to support
18 an entity impacted by an incident with the response
19 to, remediation of, or recovery from, the incident, in-
20 cluding—

21 “(A) furnishing technical and advisory as-
22 sistance to the entity to protect the assets of
23 the entity, mitigate vulnerabilities, and reduce
24 the related impacts;

1 “(B) assessing potential risks to the crit-
2 ical infrastructure sector or geographic region
3 impacted by the incident, including potential
4 cascading effects of the incident on other crit-
5 ical infrastructure sectors or geographic re-
6 gions;

7 “(C) developing courses of action to miti-
8 gate the risks assessed under subparagraph
9 (B);

10 “(D) facilitating information sharing and
11 operational coordination with entities per-
12 forming threat response activities; and

13 “(E) providing guidance on how best to
14 use Federal resources and capabilities in a
15 timely, effective manner to speed recovery from
16 the incident.

17 “(2) DECLARATION.—The term ‘declaration’
18 means a declaration of the Secretary under section
19 2233(a)(1).

20 “(3) DIRECTOR.—The term ‘Director’ means
21 the Director of the Cybersecurity and Infrastructure
22 Security Agency.

23 “(4) FEDERAL AGENCY.—The term ‘Federal
24 agency’ has the meaning given the term ‘agency’ in
25 section 3502 of title 44, United States Code.

1 “(5) FUND.—The term ‘Fund’ means the
2 Cyber Response and Recovery Fund established
3 under section 2234(a).

4 “(6) INCIDENT.—The term ‘incident’ has the
5 meaning given the term in section 3552 of title 44,
6 United States Code.

7 “(7) RENEWAL.—The term ‘renewal’ means a
8 renewal of a declaration under section 2233(d).

9 “(8) SIGNIFICANT INCIDENT.—The term ‘sig-
10 nificant incident’—

11 “(A) means an incident or a group of re-
12 lated incidents that results, or is likely to re-
13 sult, in demonstrable harm to—

14 “(i) the national security interests,
15 foreign relations, or economy of the United
16 States; or

17 “(ii) the public confidence, civil lib-
18 erties, or public health and safety of the
19 people of the United States; and

20 “(B) does not include an incident or a por-
21 tion of a group of related incidents that occurs
22 on—

23 “(i) a national security system (as de-
24 fined in section 3552 of title 44, United
25 States Code); or

1 “(1) the asset response activities of each Fed-
2 eral agency in response to the specific significant in-
3 cident associated with the declaration; and

4 “(2) with appropriate entities, which may in-
5 clude—

6 “(A) public and private entities and State
7 and local governments with respect to the asset
8 response activities of those entities and govern-
9 ments; and

10 “(B) Federal, State, local, and Tribal law
11 enforcement agencies with respect to investiga-
12 tions and threat response activities of those law
13 enforcement agencies; and

14 “(3) Federal, State, local, and Tribal emer-
15 gency management and response agencies.

16 “(c) DURATION.—Subject to subsection (d), a dec-
17 laration shall terminate upon the earlier of—

18 “(1) a determination by the Secretary that the
19 declaration is no longer necessary; or

20 “(2) the expiration of the 120-day period begin-
21 ning on the date on which the Secretary makes the
22 declaration.

23 “(d) RENEWAL.—The Secretary, without delegation,
24 may renew a declaration as necessary.

25 “(e) PUBLICATION.—

2246

1 “(1) IN GENERAL.—Not later than 72 hours
2 after a declaration or a renewal, the Secretary shall
3 publish the declaration or renewal in the Federal
4 Register.

5 “(2) PROHIBITION.—A declaration or renewal
6 published under paragraph (1) may not include the
7 name of any affected individual or private company.

8 “(f) ADVANCE ACTIONS.—

9 “(1) IN GENERAL.—The Secretary—

10 “(A) shall assess the resources available to
11 respond to a potential declaration; and

12 “(B) may take actions before and while a
13 declaration is in effect to arrange or procure
14 additional resources for asset response activities
15 or technical assistance the Secretary determines
16 necessary, which may include entering into
17 standby contracts with private entities for cy-
18 bersecurity services or incident responders in
19 the event of a declaration.

20 “(2) EXPENDITURE OF FUNDS.—Any expendi-
21 ture from the Fund for the purpose of paragraph
22 (1)(B) shall be made from amounts available in the
23 Fund, and amounts available in the Fund shall be
24 in addition to any other appropriations available to

1 the Cybersecurity and Infrastructure Security Agen-
2 cy for such purpose.

3 **“SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.**

4 “(a) IN GENERAL.—There is established a Cyber Re-
5 sponse and Recovery Fund, which shall be available for—

6 “(1) the coordination of activities described in
7 section 2233(b);

8 “(2) response and recovery support for the spe-
9 cific significant incident associated with a declara-
10 tion to Federal, State, local, and Tribal, entities and
11 public and private entities on a reimbursable or non-
12 reimbursable basis, including through asset response
13 activities and technical assistance, such as—

14 “(A) vulnerability assessments and mitiga-
15 tion;

16 “(B) technical incident mitigation;

17 “(C) malware analysis;

18 “(D) analytic support;

19 “(E) threat detection and hunting; and

20 “(F) network protections;

21 “(3) as the Director determines appropriate,
22 grants for, or cooperative agreements with, Federal,
23 State, local, and Tribal public and private entities to
24 respond to, and recover from, the specific significant
25 incident associated with a declaration, such as—

1 “(A) hardware or software to replace, up-
2 date, improve, harden, or enhance the
3 functionality of existing hardware, software, or
4 systems; and

5 “(B) technical contract personnel support;
6 and

7 “(4) advance actions taken by the Secretary
8 under section 2233(f)(1)(B).

9 “(b) DEPOSITS AND EXPENDITURES.—

10 “(1) IN GENERAL.—Amounts shall be deposited
11 into the Fund from—

12 “(A) appropriations to the Fund for activi-
13 ties of the Fund; and

14 “(B) reimbursement from Federal agencies
15 for the activities described in paragraphs (1),
16 (2), and (4) of subsection (a), which shall only
17 be from amounts made available in advance in
18 appropriations Acts for such reimbursement.

19 “(2) EXPENDITURES.—Any expenditure from
20 the Fund for the purposes of this subtitle shall be
21 made from amounts available in the Fund from a
22 deposit described in paragraph (1), and amounts
23 available in the Fund shall be in addition to any
24 other appropriations available to the Cybersecurity

1 and Infrastructure Security Agency for such pur-
2 poses.

3 “(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the
4 Fund shall be used to supplement, not supplant, other
5 Federal, State, local, or Tribal funding for activities in
6 response to a declaration.

7 “(d) REPORTING.—The Secretary shall require an
8 entity that receives amounts from the Fund to submit a
9 report to the Secretary that details the specific use of the
10 amounts.

11 **“SEC. 2235. NOTIFICATION AND REPORTING.**

12 “(a) NOTIFICATION.—Upon a declaration or renewal,
13 the Secretary shall immediately notify the National Cyber
14 Director and appropriate congressional committees and in-
15 clude in the notification—

16 “(1) an estimation of the planned duration of
17 the declaration;

18 “(2) with respect to a notification of a declara-
19 tion, the reason for the declaration, including infor-
20 mation relating to the specific significant incident or
21 imminent specific significant incident, including—

22 “(A) the operational or mission impact or
23 anticipated impact of the specific significant in-
24 cident on Federal and non-Federal entities;

1 “(B) if known, the perpetrator of the spe-
2 cific significant incident; and

3 “(C) the scope of the Federal and non-
4 Federal entities impacted or anticipated to be
5 impacted by the specific significant incident;

6 “(3) with respect to a notification of a renewal,
7 the reason for the renewal;

8 “(4) justification as to why available resources,
9 other than the Fund, are insufficient to respond to
10 or mitigate the specific significant incident; and

11 “(5) a description of the coordination activities
12 described in section 2233(b) that the Secretary an-
13 ticipates the Director to perform.

14 “(b) REPORT TO CONGRESS.—Not later than 180
15 days after the date of a declaration or renewal, the Sec-
16 retary shall submit to the appropriate congressional com-
17 mittees a report that includes—

18 “(1) the reason for the declaration or renewal,
19 including information and intelligence relating to the
20 specific significant incident that led to the declara-
21 tion or renewal;

22 “(2) the use of any funds from the Fund for
23 the purpose of responding to the incident or threat
24 described in paragraph (1);

1 “(3) a description of the actions, initiatives, and
2 projects undertaken by the Department and State
3 and local governments and public and private enti-
4 ties in responding to and recovering from the spe-
5 cific significant incident described in paragraph (1);

6 “(4) an accounting of the specific obligations
7 and outlays of the Fund; and

8 “(5) an analysis of—

9 “(A) the impact of the specific significant
10 incident described in paragraph (1) on Federal
11 and non-Federal entities;

12 “(B) the impact of the declaration or re-
13 newal on the response to, and recovery from,
14 the specific significant incident described in
15 paragraph (1); and

16 “(C) the impact of the funds made avail-
17 able from the Fund as a result of the declara-
18 tion or renewal on the recovery from, and re-
19 sponse to, the specific significant incident de-
20 scribed in paragraph (1).

21 “(c) CLASSIFICATION.—Each notification made
22 under subsection (a) and each report submitted under sub-
23 section (b)—

24 “(1) shall be in an unclassified form with ap-
25 propriate markings to indicate information that is

1 exempt from disclosure under section 552 of title 5,
2 United States Code (commonly known as the ‘Free-
3 dom of Information Act’); and

4 “(2) may include a classified annex.

5 “(d) CONSOLIDATED REPORT.—The Secretary shall
6 not be required to submit multiple reports under sub-
7 section (b) for multiple declarations or renewals if the Sec-
8 retary determines that the declarations or renewals sub-
9 stantively relate to the same specific significant incident.

10 “(e) EXEMPTION.—The requirements of subchapter
11 I of chapter 35 of title 44 (commonly known as the ‘Pa-
12 perwork Reduction Act’) shall not apply to the voluntary
13 collection of information by the Department during an in-
14 vestigation of, a response to, or an immediate post-re-
15 sponse review of, the specific significant incident leading
16 to a declaration or renewal.

17 **“SEC. 2236. RULE OF CONSTRUCTION.**

18 “Nothing in this subtitle shall be construed to impair
19 or limit the ability of the Director to carry out the author-
20 ized activities of the Cybersecurity and Infrastructure Se-
21 curity Agency.

22 **“SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to the Fund
24 \$20,000,000 for fiscal year 2022 and each fiscal year

1 thereafter until September 30, 2028, which shall remain
2 available until September 30, 2028.

3 **“SEC. 2238. SUNSET.**

4 “The authorities granted to the Secretary or the Di-
5 rector under this subtitle shall expire on the date that is
6 7 years after the date of enactment of this subtitle.”

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002
9 (Public Law 107–296; 116 Stat. 2135) is amended by
10 adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

“Sec. 2231. Sense of congress.

“Sec. 2232. Definitions.

“Sec. 2233. Declaration.

“Sec. 2234. Cyber response and recovery fund.

“Sec. 2235. Notification and reporting.

“Sec. 2236. Rule of construction.

“Sec. 2237. Authorization of appropriations.

“Sec. 2238. Sunset.”

11 **Subtitle B—State and Local**
12 **Cybersecurity Improvement Act**

13 **SEC. 70611. SHORT TITLE.**

14 This subtitle may be cited as the “State and Local
15 Cybersecurity Improvement Act”.

16 **SEC. 70612. STATE AND LOCAL CYBERSECURITY GRANT**
17 **PROGRAM.**

18 (a) IN GENERAL.—Subtitle A of title XXII of the
19 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
20 is amended by adding at the end the following:

1 **“SEC. 2218. STATE AND LOCAL CYBERSECURITY GRANT**
2 **PROGRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) APPROPRIATE COMMITTEES OF CON-
5 GRESS.—The term ‘appropriate committees of Con-
6 gress’ means—

7 “(A) the Committee on Homeland Security
8 and Governmental Affairs of the Senate; and

9 “(B) the Committee on Homeland Security
10 of the House of Representatives.

11 “(2) CYBER THREAT INDICATOR.—The term
12 ‘cyber threat indicator’ has the meaning given the
13 term in section 102 of the Cybersecurity Act of 2015
14 (6 U.S.C. 1501).

15 “(3) CYBERSECURITY PLAN.—The term ‘Cyber-
16 security Plan’ means a plan submitted by an eligible
17 entity under subsection (e)(1).

18 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means a—

20 “(A) State; or

21 “(B) Tribal government.

22 “(5) INCIDENT.—The term ‘incident’ has the
23 meaning given the term in section 2209.

24 “(6) INFORMATION SHARING AND ANALYSIS OR-
25 GANIZATION.—The term ‘information sharing and

1 analysis organization’ has the meaning given the
2 term in section 2222.

3 “(7) INFORMATION SYSTEM.—The term ‘infor-
4 mation system’ has the meaning given the term in
5 section 102 of the Cybersecurity Act of 2015 (6
6 U.S.C. 1501).

7 “(8) MULTI-ENTITY GROUP.—The term ‘multi-
8 entity group’ means a group of 2 or more eligible
9 entities desiring a grant under this section.

10 “(9) ONLINE SERVICE.—The term ‘online serv-
11 ice’ means any internet-facing service, including a
12 website, email, virtual private network, or custom
13 application.

14 “(10) RURAL AREA.—The term ‘rural area’ has
15 the meaning given the term in section 5302 of title
16 49, United States Code.

17 “(11) STATE AND LOCAL CYBERSECURITY
18 GRANT PROGRAM.—The term ‘State and Local Cy-
19 bersecurity Grant Program’ means the program es-
20 tablished under subsection (b).

21 “(12) TRIBAL GOVERNMENT.—The term ‘Tribal
22 government’ means the recognized governing body of
23 any Indian or Alaska Native Tribe, band, nation,
24 pueblo, village, community, component band, or com-
25 ponent reservation, that is individually identified (in-

1 including parenthetically) in the most recent list pub-
2 lished pursuant to Section 104 of the Federally Rec-
3 ognized Indian Tribe List Act of 1994 (25 U.S.C.
4 5131).

5 “(b) ESTABLISHMENT.—

6 “(1) IN GENERAL.—There is established within
7 the Department a program to award grants to eligi-
8 ble entities to address cybersecurity risks and cyber-
9 security threats to information systems owned or op-
10 erated by, or on behalf of, State, local, or Tribal
11 governments.

12 “(2) APPLICATION.—An eligible entity desiring
13 a grant under the State and Local Cybersecurity
14 Grant Program shall submit to the Secretary an ap-
15 plication at such time, in such manner, and con-
16 taining such information as the Secretary may re-
17 quire.

18 “(c) ADMINISTRATION.—The State and Local Cyber-
19 security Grant Program shall be administered in the same
20 office of the Department that administers grants made
21 under sections 2003 and 2004.

22 “(d) USE OF FUNDS.—An eligible entity that receives
23 a grant under this section and a local government that
24 receives funds from a grant under this section, as appro-
25 priate, shall use the grant to—

1 “(1) implement the Cybersecurity Plan of the
2 eligible entity;

3 “(2) develop or revise the Cybersecurity Plan of
4 the eligible entity;

5 “(3) pay expenses directly relating to the ad-
6 ministration of the grant, which shall not exceed 5
7 percent of the amount of the grant;

8 “(4) assist with activities that address immi-
9 nent cybersecurity threats, as confirmed by the Sec-
10 retary, acting through the Director, to the informa-
11 tion systems owned or operated by, or on behalf of,
12 the eligible entity or a local government within the
13 jurisdiction of the eligible entity; or

14 “(5) fund any other appropriate activity deter-
15 mined by the Secretary, acting through the Director.

16 “(e) CYBERSECURITY PLANS.—

17 “(1) IN GENERAL.—An eligible entity applying
18 for a grant under this section shall submit to the
19 Secretary a Cybersecurity Plan for review in accord-
20 ance with subsection (i).

21 “(2) REQUIRED ELEMENTS.—A Cybersecurity
22 Plan of an eligible entity shall—

23 “(A) incorporate, to the extent prac-
24 ticable—

1 “(i) any existing plans of the eligible
2 entity to protect against cybersecurity risks
3 and cybersecurity threats to information
4 systems owned or operated by, or on behalf
5 of, State, local, or Tribal governments; and

6 “(ii) if the eligible entity is a State,
7 consultation and feedback from local gov-
8 ernments and associations of local govern-
9 ments within the jurisdiction of the eligible
10 entity;

11 “(B) describe, to the extent practicable,
12 how the eligible entity will—

13 “(i) manage, monitor, and track infor-
14 mation systems, applications, and user ac-
15 counts owned or operated by, or on behalf
16 of, the eligible entity or, if the eligible enti-
17 ty is a State, local governments within the
18 jurisdiction of the eligible entity, and the
19 information technology deployed on those
20 information systems, including legacy in-
21 formation systems and information tech-
22 nology that are no longer supported by the
23 manufacturer of the systems or technology;

24 “(ii) monitor, audit, and, track net-
25 work traffic and activity transiting or trav-

1 eling to or from information systems, ap-
2 plications, and user accounts owned or op-
3 erated by, or on behalf of, the eligible enti-
4 ty or, if the eligible entity is a State, local
5 governments within the jurisdiction of the
6 eligible entity;

7 “(iii) enhance the preparation, re-
8 sponse, and resiliency of information sys-
9 tems, applications, and user accounts
10 owned or operated by, or on behalf of, the
11 eligible entity or, if the eligible entity is a
12 State, local governments within the juris-
13 diction of the eligible entity, against cyber-
14 security risks and cybersecurity threats;

15 “(iv) implement a process of contin-
16 uous cybersecurity vulnerability assess-
17 ments and threat mitigation practices
18 prioritized by degree of risk to address cy-
19 bersecurity risks and cybersecurity threats
20 on information systems, applications, and
21 user accounts owned or operated by, or on
22 behalf of, the eligible entity or, if the eligi-
23 ble entity is a State, local governments
24 within the jurisdiction of the eligible entity;

2260

1 “(v) ensure that the eligible entity
2 and, if the eligible entity is a State, local
3 governments within the jurisdiction of the
4 eligible entity, adopt and use best practices
5 and methodologies to enhance cybersecu-
6 rity, such as—

7 “(I) the practices set forth in the
8 cybersecurity framework developed by
9 the National Institute of Standards
10 and Technology;

11 “(II) cyber chain supply chain
12 risk management best practices iden-
13 tified by the National Institute of
14 Standards and Technology; and

15 “(III) knowledge bases of adver-
16 sary tools and tactics;

17 “(vi) promote the delivery of safe, rec-
18 ognizable, and trustworthy online services
19 by the eligible entity and, if the eligible en-
20 tity is a State, local governments within
21 the jurisdiction of the eligible entity, in-
22 cluding through the use of the .gov inter-
23 net domain;

24 “(vii) ensure continuity of operations
25 of the eligible entity and, if the eligible en-

2261

1 tity is a State, local governments within
2 the jurisdiction of the eligible entity, in the
3 event of a cybersecurity incident, including
4 by conducting exercises to practice re-
5 sponding to a cybersecurity incident;

6 “(viii) use the National Initiative for
7 Cybersecurity Education Workforce
8 Framework for Cybersecurity developed by
9 the National Institute of Standards and
10 Technology to identify and mitigate any
11 gaps in the cybersecurity workforces of the
12 eligible entity and, if the eligible entity is
13 a State, local governments within the juris-
14 diction of the eligible entity, enhance re-
15 cruitment and retention efforts for those
16 workforces, and bolster the knowledge,
17 skills, and abilities of personnel of the eli-
18 gible entity and, if the eligible entity is a
19 State, local governments within the juris-
20 diction of the eligible entity, to address cy-
21 bersecurity risks and cybersecurity threats,
22 such as through cybersecurity hygiene
23 training;

24 “(ix) if the eligible entity is a State,
25 ensure continuity of communications and

2262

1 data networks within the jurisdiction of the
2 eligible entity between the eligible entity
3 and local governments within the jurisdic-
4 tion of the eligible entity in the event of an
5 incident involving those communications or
6 data networks;

7 “(x) assess and mitigate, to the great-
8 est degree possible, cybersecurity risks and
9 cybersecurity threats relating to critical in-
10 frastructure and key resources, the deg-
11 radation of which may impact the perform-
12 ance of information systems within the ju-
13 risdiction of the eligible entity;

14 “(xi) enhance capabilities to share
15 cyber threat indicators and related infor-
16 mation between the eligible entity and—

17 “(I) if the eligible entity is a
18 State, local governments within the
19 jurisdiction of the eligible entity, in-
20 cluding by expanding information
21 sharing agreements with the Depart-
22 ment; and

23 “(II) the Department;

24 “(xii) leverage cybersecurity services
25 offered by the Department;

2263

1 “(xiii) implement an information tech-
2 nology and operational technology mod-
3 ernization cybersecurity review process
4 that ensures alignment between informa-
5 tion technology and operational technology
6 cybersecurity objectives;

7 “(xiv) develop and coordinate strate-
8 gies to address cybersecurity risks and cy-
9 bersecurity threats in consultation with—

10 “(I) if the eligible entity is a
11 State, local governments and associa-
12 tions of local governments within the
13 jurisdiction of the eligible entity; and

14 “(II) as applicable—

15 “(aa) eligible entities that
16 neighbor the jurisdiction of the
17 eligible entity or, as appropriate,
18 members of an information shar-
19 ing and analysis organization;
20 and

21 “(bb) countries that neigh-
22 bor the jurisdiction of the eligible
23 entity;

24 “(xv) ensure adequate access to, and
25 participation in, the services and programs

1 described in this subparagraph by rural
2 areas within the jurisdiction of the eligible
3 entity; and

4 “(xvi) distribute funds, items, serv-
5 ices, capabilities, or activities to local gov-
6 ernments under subsection (n)(2)(A), in-
7 cluding the fraction of that distribution the
8 eligible entity plans to distribute to rural
9 areas under subsection (n)(2)(B);

10 “(C) assess the capabilities of the eligible
11 entity relating to the actions described in sub-
12 paragraph (B);

13 “(D) describe, as appropriate and to the
14 extent practicable, the individual responsibilities
15 of the eligible entity and local governments
16 within the jurisdiction of the eligible entity in
17 implementing the plan;

18 “(E) outline, to the extent practicable, the
19 necessary resources and a timeline for imple-
20 menting the plan; and

21 “(F) describe the metrics the eligible entity
22 will use to measure progress towards—

23 “(i) implementing the plan; and

24 “(ii) reducing cybersecurity risks to,
25 and identifying, responding to, and recov-

1 ering from cybersecurity threats to, infor-
2 mation systems owned or operated by, or
3 on behalf of, the eligible entity or, if the el-
4 igible entity is a State, local governments
5 within the jurisdiction of the eligible entity.

6 “(3) DISCRETIONARY ELEMENTS.—In drafting
7 a Cybersecurity Plan, an eligible entity may—

8 “(A) consult with the Multi-State Informa-
9 tion Sharing and Analysis Center;

10 “(B) include a description of cooperative
11 programs developed by groups of local govern-
12 ments within the jurisdiction of the eligible en-
13 tity to address cybersecurity risks and cyberse-
14 curity threats; and

15 “(C) include a description of programs
16 provided by the eligible entity to support local
17 governments and owners and operators of crit-
18 ical infrastructure to address cybersecurity
19 risks and cybersecurity threats.

20 “(f) MULTI-ENTITY GRANTS.—

21 “(1) IN GENERAL.—The Secretary may award
22 grants under this section to a multi-entity group to
23 support multi-entity efforts to address cybersecurity
24 risks and cybersecurity threats to information sys-

1 tems within the jurisdictions of the eligible entities
2 that comprise the multi-entity group.

3 “(2) SATISFACTION OF OTHER REQUIRE-
4 MENTS.—In order to be eligible for a multi-entity
5 grant under this subsection, each eligible entity that
6 comprises a multi-entity group shall have—

7 “(A) a Cybersecurity Plan that has been
8 reviewed by the Secretary in accordance with
9 subsection (i); and

10 “(B) a cybersecurity planning committee
11 established in accordance with subsection (g).

12 “(3) APPLICATION.—

13 “(A) IN GENERAL.—A multi-entity group
14 applying for a multi-entity grant under para-
15 graph (1) shall submit to the Secretary an ap-
16 plication at such time, in such manner, and
17 containing such information as the Secretary
18 may require.

19 “(B) MULTI-ENTITY PROJECT PLAN.—An
20 application for a grant under this section of a
21 multi-entity group under subparagraph (A)
22 shall include a plan describing—

23 “(i) the division of responsibilities
24 among the eligible entities that comprise
25 the multi-entity group;

1 “(ii) the distribution of funding from
2 the grant among the eligible entities that
3 comprise the multi-entity group; and

4 “(iii) how the eligible entities that
5 comprise the multi-entity group will work
6 together to implement the Cybersecurity
7 Plan of each of those eligible entities.

8 “(g) PLANNING COMMITTEES.—

9 “(1) IN GENERAL.—An eligible entity that re-
10 ceives a grant under this section shall establish a cy-
11 bersecurity planning committee to—

12 “(A) assist with the development, imple-
13 mentation, and revision of the Cybersecurity
14 Plan of the eligible entity;

15 “(B) approve the Cybersecurity Plan of the
16 eligible entity; and

17 “(C) assist with the determination of effec-
18 tive funding priorities for a grant under this
19 section in accordance with subsections (d) and
20 (j).

21 “(2) COMPOSITION.—A committee of an eligible
22 entity established under paragraph (1) shall—

23 “(A) be comprised of representatives
24 from—

25 “(i) the eligible entity;

1 “(ii) if the eligible entity is a State,
2 counties, cities, and towns within the juris-
3 diction of the eligible entity; and

4 “(iii) institutions of public education
5 and health within the jurisdiction of the el-
6 igible entity; and

7 “(B) include, as appropriate, representa-
8 tives of rural, suburban, and high-population
9 jurisdictions.

10 “(3) CYBERSECURITY EXPERTISE.—Not less
11 than one-half of the representatives of a committee
12 established under paragraph (1) shall have profes-
13 sional experience relating to cybersecurity or infor-
14 mation technology.

15 “(4) RULE OF CONSTRUCTION REGARDING EX-
16 ISTING PLANNING COMMITTEES.—Nothing in this
17 subsection shall be construed to require an eligible
18 entity to establish a cybersecurity planning com-
19 mittee if the eligible entity has established and uses
20 a multijurisdictional planning committee or commis-
21 sion that—

22 “(A) meets the requirements of this sub-
23 section; or

24 “(B) may be expanded or leveraged to
25 meet the requirements of this subsection, in-

1 cluding through the formation of a cybersecu-
2 rity planning subcommittee.

3 “(5) RULE OF CONSTRUCTION REGARDING CON-
4 TROL OF INFORMATION SYSTEMS OF ELIGIBLE ENTI-
5 TIES.—Nothing in this subsection shall be construed
6 to permit a cybersecurity planning committee of an
7 eligible entity that meets the requirements of this
8 subsection to make decisions relating to information
9 systems owned or operated by, or on behalf of, the
10 eligible entity.

11 “(h) SPECIAL RULE FOR TRIBAL GOVERNMENTS.—
12 With respect to any requirement under subsection (e) or
13 (g), the Secretary, in consultation with the Secretary of
14 the Interior and Tribal governments, may prescribe an al-
15 ternative substantively similar requirement for Tribal gov-
16 ernments if the Secretary finds that the alternative re-
17 quirement is necessary for the effective delivery and ad-
18 ministration of grants to Tribal governments under this
19 section.

20 “(i) REVIEW OF PLANS.—

21 “(1) REVIEW AS CONDITION OF GRANT.—

22 “(A) IN GENERAL.—Subject to paragraph
23 (3), before an eligible entity may receive a
24 grant under this section, the Secretary, acting
25 through the Director, shall—

2270

1 “(i) review the Cybersecurity Plan of
2 the eligible entity, including any revised
3 Cybersecurity Plans of the eligible entity;
4 and

5 “(ii) determine that the Cybersecurity
6 Plan reviewed under clause (i) satisfies the
7 requirements under paragraph (2).

8 “(B) DURATION OF DETERMINATION.—In
9 the case of a determination under subparagraph
10 (A)(ii) that a Cybersecurity Plan satisfies the
11 requirements under paragraph (2), the deter-
12 mination shall be effective for the 2-year period
13 beginning on the date of the determination.

14 “(C) ANNUAL RENEWAL.—Not later than
15 2 years after the date on which the Secretary
16 determines under subparagraph (A)(ii) that a
17 Cybersecurity Plan satisfies the requirements
18 under paragraph (2), and annually thereafter,
19 the Secretary, acting through the Director,
20 shall—

21 “(i) determine whether the Cybersecu-
22 rity Plan and any revisions continue to
23 meet the criteria described in paragraph
24 (2); and

2271

1 “(ii) renew the determination if the
2 Secretary, acting through the Director,
3 makes a positive determination under
4 clause (i).

5 “(2) PLAN REQUIREMENTS.—In reviewing a
6 Cybersecurity Plan of an eligible entity under this
7 subsection, the Secretary, acting through the Direc-
8 tor, shall ensure that the Cybersecurity Plan—

9 “(A) satisfies the requirements of sub-
10 section (e)(2); and

11 “(B) has been approved by—

12 “(i) the cybersecurity planning com-
13 mittee of the eligible entity established
14 under subsection (g); and

15 “(ii) the Chief Information Officer,
16 the Chief Information Security Officer, or
17 an equivalent official of the eligible entity.

18 “(3) EXCEPTION.—Notwithstanding subsection
19 (e) and paragraph (1) of this subsection, the Sec-
20 retary may award a grant under this section to an
21 eligible entity that does not submit a Cybersecurity
22 Plan to the Secretary for review before September
23 30, 2023, if the eligible entity certifies to the Sec-
24 retary that—

2272

1 “(A) the activities that will be supported
2 by the grant are—

3 “(i) integral to the development of the
4 Cybersecurity Plan of the eligible entity; or

5 “(ii) necessary to assist with activities
6 described in subsection (d)(4), as con-
7 firmed by the Director; and

8 “(B) the eligible entity will submit to the
9 Secretary a Cybersecurity Plan for review under
10 this subsection by September 30, 2023.

11 “(4) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed to provide author-
13 ity to the Secretary to—

14 “(A) regulate the manner by which an eli-
15 gible entity or local government improves the
16 cybersecurity of the information systems owned
17 or operated by, or on behalf of, the eligible enti-
18 ty or local government; or

19 “(B) condition the receipt of grants under
20 this section on—

21 “(i) participation in a particular Fed-
22 eral program; or

23 “(ii) the use of a specific product or
24 technology.

25 “(j) LIMITATIONS ON USES OF FUNDS.—

1 “(1) IN GENERAL.—Any entity that receives
2 funds from a grant under this section may not use
3 the grant—

4 “(A) to supplant State or local funds;

5 “(B) for any recipient cost-sharing con-
6 tribution;

7 “(C) to pay a ransom;

8 “(D) for recreational or social purposes; or

9 “(E) for any purpose that does not address
10 cybersecurity risks or cybersecurity threats on
11 information systems owned or operated by, or
12 on behalf of, the eligible entity that receives the
13 grant or a local government within the jurisdic-
14 tion of the eligible entity.

15 “(2) COMPLIANCE OVERSIGHT.—In addition to
16 any other remedy available, the Secretary may take
17 such actions as are necessary to ensure that a recipi-
18 ent of a grant under this section uses the grant for
19 the purposes for which the grant is awarded.

20 “(3) RULE OF CONSTRUCTION.—Nothing in
21 paragraph (1)(A) shall be construed to prohibit the
22 use of funds from a grant under this section award-
23 ed to a State, local, or Tribal government for other-
24 wise permissible uses under this section on the basis
25 that the State, local, or Tribal government has pre-

1 viously used State, local, or Tribal funds to support
2 the same or similar uses.

3 “(k) OPPORTUNITY TO AMEND APPLICATIONS.—In
4 considering applications for grants under this section, the
5 Secretary shall provide applicants with a reasonable op-
6 portunity to correct any defects in those applications be-
7 fore making final awards, including by allowing applicants
8 to revise a submitted Cybersecurity Plan.

9 “(l) APPORTIONMENT.—For fiscal year 2022 and
10 each fiscal year thereafter, the Secretary shall apportion
11 amounts appropriated to carry out this section among eli-
12 gible entities as follows:

13 “(1) BASELINE AMOUNT.—The Secretary shall
14 first apportion—

15 “(A) 0.25 percent of such amounts to each
16 of American Samoa, the Commonwealth of the
17 Northern Mariana Islands, Guam, and the
18 United States Virgin Islands;

19 “(B) 1 percent of such amounts to each of
20 the remaining States; and

21 “(C) 3 percent of such amounts to Tribal
22 governments.

23 “(2) REMAINDER.—The Secretary shall appor-
24 tion the remainder of such amounts to States as fol-
25 lows:

1 “(A) 50 percent of such remainder in the
2 ratio that the population of each State, bears to
3 the population of all States; and

4 “(B) 50 percent of such remainder in the
5 ratio that the population of each State that re-
6 sides in rural areas, bears to the population of
7 all States that resides in rural areas.

8 “(3) APPORTIONMENT AMONG TRIBAL GOVERN-
9 MENTS.—In determining how to apportion amounts
10 to Tribal governments under paragraph (1)(C), the
11 Secretary shall consult with the Secretary of the In-
12 terior and Tribal governments.

13 “(4) MULTI-ENTITY GRANTS.—An amount re-
14 ceived from a multi-entity grant awarded under sub-
15 section (f)(1) by a State or Tribal government that
16 is a member of the multi-entity group shall qualify
17 as an apportionment for the purpose of this sub-
18 section.

19 “(m) FEDERAL SHARE.—

20 “(1) IN GENERAL.—The Federal share of the
21 cost of an activity carried out using funds made
22 available with a grant under this section may not ex-
23 ceed—

24 “(A) in the case of a grant to an eligible
25 entity—

2276

1 “(i) for fiscal year 2022, 90 percent;

2 “(ii) for fiscal year 2023, 80 percent;

3 “(iii) for fiscal year 2024, 70 percent;

4 and

5 “(iv) for fiscal year 2025, 60 percent;

6 and

7 “(B) in the case of a grant to a multi-enti-
8 ty group—

9 “(i) for fiscal year 2022, 100 percent;

10 “(ii) for fiscal year 2023, 90 percent;

11 “(iii) for fiscal year 2024, 80 percent;

12 and

13 “(iv) for fiscal year 2025, 70 percent.

14 “(2) WAIVER.—

15 “(A) IN GENERAL.—The Secretary may
16 waive or modify the requirements of paragraph
17 (1) if an eligible entity or multi-entity group
18 demonstrates economic hardship.

19 “(B) GUIDELINES.—The Secretary shall
20 establish and publish guidelines for determining
21 what constitutes economic hardship for the pur-
22 poses of this subsection.

23 “(C) CONSIDERATIONS.—In developing
24 guidelines under subparagraph (B), the Sec-

2277

1 retary shall consider, with respect to the juris-
2 diction of an eligible entity—

3 “(i) changes in rates of unemployment
4 in the jurisdiction from previous years;

5 “(ii) changes in the percentage of in-
6 dividuals who are eligible to receive bene-
7 fits under the supplemental nutrition as-
8 sistance program established under the
9 Food and Nutrition Act of 2008 (7 U.S.C.
10 2011 et seq.) from previous years; and

11 “(iii) any other factors the Secretary
12 considers appropriate.

13 “(3) WAIVER FOR TRIBAL GOVERNMENTS.—
14 Notwithstanding paragraph (2), the Secretary, in
15 consultation with the Secretary of the Interior and
16 Tribal governments, may waive or modify the re-
17 quirements of paragraph (1) for 1 or more Tribal
18 governments if the Secretary determines that the
19 waiver is in the public interest.

20 “(n) RESPONSIBILITIES OF GRANTEES.—

21 “(1) CERTIFICATION.—Each eligible entity or
22 multi-entity group that receives a grant under this
23 section shall certify to the Secretary that the grant
24 will be used—

1 “(A) for the purpose for which the grant
2 is awarded; and

3 “(B) in compliance with subsections (d)
4 and (j).

5 “(2) AVAILABILITY OF FUNDS TO LOCAL GOV-
6 ERNMENTS AND RURAL AREAS.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (C), not later than 45 days after the date
9 on which an eligible entity or multi-entity group
10 receives a grant under this section, the eligible
11 entity or multi-entity group shall, without im-
12 posing unreasonable or unduly burdensome re-
13 quirements as a condition of receipt, obligate or
14 otherwise make available to local governments
15 within the jurisdiction of the eligible entity or
16 the eligible entities that comprise the multi-enti-
17 ty group, consistent with the Cybersecurity
18 Plan of the eligible entity or the Cybersecurity
19 Plans of the eligible entities that comprise the
20 multi-entity group—

21 “(i) not less than 80 percent of funds
22 available under the grant;

23 “(ii) with the consent of the local gov-
24 ernments, items, services, capabilities, or

2279

1 activities having a value of not less than
2 80 percent of the amount of the grant; or
3 “(iii) with the consent of the local
4 governments, grant funds combined with
5 other items, services, capabilities, or activi-
6 ties having the total value of not less than
7 80 percent of the amount of the grant.

8 “(B) AVAILABILITY TO RURAL AREAS.—In
9 obligating funds, items, services, capabilities, or
10 activities to local governments under subpara-
11 graph (A), the eligible entity or eligible entities
12 that comprise the multi-entity group shall en-
13 sure that rural areas within the jurisdiction of
14 the eligible entity or the eligible entities that
15 comprise the multi-entity group receive not less
16 than—

17 “(i) 25 percent of the amount of the
18 grant awarded to the eligible entity;

19 “(ii) items, services, capabilities, or
20 activities having a value of not less than
21 25 percent of the amount of the grant
22 awarded to the eligible entity; or

23 “(iii) grant funds combined with other
24 items, services, capabilities, or activities
25 having the total value of not less than 25

1 percent of the grant awarded to the eligible
2 entity.

3 “(C) EXCEPTIONS.—This paragraph shall
4 not apply to—

5 “(i) any grant awarded under this
6 section that solely supports activities that
7 are integral to the development or revision
8 of the Cybersecurity Plan of the eligible
9 entity; or

10 “(ii) the District of Columbia, the
11 Commonwealth of Puerto Rico, American
12 Samoa, the Commonwealth of the North-
13 ern Mariana Islands, Guam, the United
14 States Virgin Islands, or a Tribal govern-
15 ment.

16 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
17 An eligible entity or multi-entity group shall certify
18 to the Secretary that the eligible entity or multi-enti-
19 ty group has made the distribution to local govern-
20 ments required under paragraph (2).

21 “(4) EXTENSION OF PERIOD.—

22 “(A) IN GENERAL.—An eligible entity or
23 multi-entity group may request in writing that
24 the Secretary extend the period of time speci-
25

1 fied in paragraph (2) for an additional period
2 of time.

3 “(B) APPROVAL.—The Secretary may ap-
4 prove a request for an extension under subpara-
5 graph (A) if the Secretary determines the ex-
6 tension is necessary to ensure that the obliga-
7 tion and expenditure of grant funds align with
8 the purpose of the State and Local Cybersecu-
9 rity Grant Program.

10 “(5) DIRECT FUNDING.—If an eligible entity
11 does not make a distribution to a local government
12 required under paragraph (2) in a timely fashion,
13 the local government may petition the Secretary to
14 request the Secretary to provide funds directly to the
15 local government.

16 “(6) LIMITATION ON CONSTRUCTION.—A grant
17 awarded under this section may not be used to ac-
18 quire land or to construct, remodel, or perform alter-
19 ations of buildings or other physical facilities.

20 “(7) CONSULTATION IN ALLOCATING FUNDS.—
21 An eligible entity applying for a grant under this
22 section shall agree to consult the Chief Information
23 Officer, the Chief Information Security Officer, or
24 an equivalent official of the eligible entity in allo-

1 cating funds from a grant awarded under this sec-
2 tion.

3 “(8) PENALTIES.—In addition to other rem-
4 edies available to the Secretary, if an eligible entity
5 violates a requirement of this subsection, the Sec-
6 retary may—

7 “(A) terminate or reduce the amount of a
8 grant awarded under this section to the eligible
9 entity; or

10 “(B) distribute grant funds previously
11 awarded to the eligible entity—

12 “(i) in the case of an eligible entity
13 that is a State, directly to the appropriate
14 local government as a replacement grant in
15 an amount determined by the Secretary; or

16 “(ii) in the case of an eligible entity
17 that is a Tribal government, to another
18 Tribal government or Tribal governments
19 as a replacement grant in an amount de-
20 termined by the Secretary.

21 “(o) CONSULTATION WITH STATE, LOCAL, AND
22 TRIBAL REPRESENTATIVES.—In carrying out this section,
23 the Secretary shall consult with State, local, and Tribal
24 representatives with professional experience relating to cy-
25 bersecurity, including representatives of associations rep-

1 resenting State, local, and Tribal governments, to in-
2 form—

3 “(1) guidance for applicants for grants under
4 this section, including guidance for Cybersecurity
5 Plans;

6 “(2) the study of risk-based formulas required
7 under subsection (q)(4);

8 “(3) the development of guidelines required
9 under subsection (m)(2)(B); and

10 “(4) any modifications described in subsection
11 (q)(2)(D).

12 “(p) NOTIFICATION TO CONGRESS.—Not later than
13 3 business days before the date on which the Department
14 announces the award of a grant to an eligible entity under
15 this section, including an announcement to the eligible en-
16 tity, the Secretary shall provide to the appropriate com-
17 mittees of Congress notice of the announcement.

18 “(q) REPORTS, STUDY, AND REVIEW.—

19 “(1) ANNUAL REPORTS BY GRANT RECIPI-
20 ENTS.—

21 “(A) IN GENERAL.—Not later than 1 year
22 after the date on which an eligible entity re-
23 ceives a grant under this section for the pur-
24 pose of implementing the Cybersecurity Plan of
25 the eligible entity, including an eligible entity

1 that comprises a multi-entity group that re-
2 ceives a grant for that purpose, and annually
3 thereafter until 1 year after the date on which
4 funds from the grant are expended or returned,
5 the eligible entity shall submit to the Secretary
6 a report that, using the metrics described in the
7 Cybersecurity Plan of the eligible entity, de-
8 scribes the progress of the eligible entity in—

9 “(i) implementing the Cybersecurity
10 Plan of the eligible entity; and

11 “(ii) reducing cybersecurity risks to,
12 and identifying, responding to, and recov-
13 ering from cybersecurity threats to, infor-
14 mation systems owned or operated by, or
15 on behalf of, the eligible entity or, if the el-
16 igible entity is a State, local governments
17 within the jurisdiction of the eligible entity.

18 “(B) ABSENCE OF PLAN.—Not later than
19 1 year after the date on which an eligible entity
20 that does not have a Cybersecurity Plan re-
21 ceives funds under this section, and annually
22 thereafter until 1 year after the date on which
23 funds from the grant are expended or returned,
24 the eligible entity shall submit to the Secretary

1 a report describing how the eligible entity obli-
2 gated and expended grant funds to—

3 “(i) develop or revise a Cybersecurity
4 Plan; or

5 “(ii) assist with the activities de-
6 scribed in subsection (d)(4).

7 “(2) ANNUAL REPORTS TO CONGRESS.—Not
8 less frequently than annually, the Secretary, acting
9 through the Director, shall submit to Congress a re-
10 port on—

11 “(A) the use of grants awarded under this
12 section;

13 “(B) the proportion of grants used to sup-
14 port cybersecurity in rural areas;

15 “(C) the effectiveness of the State and
16 Local Cybersecurity Grant Program;

17 “(D) any necessary modifications to the
18 State and Local Cybersecurity Grant Program;
19 and

20 “(E) any progress made toward—

21 “(i) developing, implementing, or re-
22 vising Cybersecurity Plans; and

23 “(ii) reducing cybersecurity risks to,
24 and identifying, responding to, and recov-
25 ering from cybersecurity threats to, infor-

1 mation systems owned or operated by, or
2 on behalf of, State, local, or Tribal govern-
3 ments as a result of the award of grants
4 under this section.

5 “(3) PUBLIC AVAILABILITY.—

6 “(A) IN GENERAL.—The Secretary, acting
7 through the Director, shall make each report
8 submitted under paragraph (2) publicly avail-
9 able, including by making each report available
10 on the website of the Agency.

11 “(B) REDACTIONS.—In making each re-
12 port publicly available under subparagraph (A),
13 the Director may make redactions that the Di-
14 rector, in consultation with each eligible entity,
15 determines necessary to protect classified or
16 other information exempt from disclosure under
17 section 552 of title 5, United States Code (com-
18 monly referred to as the ‘Freedom of Informa-
19 tion Act’).

20 “(4) STUDY OF RISK-BASED FORMULAS.—

21 “(A) IN GENERAL.—Not later than Sep-
22 tember 30, 2024, the Secretary, acting through
23 the Director, shall submit to the appropriate
24 committees of Congress a study and legislative
25 recommendations on the potential use of a risk-

1 based formula for apportioning funds under
2 this section, including—

3 “(i) potential components that could
4 be included in a risk-based formula, includ-
5 ing the potential impact of those compo-
6 nents on support for rural areas under this
7 section;

8 “(ii) potential sources of data and in-
9 formation necessary for the implementa-
10 tion of a risk-based formula;

11 “(iii) any obstacles to implementing a
12 risk-based formula, including obstacles
13 that require a legislative solution;

14 “(iv) if a risk-based formula were to
15 be implemented for fiscal year 2026, a rec-
16 ommended risk-based formula for the
17 State and Local Cybersecurity Grant Pro-
18 gram; and

19 “(v) any other information that the
20 Secretary, acting through the Director, de-
21 termines necessary to help Congress under-
22 stand the progress towards, and obstacles
23 to, implementing a risk-based formula.

24 “(B) INAPPLICABILITY OF PAPERWORK RE-
25 DUCATION ACT.—The requirements of chapter

1 35 of title 44, United States Code (commonly
2 referred to as the ‘Paperwork Reduction Act’),
3 shall not apply to any action taken to carry out
4 this paragraph.

5 “(5) TRIBAL CYBERSECURITY NEEDS RE-
6 PORT.—Not later than 2 years after the date of en-
7 actment of this section, the Secretary, acting
8 through the Director, shall submit to Congress a re-
9 port that—

10 “(A) describes the cybersecurity needs of
11 Tribal governments, which shall be determined
12 in consultation with the Secretary of the Inte-
13 rior and Tribal governments; and

14 “(B) includes any recommendations for ad-
15 dressing the cybersecurity needs of Tribal gov-
16 ernments, including any necessary modifications
17 to the State and Local Cybersecurity Grant
18 Program to better serve Tribal governments.

19 “(6) GAO REVIEW.—Not later than 3 years
20 after the date of enactment of this section, the
21 Comptroller General of the United States shall con-
22 duct a review of the State and Local Cybersecurity
23 Grant Program, including—

24 “(A) the grant selection process of the Sec-
25 retary; and

1 “(B) a sample of grants awarded under
2 this section.

3 “(r) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated for activities under this section—

6 “(A) for fiscal year 2022, \$200,000,000;

7 “(B) for fiscal year 2023, \$400,000,000;

8 “(C) for fiscal year 2024, \$300,000,000;

9 and

10 “(D) for fiscal year 2025, \$100,000,000.

11 “(2) TRANSFERS AUTHORIZED.—

12 “(A) IN GENERAL.—During a fiscal year,
13 the Secretary or the head of any component of
14 the Department that administers the State and
15 Local Cybersecurity Grant Program may trans-
16 fer not more than 5 percent of the amounts ap-
17 propriated pursuant to paragraph (1) or other
18 amounts appropriated to carry out the State
19 and Local Cybersecurity Grant Program for
20 that fiscal year to an account of the Depart-
21 ment for salaries, expenses, and other adminis-
22 trative costs incurred for the management, ad-
23 ministration, or evaluation of this section.

24 “(B) ADDITIONAL APPROPRIATIONS.—Any
25 funds transferred under subparagraph (A) shall

2290

1 be in addition to any funds appropriated to the
 2 Department or the components described in
 3 subparagraph (A) for salaries, expenses, and
 4 other administrative costs.

5 “(s) TERMINATION.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
 7 the requirements of this section shall terminate on
 8 September 30, 2025.

9 “(2) EXCEPTION.—The reporting requirements
 10 under subsection (q) shall terminate on the date that
 11 is 1 year after the date on which the final funds
 12 from a grant under this section are expended or re-
 13 turned.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 in section 1(b) of the Homeland Security Act of 2002
 16 (Public Law 107–296; 116 Stat. 2135), is amended by
 17 inserting after the item relating to section 2217 the fol-
 18 lowing:

“Sec. 2218. State and Local Cybersecurity Grant Program.”.

19 **TITLE VII—PUBLIC-PRIVATE**
 20 **PARTNERSHIPS**

21 **SEC. 70701. VALUE FOR MONEY ANALYSIS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
 23 sion of law, in the case of a project described in subsection
 24 (b), the entity carrying out the project shall, during the
 25 planning and project development process and prior to

2291

1 signing any Project Development Agreement, conduct a
2 value for money analysis or comparable analysis of the
3 project, which shall include an evaluation of—

4 (1) the life-cycle cost and project delivery sched-
5 ule;

6 (2) the costs of using public funding versus pri-
7 vate financing for the project;

8 (3) a description of the key assumptions made
9 in developing the analysis, including—

10 (A) an analysis of any Federal grants or
11 loans and subsidies received or expected (in-
12 cluding tax depreciation costs);

13 (B) the key terms of the proposed public-
14 private partnership agreement, if applicable (in-
15 cluding the expected rate of return for private
16 debt and equity), and major compensation
17 events;

18 (C) a discussion of the benefits and costs
19 associated with the allocation of risk;

20 (D) the determination of risk premiums
21 assigned to various project delivery scenarios;

22 (E) assumptions about use, demand, and
23 any user fee revenue generated by the project;

24 and

1 (F) any externality benefits for the public
2 generated by the project;

3 (4) a forecast of user fees and other revenues
4 expected to be generated by the project, if applica-
5 ble; and

6 (5) any other information the Secretary of
7 Transportation determines to be appropriate.

8 (b) PROJECT DESCRIBED.—A project referred to in
9 subsection (a) is a transportation project—

10 (1) with an estimated total cost of more than
11 \$750,000,000;

12 (2) carried out—

13 (A) by a public entity that is a State, terri-
14 tory, Indian Tribe, unit of local government,
15 transit agency, port authority, metropolitan
16 planning organization, airport authority, or
17 other political subdivision of a State or local
18 government; and

19 (B) in a State in which there is in effect
20 a State law authorizing the use and implemen-
21 tation of public-private partnerships for trans-
22 portation projects; and

23 (3)(A) that intends to submit a letter of inter-
24 est, or has submitted a letter of interest after the

1 date of enactment of this Act, to be carried out
2 with—

3 (i) assistance under the TIFIA program
4 under chapter 6 of title 23, United States Code;
5 or

6 (ii) assistance under the Railroad Rehabili-
7 tation and Improvement Financing Program of
8 the Federal Railroad Administration established
9 under chapter 224 of title 49, United States
10 Code; and

11 (B) that is anticipated to generate user fees or
12 other revenues that could support the capital and
13 operating costs of such project.

14 (c) REPORTING REQUIREMENTS.—

15 (1) PROJECT REPORTS.—For each project de-
16 scribed in subsection (b), the entity carrying out the
17 project shall—

18 (A) include the results of the analysis
19 under subsection (a) on the website of the
20 project; and

21 (B) submit the results of the analysis to
22 the Build America Bureau and the Secretary of
23 Transportation.

24 (2) REPORT TO CONGRESS.—The Secretary of
25 Transportation, in coordination with the Build

2294

1 America Bureau, shall, not later than 2 years after
2 the date of enactment of this Act—

3 (A) compile the analyses submitted under
4 paragraph (1)(B); and

5 (B) submit to Congress a report that—

6 (i) includes the analyses submitted
7 under paragraph (1)(B);

8 (ii) describes—

9 (I) the use of private financing
10 for projects described in subsection
11 (b); and

12 (II) the costs and benefits of con-
13 ducting a value for money analysis;
14 and

15 (iii) identifies best practices for pri-
16 vate financing of projects described in sub-
17 section (b).

18 (d) GUIDANCE.—The Secretary of Transportation, in
19 coordination with the Build America Bureau, shall issue
20 guidance on performance benchmarks, risk premiums, and
21 expected rates of return on private financing for projects
22 described in subsection (b).

2295

1 **TITLE VIII—FEDERAL**
2 **PERMITTING IMPROVEMENT**

3 **SEC. 70801. FEDERAL PERMITTING IMPROVEMENT.**

4 (a) DEFINITIONS.—Section 41001 of the FAST Act
5 (42 U.S.C. 4370m) is amended—

6 (1) in paragraph (3), by inserting “and any
7 interagency consultation” after “issued by an agen-
8 cy”;

9 (2) in paragraph (4), by striking “means” and
10 all that follows through the period at the end of sub-
11 paragraph (B) and inserting “has the meaning given
12 the term in section 1508.1 of title 40, Code of Fed-
13 eral Regulations (or successor regulations).”;

14 (3) in paragraph (5), by striking “Federal In-
15 frastructure Permitting Improvement Steering
16 Council” and inserting “Federal Permitting Im-
17 provement Steering Council”;

18 (4) in paragraph (6)(A)—

19 (A) in clause (ii), by striking “or” at the
20 end;

21 (B) by redesignating clause (iii) as clause
22 (iv); and

23 (C) by inserting after clause (ii) the fol-
24 lowing:

25 “(iii) is—

2296

1 “(I) subject to NEPA;

2 “(II) sponsored by an Indian
3 Tribe (as defined in section 4 of the
4 Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C.
6 5304)), an Alaska Native Corporation,
7 a Native Hawaiian organization (as
8 defined in section 6207 of the Ele-
9 mentary and Secondary Education
10 Act of 1965 (20 U.S.C. 7517)), the
11 Department of Hawaiian Home
12 Lands, or the Office of Hawaiian Af-
13 fairs; and

14 “(III) located on land owned or
15 under the jurisdiction of the entity
16 that sponsors the activity under sub-
17 clause (II); or”; and

18 (5) in paragraph (8), by striking “means” and
19 all that follows through the period at the end and
20 inserting “has the meaning given the term in section
21 1508.1 of title 40, Code of Federal Regulations (or
22 successor regulations).”.

23 (b) FEDERAL PERMITTING IMPROVEMENT STEERING
24 COUNCIL.—Section 41002 of the FAST Act (42 U.S.C.
25 4370m-1) is amended—

2297

1 (1) in the section heading, by striking “**FED-**
2 **ERAL PERMITTING IMPROVEMENT COUNCIL**”
3 and inserting “**FEDERAL PERMITTING IMPROVE-**
4 **MENT STEERING COUNCIL**”;

5 (2) in subsection (b)(2)(A)—

6 (A) in clause (i)—

7 (i) by striking “Each” and inserting
8 the following:

9 “(I) IN GENERAL.—Each”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(II) REDESIGNATION.—If an in-
13 dividual listed in subparagraph (B)
14 designates a different member to
15 serve on the Council than the member
16 designated under subclause (I), the
17 individual shall notify the Executive
18 Director of the designation by not
19 later than 30 days after the date on
20 which the designation is made.”; and

21 (B) in clause (iii)(II), by striking “a dep-
22 uty secretary (or the equivalent) or higher” and
23 inserting “the applicable agency
24 councilmember”;

25 (3) in subsection (c)—

2298

1 (A) in paragraph (1)(C)(ii)—

2 (i) by striking subclause (I) and in-
3 serting the following:

4 “(I) IN GENERAL.—The perform-
5 ance schedules shall reflect employ-
6 ment of the most sound and efficient
7 applicable processes, including the
8 alignment of Federal reviews of
9 projects, reduction of permitting and
10 project delivery time, and consider-
11 ation of the best practices for public
12 participation.”;

13 (ii) by redesignating subclause (II) as
14 subclause (III);

15 (iii) by inserting after subclause (I)
16 the following:

17 “(II) GOAL.—

18 “(aa) IN GENERAL.—To the
19 maximum extent practicable, and
20 consistent with applicable Fed-
21 eral law, the Executive Director,
22 in consultation with the Council,
23 shall aim to develop rec-
24 ommended performance schedules

2299

1 under clause (i) of not more than
2 2 years.

3 “(bb) EXCEPTION.—If a
4 recommended performance sched-
5 ule developed under clause (i) ex-
6 ceeds 2 years, the relevant agen-
7 cies, in consultation with the Ex-
8 ecutive Director and the Council,
9 shall explain in that rec-
10 ommended performance schedule
11 the factors that cause the envi-
12 ronmental reviews and authoriza-
13 tions in that category of covered
14 projects to take longer than 2
15 years.”; and

16 (iv) in subclause (III)(bb) (as so re-
17 designated), by striking “on the basis of
18 data from the preceding 2 calendar years”
19 and inserting “based on relevant historical
20 data, as determined by the Executive Di-
21 rector,”;

22 (B) in paragraph (2)(B)—

23 (i) in the matter preceding clause (i),
24 by striking “later than” and all that fol-
25 lows through “practices for” and inserting

2300

1 “less frequently than annually, the Council
2 shall issue recommendations on the best
3 practices for improving the Federal permit-
4 ting process for covered projects, which
5 may include”;

6 (ii) in clause (i)—

7 (I) by striking “stakeholder en-
8 gagement, including fully considering”
9 and inserting “stakeholder engage-
10 ment, including—

11 “(II) fully considering”; and

12 (II) by inserting before subclause
13 (II) (as added by subclause (I)) the
14 following:

15 “(I) engaging with Native Amer-
16 ican stakeholders to ensure that
17 project sponsors and agencies identify
18 potential natural, archeological, and
19 cultural resources and locations of his-
20 toric and religious significance in the
21 area of a covered project; and”;

22 (iii) in clause (vii), by striking “and”
23 at the end;

24 (iv) by redesignating clause (viii) as
25 clause (x); and

2301

1 (v) by inserting after clause (vii) the
2 following:

3 “(viii) in coordination with the Execu-
4 tive Director, improving preliminary en-
5 gagement with project sponsors in devel-
6 oping coordinated project plans;

7 “(ix) using programmatic assess-
8 ments, templates, and other tools based on
9 the best available science and data; and”;
10 and

11 (C) in paragraph (3)(A), by inserting “, in-
12 cluding agency compliance with intermediate
13 and final completion dates described in coordi-
14 nated project plans” after “authorizations”;
15 and

16 (4) by striking subsection (d).

17 (c) PERMITTING PROCESS IMPROVEMENT.—Section
18 41003 of the FAST Act (42 U.S.C. 4370m–2) is amend-
19 ed—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by adding at the end
22 the following:

23 “(D) CONFIDENTIALITY.—Any information
24 relating to Native American natural, cultural,
25 and historical resources submitted in a notice

1 by a project sponsor under subparagraph (A)
2 shall be—

3 “(i) kept confidential; and

4 “(ii) exempt from the disclosure re-
5 quirements under section 552 of title 5,
6 United States Code (commonly known as
7 the ‘Freedom of Information Act’), and the
8 Federal Advisory Committee Act (5 U.S.C.
9 App.).”;

10 (B) in paragraph (2)—

11 (i) in subparagraph (A), in the matter
12 preceding clause (i), by striking “45 days”
13 and inserting “21 calendar days”; and

14 (ii) in subparagraph (B), by inserting
15 “14 calendar day” before “deadline”; and

16 (C) in paragraph (3)(A), in the matter
17 preceding clause (i), by inserting “and the Ex-
18 ecutive Director” after “as applicable,”;

19 (2) in subsection (b)—

20 (A) in paragraph (2)(A), by adding at the
21 end the following:

22 “(iii) PROJECTS OTHER THAN COV-
23 ERED PROJECTS.—

24 “(I) IN GENERAL.—The Execu-
25 tive Director may direct a lead agency

2303

1 to create a specific entry on the Dash-
2 board for a project that is not a cov-
3 ered project and is under review by
4 the lead agency if the Executive Di-
5 rector determines that a Dashboard
6 entry for that project is in the interest
7 of transparency.

8 “(II) REQUIREMENTS.—Not later
9 than 14 days after the date on which
10 the Executive Director directs the lead
11 agency to create a specific entry on
12 the Dashboard for a project described
13 in subclause (I), the lead agency shall
14 create and maintain a specific entry
15 on the Dashboard for the project that
16 contains—

17 “(aa) a comprehensive per-
18 mitting timetable, as described in
19 subsection (c)(2)(A);

20 “(bb) the status of the com-
21 pliance of each lead agency, co-
22 operating agency, and partici-
23 pating agency with the permit-
24 ting timetable required under
25 item (aa);

2304

1 “(cc) any modifications of
2 the permitting timetable required
3 under item (aa), including an ex-
4 planation as to why the permit-
5 ting timetable was modified; and

6 “(dd) information about
7 project-related public meetings,
8 public hearings, and public com-
9 ment periods, which shall be pre-
10 sented in English and the pre-
11 dominant language of the com-
12 munity or communities most af-
13 fected by the project, as that in-
14 formation becomes available.”;
15 and

16 (B) in paragraph (3)(A)—

17 (i) in clause (i)—

18 (I) in subclause (IV), by striking
19 “and” at the end;

20 (II) by redesignating subclause
21 (V) as subclause (VI);

22 (III) by inserting after subclause
23 (IV) the following:

24 “(V) information on the status of
25 mitigation measures that were agreed

2305

1 to as part of the environmental review
2 and permitting process, including
3 whether and when the mitigation
4 measures have been fully imple-
5 mented; and”;

6 (IV) in subclause (VI) (as so re-
7 designated), by striking “and” at the
8 end;

9 (ii) in clause (ii), by striking the pe-
10 riod at the end and inserting “; and”;

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iii) information about project-re-
14 lated public meetings, public hearings, and
15 public comment periods, which shall be
16 presented in English and the predominant
17 language of the community or communities
18 most affected by the project, as that infor-
19 mation becomes available.”;

20 (3) in subsection (c)(2)—

21 (A) in subparagraph (A), strike “coordina-
22 tion” and insert “coordinated”;

23 (B) in subparagraph (D)(i)—

2306

1 (i) by redesignating subclauses (I)
2 through (III) as subclauses (II) through
3 (IV), respectively;

4 (ii) by inserting before subclause (II)
5 (as so redesignated) the following:

6 “(I) the facilitating or lead agen-
7 cy, as applicable, consults with the
8 Executive Director regarding the po-
9 tential modification not less than 15
10 days before engaging in the consulta-
11 tion under subclause (II);” and

12 (iii) in subclause (II) (as so redesign-
13 ated), by inserting “, the Executive Di-
14 rector,” after “participating agencies”; and
15 (C) in subparagraph (F)—

16 (i) in clause (i)—

17 (I) by inserting “intermediate
18 and final” before “completion dates”;
19 and

20 (II) by inserting “intermediate or
21 final” before “completion date”; and

22 (ii) in clause (ii)—

23 (I) in the matter preceding sub-
24 clause (I), by striking “a completion
25 date for agency action on a covered

2307

1 project or is at significant risk of fail-
2 ing to conform with” and inserting
3 “an intermediate or final completion
4 date for agency action on a covered
5 project or reasonably believes the
6 agency will fail to conform with a
7 completion date 30 days before”; and
8 (II) in subclause (I), by striking
9 “significantly risking failing to con-
10 form” and inserting “reasonably be-
11 lieving the agency will fail to con-
12 form”.

13 (d) COORDINATION OF REQUIRED REVIEWS.—Sec-
14 tion 41005 of the FAST Act (42 U.S.C. 4370m-4) is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “and” at
18 the end;

19 (B) in paragraph (2), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(3) where an environmental impact statement
23 is required for a project, prepare a single, joint
24 interagency environmental impact statement for the
25 project unless the lead agency provides justification

1 in the coordinated project plan that multiple envi-
2 ronmental documents are more efficient for project
3 review and authorization.”;

4 (2) in subsection (b)—

5 (A) by striking “(1) STATE ENVIRON-
6 MENTAL DOCUMENTS; SUPPLEMENTAL DOCU-
7 MENTS.—”;

8 (B) by redesignating subparagraphs (A)
9 through (E) as paragraphs (1) through (5), re-
10 spectively, and indenting appropriately;

11 (C) in paragraph (1) (as so redesi-
12 gnated)—

13 (i) by redesignating clauses (i) and
14 (ii) as subparagraphs (A) and (B), respec-
15 tively, and indenting appropriately; and

16 (ii) in subparagraph (A) (as so redesi-
17 gnated)—

18 (I) by striking “State laws and
19 procedures” and inserting “the laws
20 and procedures of a State or Indian
21 Tribe (as defined in section 102 of the
22 Federally Recognized Indian Tribe
23 List Act of 1994 (25 U.S.C. 5130))”;
24 and

1 (II) by inserting “developed pur-
2 suant to laws and procedures of that
3 State or Indian Tribe (as so defined)
4 that are of equal or greater rigor to
5 each applicable Federal law and pro-
6 cedure, and” after “Council on Envi-
7 ronmental Quality,”;

8 (D) in paragraph (2) (as so redesignated),
9 by striking “subparagraph (A)” each place it
10 appears and inserting “paragraph (1)”;

11 (E) in paragraph (3) (as so redesign-
12 ated)—

13 (i) in the matter preceding clause (i),
14 by striking “subparagraph (A)” and insert-
15 ing “paragraph (1)”;

16 (ii) by redesignating clauses (i) and
17 (ii) as subparagraphs (A) and (B), respec-
18 tively, and indenting appropriately;

19 (F) in paragraph (4) (as so redesign-
20 ated)—

21 (i) in the matter preceding clause (i),
22 by striking “subparagraph (C)” and insert-
23 ing “paragraph (3)”;

2310

1 (ii) by redesignating clauses (i) and
2 (ii) as subparagraphs (A) and (B), respec-
3 tively, and indenting appropriately; and

4 (G) in paragraph (5) (as so redesi-
5 gnated)—

6 (i) by striking “subparagraph (A)”
7 and inserting “paragraph (1)”; and

8 (ii) by striking “subparagraph (C)”
9 and inserting “paragraph (3)”;
10 (3) in subsection (c)(4)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “determines that the develop-
13 ment of the higher level of detail will not pre-
14 vent—” and inserting “determines that—”;

15 (B) in subparagraph (A), by inserting “the
16 development of the higher level of detail will not
17 prevent” before “the lead agency”; and

18 (C) by striking subparagraph (B) and in-
19 serting the following:

20 “(B) the preferred and other alternatives
21 are developed in sufficient detail to enable the
22 public to comment on the alternatives.”;

23 (4) by redesignating subsection (f) as sub-
24 section (g); and

2311

1 (5) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) RECORD OF DECISION.—When an environmental
4 impact statement is prepared, Federal agencies must, to
5 the maximum extent practicable, issue a record of decision
6 not later than 90 days after the date on which the final
7 environmental impact statement is issued.”.

8 (e) LITIGATION, JUDICIAL REVIEW, AND SAVINGS
9 PROVISION.—Section 41007 of the FAST Act (42 U.S.C.
10 4370m–6) is amended—

11 (1) in subsection (a)(1)—

12 (A) in subparagraph (A)—

13 (i) by striking “the action” and in-
14 serting “the claim”; and

15 (ii) by striking “of the final record of
16 decision or approval or denial of a permit”
17 and inserting “of notice of final agency ac-
18 tion on the authorization”; and

19 (B) in subparagraph (B)(i), by striking
20 “the action” and inserting “the claim”; and

21 (2) in subsection (e), in the matter preceding
22 paragraph (1), by striking “this section” and insert-
23 ing “this title”.

2312

1 (f) REPORTS.—Section 41008 of the FAST Act (42
2 U.S.C. 4370m–7) is amended by striking subsection (a)
3 and inserting the following:

4 “(a) REPORTS TO CONGRESS.—

5 “(1) EXECUTIVE DIRECTOR ANNUAL REPORT.—

6 “(A) IN GENERAL.—Not later than April
7 15 of each year for 10 years beginning on the
8 date of enactment of the Infrastructure Invest-
9 ment and Jobs Act, the Executive Director
10 shall submit to Congress a report detailing the
11 progress accomplished under this title during
12 the previous fiscal year.

13 “(B) OPPORTUNITY TO INCLUDE COM-
14 MENTS.—Each councilmember, with input from
15 the respective agency CERPO, shall have the
16 opportunity to include comments concerning the
17 performance of the agency in the report de-
18 scribed in subparagraph (A).

19 “(2) QUARTERLY AGENCY PERFORMANCE RE-
20 PORT.—The Executive Director shall submit to Con-
21 gress a quarterly report evaluating agency compli-
22 ance with the provisions of this title, which shall in-
23 clude a description of the implementation and adher-
24 ence of each agency to the coordinated project plan

1 and permitting timetable requirements under section
2 41003(c).

3 “(3) AGENCY BEST PRACTICES REPORT.—Not
4 later than April 15 of each year, each participating
5 agency and lead agency shall submit to Congress
6 and the Director of the Office of Management and
7 Budget a report assessing the performance of the
8 agency in implementing the best practices described
9 in section 41002(c)(2)(B).”.

10 (g) FUNDING FOR GOVERNANCE, OVERSIGHT, AND
11 PROCESSING OF ENVIRONMENTAL REVIEWS AND PER-
12 MITS.—Section 41009 of the FAST Act (42 U.S.C.
13 4370m–8) is amended—

14 (1) by striking subsection (a) and inserting the
15 following:

16 “(a) IN GENERAL.—For the purpose of carrying out
17 this title, the Executive Director, in consultation with the
18 heads of the agencies listed in section 41002(b)(2)(B) and
19 with the guidance of the Director of the Office of Manage-
20 ment and Budget, may, after public notice and oppor-
21 tunity for comment, issue regulations establishing a fee
22 structure for sponsors of covered projects to reimburse the
23 United States for reasonable costs incurred in conducting
24 environmental reviews and authorizations for covered
25 projects.”;

2314

1 (2) in subsection (b), by striking “and 41003”
2 and inserting “through 41008”; and

3 (3) in subsection (d)—

4 (A) in the subsection heading, by striking
5 “AND PERMITTING”; and

6 (B) by striking paragraphs (2) and (3) and
7 inserting the following:

8 “(2) AVAILABILITY.—Amounts in the Fund
9 shall be available to the Executive Director, without
10 fiscal year limitation, solely for the purposes of ad-
11 ministering, implementing, and enforcing this title,
12 including the expenses of the Council, staffing of the
13 Office of the Executive Director, and support of the
14 role of the Council as a Federal center for permit-
15 ting excellence, which may include supporting inter-
16 agency detailee and rotation opportunities, advanced
17 training, enhanced support for agency project man-
18 agers, and fora for sharing information and lessons
19 learned.

20 “(3) TRANSFER.—For the purpose of carrying
21 out this title, the Executive Director, with the ap-
22 proval of the Director of the Office of Management
23 and Budget, may transfer amounts in the Fund to
24 other Federal agencies and State, Tribal, and local
25 governments to facilitate timely and efficient envi-

1 ronmental reviews and authorizations for covered
2 projects and other projects under this title, including
3 direct reimbursement agreements with agency
4 CERPOs, reimbursable agreements, and approval
5 and consultation processes and staff for covered
6 projects.”.

7 (h) SUNSET.—Section 41013 of the FAST Act (42
8 U.S.C. 4370m–12) is repealed.

9 (i) TECHNICAL CORRECTION.—Section
10 41002(b)(2)(A)(ii) of the FAST Act (42 U.S.C. 4370m–
11 1(b)(2)(A)(ii)) is amended by striking “councilmem-ber”
12 and inserting “councilmember”.

13 (j) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the FAST Act (Public Law 114–94; 129
15 Stat. 1319) is amended by striking the item relating to
16 section 41002 and inserting the following:

 “Sec. 41002. Federal Permitting Improvement Steering Council.”.

17 **TITLE IX—BUILD AMERICA, BUY**
18 **AMERICA**
19 **Subtitle A—Build America, Buy**
20 **America**

21 **SEC. 70901. SHORT TITLE.**

22 This subtitle may be cited as the “Build America,
23 Buy America Act”.

2316

1 **PART I—BUY AMERICA SOURCING**
2 **REQUIREMENTS**

3 **SEC. 70911. FINDINGS.**

4 Congress finds that—

5 (1) the United States must make significant in-
6 vestments to install, upgrade, or replace the public
7 works infrastructure of the United States;

8 (2) with respect to investments in the infra-
9 structure of the United States, taxpayers expect that
10 their public works infrastructure will be produced in
11 the United States by American workers;

12 (3) United States taxpayer dollars invested in
13 public infrastructure should not be used to reward
14 companies that have moved their operations, invest-
15 ment dollars, and jobs to foreign countries or foreign
16 factories, particularly those that do not share or
17 openly flout the commitments of the United States
18 to environmental, worker, and workplace safety pro-
19 tections;

20 (4) in procuring materials for public works
21 projects, entities using taxpayer-financed Federal as-
22 sistance should give a commonsense procurement
23 preference for the materials and products produced
24 by companies and workers in the United States in
25 accordance with the high ideals embodied in the en-

1 vironmental, worker, workplace safety, and other
2 regulatory requirements of the United States;

3 (5) common construction materials used in pub-
4 lic works infrastructure projects, including steel,
5 iron, manufactured products, non-ferrous metals,
6 plastic and polymer-based products (including
7 polyvinylchloride, composite building materials, and
8 polymers used in fiber optic cables), glass (including
9 optic glass), lumber, and drywall are not adequately
10 covered by a domestic content procurement pref-
11 erence, thus limiting the impact of taxpayer pur-
12 chases to enhance supply chains in the United
13 States;

14 (6) the benefits of domestic content procure-
15 ment preferences extend beyond economics;

16 (7) by incentivizing domestic manufacturing,
17 domestic content procurement preferences reinvest
18 tax dollars in companies and processes using the
19 highest labor and environmental standards in the
20 world;

21 (8) strong domestic content procurement pref-
22 erence policies act to prevent shifts in production to
23 countries that rely on production practices that are
24 significantly less energy efficient and far more pol-
25 luting than those in the United States;

1 (9) for over 75 years, Buy America and other
2 domestic content procurement preference laws have
3 been part of the United States procurement policy,
4 ensuring that the United States can build and re-
5 build the infrastructure of the United States with
6 high-quality American-made materials;

7 (10) before the date of enactment of this Act,
8 a domestic content procurement preference require-
9 ment may not apply, may apply only to a narrow
10 scope of products and materials, or may be limited
11 by waiver with respect to many infrastructure pro-
12 grams, which necessitates a review of such pro-
13 grams, including programs for roads, highways, and
14 bridges, public transportation, dams, ports, harbors,
15 and other maritime facilities, intercity passenger and
16 freight railroads, freight and intermodal facilities,
17 airports, water systems, including drinking water
18 and wastewater systems, electrical transmission fa-
19 cilities and systems, utilities, broadband infrastruc-
20 ture, and buildings and real property;

21 (11) Buy America laws create demand for do-
22 mestically produced goods, helping to sustain and
23 grow domestic manufacturing and the millions of
24 jobs domestic manufacturing supports throughout
25 product supply chains;

1 (12) as of the date of enactment of this Act,
2 domestic content procurement preference policies
3 apply to all Federal Government procurement and to
4 various Federal-aid infrastructure programs;

5 (13) a robust domestic manufacturing sector is
6 a vital component of the national security of the
7 United States;

8 (14) as more manufacturing operations of the
9 United States have moved offshore, the strength and
10 readiness of the defense industrial base of the
11 United States has been diminished; and

12 (15) domestic content procurement preference
13 laws—

14 (A) are fully consistent with the inter-
15 national obligations of the United States; and

16 (B) together with the government procure-
17 ments to which the laws apply, are important
18 levers for ensuring that United States manufac-
19 turers can access the government procurement
20 markets of the trading partners of the United
21 States.

22 **SEC. 70912. DEFINITIONS.**

23 In this part:

2320

1 (1) DEFICIENT PROGRAM.—The term “deficient
2 program” means a program identified by the head of
3 a Federal agency under section 70913(c).

4 (2) DOMESTIC CONTENT PROCUREMENT PREF-
5 ERENCE.—The term “domestic content procurement
6 preference” means a requirement that no amounts
7 made available through a program for Federal finan-
8 cial assistance may be obligated for a project un-
9 less—

10 (A) all iron and steel used in the project
11 are produced in the United States;

12 (B) the manufactured products used in the
13 project are produced in the United States; or

14 (C) the construction materials used in the
15 project are produced in the United States.

16 (3) FEDERAL AGENCY.—The term “Federal
17 agency” means any authority of the United States
18 that is an “agency” (as defined in section 3502 of
19 title 44, United States Code), other than an inde-
20 pendent regulatory agency (as defined in that sec-
21 tion).

22 (4) FEDERAL FINANCIAL ASSISTANCE.—

23 (A) IN GENERAL.—The term “Federal fi-
24 nancial assistance” has the meaning given the

1 term in section 200.1 of title 2, Code of Federal
2 Regulations (or successor regulations).

3 (B) INCLUSION.—The term “Federal fi-
4 nancial assistance” includes all expenditures by
5 a Federal agency to a non-Federal entity for an
6 infrastructure project, except that it does not
7 include expenditures for assistance authorized
8 under section 402, 403, 404, 406, 408, or 502
9 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5170a,
11 5170b, 5170c, 5172, 5174, or 5192) relating to
12 a major disaster or emergency declared by the
13 President under section 401 or 501, respec-
14 tively, of such Act (42 U.S.C. 5170, 5191) or
15 pre and post disaster or emergency response ex-
16 penditures.

17 (5) INFRASTRUCTURE.—The term “infrastruc-
18 ture” includes, at a minimum, the structures, facili-
19 ties, and equipment for, in the United States—

20 (A) roads, highways, and bridges;

21 (B) public transportation;

22 (C) dams, ports, harbors, and other mari-
23 time facilities;

24 (D) intercity passenger and freight rail-
25 roads;

2322

- 1 (E) freight and intermodal facilities;
- 2 (F) airports;
- 3 (G) water systems, including drinking
- 4 water and wastewater systems;
- 5 (H) electrical transmission facilities and
- 6 systems;
- 7 (I) utilities;
- 8 (J) broadband infrastructure; and
- 9 (K) buildings and real property.

10 (6) PRODUCED IN THE UNITED STATES.—The

11 term “produced in the United States” means—

12 (A) in the case of iron or steel products,

13 that all manufacturing processes, from the ini-

14 tial melting stage through the application of

15 coatings, occurred in the United States;

16 (B) in the case of manufactured products,

17 that—

18 (i) the manufactured product was

19 manufactured in the United States; and

20 (ii) the cost of the components of the

21 manufactured product that are mined, pro-

22 duced, or manufactured in the United

23 States is greater than 55 percent of the

24 total cost of all components of the manu-

25 factured product, unless another standard

1 for determining the minimum amount of
2 domestic content of the manufactured
3 product has been established under appli-
4 cable law or regulation; and

5 (C) in the case of construction materials,
6 that all manufacturing processes for the con-
7 struction material occurred in the United
8 States.

9 (7) PROJECT.—The term “project” means the
10 construction, alteration, maintenance, or repair of
11 infrastructure in the United States.

12 **SEC. 70913. IDENTIFICATION OF DEFICIENT PROGRAMS.**

13 (a) IN GENERAL.—Not later than 60 days after the
14 date of enactment of this Act, the head of each Federal
15 agency shall—

16 (1) submit to the Office of Management and
17 Budget and to Congress, including a separate notice
18 to each appropriate congressional committee, a re-
19 port that identifies each Federal financial assistance
20 program for infrastructure administered by the Fed-
21 eral agency; and

22 (2) publish in the Federal Register the report
23 under paragraph (1).

2324

1 (b) REQUIREMENTS.—In the report under subsection
2 (a), the head of each Federal agency shall, for each Fed-
3 eral financial assistance program—

4 (1) identify all domestic content procurement
5 preferences applicable to the Federal financial as-
6 sistance;

7 (2) assess the applicability of the domestic con-
8 tent procurement preference requirements, includ-
9 ing—

10 (A) section 313 of title 23, United States
11 Code;

12 (B) section 5323(j) of title 49, United
13 States Code;

14 (C) section 22905(a) of title 49, United
15 States Code;

16 (D) section 50101 of title 49, United
17 States Code;

18 (E) section 603 of the Federal Water Pol-
19 lution Control Act (33 U.S.C. 1388);

20 (F) section 1452(a)(4) of the Safe Drink-
21 ing Water Act (42 U.S.C. 300j–12(a)(4));

22 (G) section 5035 of the Water Infrastruc-
23 ture Finance and Innovation Act of 2014 (33
24 U.S.C. 3914);

1 (H) any domestic content procurement
2 preference included in an appropriations Act;
3 and

4 (I) any other domestic content procure-
5 ment preference in Federal law (including regu-
6 lations);

7 (3) provide details on any applicable domestic
8 content procurement preference requirement, includ-
9 ing the purpose, scope, applicability, and any excep-
10 tions and waivers issued under the requirement; and

11 (4) include a description of the type of infra-
12 structure projects that receive funding under the
13 program, including information relating to—

14 (A) the number of entities that are partici-
15 pating in the program;

16 (B) the amount of Federal funds that are
17 made available for the program for each fiscal
18 year; and

19 (C) any other information the head of the
20 Federal agency determines to be relevant.

21 (c) LIST OF DEFICIENT PROGRAMS.—In the report
22 under subsection (a), the head of each Federal agency
23 shall include a list of Federal financial assistance pro-
24 grams for infrastructure identified under that subsection

1 for which a domestic content procurement preference re-
2 quirement—

3 (1) does not apply in a manner consistent with
4 section 70914; or

5 (2) is subject to a waiver of general applica-
6 bility not limited to the use of specific products for
7 use in a specific project.

8 **SEC. 70914. APPLICATION OF BUY AMERICA PREFERENCE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the head of each Federal
11 agency shall ensure that none of the funds made available
12 for a Federal financial assistance program for infrastruc-
13 ture, including each deficient program, may be obligated
14 for a project unless all of the iron, steel, manufactured
15 products, and construction materials used in the project
16 are produced in the United States.

17 (b) WAIVER.—The head of a Federal agency that ap-
18 plies a domestic content procurement preference under
19 this section may waive the application of that preference
20 in any case in which the head of the Federal agency finds
21 that—

22 (1) applying the domestic content procurement
23 preference would be inconsistent with the public in-
24 terest;

1 (2) types of iron, steel, manufactured products,
2 or construction materials are not produced in the
3 United States in sufficient and reasonably available
4 quantities or of a satisfactory quality; or

5 (3) the inclusion of iron, steel, manufactured
6 products, or construction materials produced in the
7 United States will increase the cost of the overall
8 project by more than 25 percent.

9 (c) WRITTEN JUSTIFICATION.—Before issuing a
10 waiver under subsection (b), the head of the Federal agen-
11 cy shall—

12 (1) make publicly available in an easily acces-
13 sible location on a website designated by the Office
14 of Management and Budget and on the website of
15 the Federal agency a detailed written explanation for
16 the proposed determination to issue the waiver; and

17 (2) provide a period of not less than 15 days
18 for public comment on the proposed waiver.

19 (d) REVIEW OF WAIVERS OF GENERAL APPLICA-
20 BILITY.—

21 (1) IN GENERAL.—An existing general applica-
22 bility waiver or a general applicability waiver issued
23 under subsection (b) shall be reviewed every 5 years
24 after the date on which the waiver is issued.

1 (2) REVIEW.—In conducting a review of a gen-
2 eral applicability waiver, the head of a Federal agen-
3 cy shall—

4 (A) publish in the Federal Register a no-
5 tice that—

6 (i) describes the justification for a
7 general applicability waiver; and

8 (ii) requests public comments for a
9 period of not less than 30 days on the con-
10 tinued need for a general applicability
11 waiver; and

12 (B) publish in the Federal Register a de-
13 termination on whether to continue or dis-
14 continue the general applicability waiver, taking
15 into account the comments received in response
16 to the notice published under subparagraph
17 (A).

18 (3) LIMITATION ON THE REVIEW OF EXISTING
19 WAIVERS OF GENERAL APPLICABILITY.—For a pe-
20 riod of 5 years beginning on the date of enactment
21 of this Act, paragraphs (1) and (2) shall not apply
22 to any product-specific general applicability waiver
23 that was issued more than 180 days before the date
24 of enactment of this Act.

1 (e) CONSISTENCY WITH INTERNATIONAL AGREE-
2 MENTS.—This section shall be applied in a manner con-
3 sistent with United States obligations under international
4 agreements.

5 **SEC. 70915. OMB GUIDANCE AND STANDARDS.**

6 (a) GUIDANCE.—The Director of the Office of Man-
7 agement and Budget shall—

8 (1) issue guidance to the head of each Federal
9 agency—

10 (A) to assist in identifying deficient pro-
11 grams under section 70913(c); and

12 (B) to assist in applying new domestic con-
13 tent procurement preferences under section
14 70914; and

15 (2) if necessary, amend subtitle A of title 2,
16 Code of Federal Regulations (or successor regula-
17 tions), to ensure that domestic content procurement
18 preference requirements required by this part or
19 other Federal law are imposed through the terms
20 and conditions of awards of Federal financial assist-
21 ance.

22 (b) STANDARDS FOR CONSTRUCTION MATERIALS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Director
25 of the Office of Management and Budget shall issue

1 standards that define the term “all manufacturing
2 processes” in the case of construction materials.

3 (2) CONSIDERATIONS.—In issuing standards
4 under paragraph (1), the Director shall—

5 (A) ensure that the standards require that
6 each manufacturing process required for the
7 manufacture of the construction material and
8 the inputs of the construction material occurs
9 in the United States; and

10 (B) take into consideration and seek to
11 maximize the direct and indirect jobs benefited
12 or created in the production of the construction
13 material.

14 **SEC. 70916. TECHNICAL ASSISTANCE PARTNERSHIP AND**
15 **CONSULTATION SUPPORTING DEPARTMENT**
16 **OF TRANSPORTATION BUY AMERICA RE-**
17 **QUIREMENTS.**

18 (a) DEFINITIONS.—In this section:

19 (1) BUY AMERICA LAW.—The term “Buy Amer-
20 ica law” means—

21 (A) section 313 of title 23, United States
22 Code;

23 (B) section 5323(j) of title 49, United
24 States Code;

2331

1 (C) section 22905(a) of title 49, United
2 States Code;

3 (D) section 50101 of title 49, United
4 States Code; and

5 (E) any other domestic content procure-
6 ment preference for an infrastructure project
7 under the jurisdiction of the Secretary.

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of Transportation.

10 (b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not
11 later than 90 days after the date of the enactment of this
12 Act, the Secretary shall enter into a technical assistance
13 partnership with the Secretary of Commerce, acting
14 through the Director of the National Institute of Stand-
15 ards and Technology—

16 (1) to ensure the development of a domestic
17 supply base to support intermodal transportation in
18 the United States, such as intercity high speed rail
19 transportation, public transportation systems, high-
20 way construction or reconstruction, airport improve-
21 ment projects, and other infrastructure projects
22 under the jurisdiction of the Secretary;

23 (2) to ensure compliance with Buy America
24 laws that apply to a project that receives assistance
25 from the Federal Highway Administration, the Fed-

1 eral Transit Administration, the Federal Railroad
2 Administration, the Federal Aviation Administra-
3 tion, or another office or modal administration of
4 the Secretary of Transportation;

5 (3) to encourage technologies developed with
6 the support of and resources from the Secretary to
7 be transitioned into commercial market and applica-
8 tions; and

9 (4) to establish procedures for consultation
10 under subsection (c).

11 (c) CONSULTATION.—Before granting a written waiv-
12 er under a Buy America law, the Secretary shall consult
13 with the Director of the Hollings Manufacturing Exten-
14 sion Partnership regarding whether there is a domestic en-
15 tity that could provide the iron, steel, manufactured prod-
16 uct, or construction material that is the subject of the pro-
17 posed waiver.

18 (d) ANNUAL REPORT.—Not later than 1 year after
19 the date of enactment of this Act, and annually thereafter,
20 the Secretary shall submit to the Committee on Com-
21 merce, Science, and Transportation, the Committee on
22 Banking, Housing, and Urban Affairs, the Committee on
23 Environment and Public Works, and the Committee on
24 Homeland Security and Governmental Affairs of the Sen-
25 ate and the Committee on Transportation and Infrastruc-

1 ture and the Committee on Oversight and Reform of the
2 House of Representatives a report that includes—

3 (1) a detailed description of the consultation
4 procedures developed under subsection (b)(4);

5 (2) a detailed description of each waiver re-
6 quested under a Buy America law in the preceding
7 year that was subject to consultation under sub-
8 section (c), and the results of the consultation;

9 (3) a detailed description of each waiver grant-
10 ed under a Buy America law in the preceding year,
11 including the type of waiver and the reasoning for
12 granting the waiver; and

13 (4) an update on challenges and gaps in the do-
14 mestic supply base identified in carrying out sub-
15 section (b)(1), including a list of actions and policy
16 changes the Secretary recommends be taken to ad-
17 dress those challenges and gaps.

18 **SEC. 70917. APPLICATION.**

19 (a) **IN GENERAL.**—This part shall apply to a Federal
20 financial assistance program for infrastructure only to the
21 extent that a domestic content procurement preference as
22 described in section 70914 does not already apply to iron,
23 steel, manufactured products, and construction materials.

24 (b) **SAVINGS PROVISION.**—Nothing in this part af-
25 fects a domestic content procurement preference for a

1 Federal financial assistance program for infrastructure
2 that is in effect and that meets the requirements of section
3 70914.

4 (c) LIMITATION WITH RESPECT TO AGGREGATES.—
5 In this part—

6 (1) the term “construction materials” shall not
7 include cement and cementitious materials, aggre-
8 gates such as stone, sand, or gravel, or aggregate
9 binding agents or additives; and

10 (2) the standards developed under section
11 70915(b)(1) shall not include cement and cementi-
12 tious materials, aggregates such as stone, sand, or
13 gravel, or aggregate binding agents or additives as
14 inputs of the construction material.

15 **PART II—MAKE IT IN AMERICA**

16 **SEC. 70921. REGULATIONS RELATING TO BUY AMERICAN**
17 **ACT.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Director of the Of-
20 fice of Management and Budget (“Director”), acting
21 through the Administrator for Federal Procurement Pol-
22 icy and, in consultation with the Federal Acquisition Reg-
23 ulatory Council, shall promulgate final regulations or
24 other policy or management guidance, as appropriate, to
25 standardize and simplify how Federal agencies comply

1 with, report on, and enforce the Buy American Act. The
2 regulations or other policy or management guidance shall
3 include, at a minimum, the following:

4 (1) Guidelines for Federal agencies to deter-
5 mine, for the purposes of applying sections 8302(a)
6 and 8303(b)(3) of title 41, United States Code, the
7 circumstances under which the acquisition of arti-
8 cles, materials, or supplies mined, produced, or man-
9 ufactured in the United States is inconsistent with
10 the public interest.

11 (2) Guidelines to ensure Federal agencies base
12 determinations of non-availability on appropriate
13 considerations, including anticipated project delays
14 and lack of substitutable articles, materials, and
15 supplies mined, produced, or manufactured in the
16 United States, when making determinations of non-
17 availability under section 8302(a)(1) of title 41,
18 United States Code.

19 (3)(A) Uniform procedures for each Federal
20 agency to make publicly available, in an easily iden-
21 tifiable location on the website of the agency, and
22 within the following time periods, the following infor-
23 mation:

24 (i) A written description of the cir-
25 cumstances in which the head of the agency

1 may waive the requirements of the Buy Amer-
2 ican Act.

3 (ii) Each waiver made by the head of the
4 agency within 30 days after making such waiv-
5 er, including a justification with sufficient detail
6 to explain the basis for the waiver.

7 (B) The procedures established under this para-
8 graph shall ensure that the head of an agency, in
9 consultation with the head of the Made in America
10 Office established under section 70923(a), may limit
11 the publication of classified information, trade se-
12 crets, or other information that could damage the
13 United States.

14 (4) Guidelines for Federal agencies to ensure
15 that a project is not disaggregated for purposes of
16 avoiding the applicability of the requirements under
17 the Buy American Act.

18 (5) An increase to the price preferences for do-
19 mestic end products and domestic construction ma-
20 terials.

21 (6) Amending the definitions of “domestic end
22 product” and “domestic construction material” to
23 ensure that iron and steel products are, to the great-
24 est extent possible, made with domestic components.

25 (b) GUIDELINES RELATING TO WAIVERS.—

2337

1 (1) INCONSISTENCY WITH PUBLIC INTEREST.—

2 (A) IN GENERAL.—With respect to the
3 guidelines developed under subsection (a)(1),
4 the Administrator shall seek to minimize waiv-
5 ers related to contract awards that—

6 (i) result in a decrease in employment
7 in the United States, including employ-
8 ment among entities that manufacture the
9 articles, materials, or supplies; or

10 (ii) result in awarding a contract that
11 would decrease domestic employment.

12 (B) COVERED EMPLOYMENT.—For pur-
13 poses of subparagraph (A), employment refers
14 to positions directly involved in the manufacture
15 of articles, materials, or supplies, and does not
16 include positions related to management, re-
17 search and development, or engineering and de-
18 sign.

19 (2) ASSESSMENT ON USE OF DUMPED OR SUB-
20 SIDIZED FOREIGN PRODUCTS.—

21 (A) IN GENERAL.—To the extent otherwise
22 permitted by law, before granting a waiver in
23 the public interest to the guidelines developed
24 under subsection (a)(1) with respect to a prod-
25 uct sourced from a foreign country, a Federal

1 agency shall assess whether a significant por-
2 tion of the cost advantage of the product is the
3 result of the use of dumped steel, iron, or man-
4 ufactured goods or the use of injuriously sub-
5 sidized steel, iron, or manufactured goods.

6 (B) CONSULTATION.—The Federal agency
7 conducting the assessment under subparagraph
8 (A) shall consult with the International Trade
9 Administration in making the assessment if the
10 agency considers such consultation to be help-
11 ful.

12 (C) USE OF FINDINGS.—The Federal
13 agency conducting the assessment under sub-
14 paragraph (A) shall integrate any findings from
15 the assessment into its waiver determination.

16 (c) SENSE OF CONGRESS ON INCREASING DOMESTIC
17 CONTENT REQUIREMENTS.—It is the sense of Congress
18 that the Federal Acquisition Regulatory Council should
19 amend the Federal Acquisition Regulation to increase the
20 domestic content requirements for domestic end products
21 and domestic construction material to 75 percent, or, in
22 the event of no qualifying offers, 60 percent.

23 (d) DEFINITION OF END PRODUCT MANUFACTURED
24 IN THE UNITED STATES.—Not later than 1 year after the
25 date of the enactment of this Act, the Federal Acquisition

1 Regulatory Council shall amend part 25 of the Federal
2 Acquisition Regulation to provide a definition for “end
3 product manufactured in the United States,” including
4 guidelines to ensure that manufacturing processes in-
5 volved in production of the end product occur domestically.

6 **SEC. 70922. AMENDMENTS RELATING TO BUY AMERICAN**
7 **ACT.**

8 (a) SPECIAL RULES RELATING TO AMERICAN MATE-
9 RIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title
10 41, United States Code, is amended by adding at the end
11 the following new subsection:

12 “(c) SPECIAL RULES.—The following rules apply in
13 carrying out the provisions of subsection (a):

14 “(1) IRON AND STEEL MANUFACTURED IN THE
15 UNITED STATES.—For purposes of this section,
16 manufactured articles, materials, and supplies of
17 iron and steel are deemed manufactured in the
18 United States only if all manufacturing processes in-
19 volved in the production of such iron and steel, from
20 the initial melting stage through the application of
21 coatings, occurs in the United States.

22 “(2) LIMITATION ON EXCEPTION FOR COMMER-
23 CIALY AVAILABLE OFF-THE-SHELF ITEMS.—Not-
24 withstanding any law or regulation to the contrary,
25 including section 1907 of this title and the Federal

1 Acquisition Regulation, the requirements of this sec-
2 tion apply to all iron and steel articles, materials,
3 and supplies.”.

4 (b) PRODUCTION OF IRON AND STEEL FOR PUR-
5 POSES OF CONTRACTS FOR PUBLIC WORKS.—Section
6 8303 of title 41, United States Code, is amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) SPECIAL RULES.—

12 “(1) PRODUCTION OF IRON AND STEEL.—For
13 purposes of this section, manufactured articles, ma-
14 terials, and supplies of iron and steel are deemed
15 manufactured in the United States only if all manu-
16 facturing processes involved in the production of
17 such iron and steel, from the initial melting stage
18 through the application of coatings, occurs in the
19 United States.

20 “(2) LIMITATION ON EXCEPTION FOR COMMER-
21 CIALY AVAILABLE OFF-THE-SHELF ITEMS.—Not-
22 withstanding any law or regulation to the contrary,
23 including section 1907 of this title and the Federal
24 Acquisition Regulation, the requirements of this sec-
25 tion apply to all iron and steel articles, materials,

1 and supplies used in contracts described in sub-
2 section (a).”.

3 (c) ANNUAL REPORT.—Subsection (b) of section
4 8302 of title 41, United States Code, is amended to read
5 as follows:

6 “(b) REPORTS.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the end of the fiscal year during which the
9 Build America, Buy America Act is enacted, and an-
10 nually thereafter for 4 years, the Director of the Of-
11 fice of Management and Budget, in consultation
12 with the Administrator of General Services, shall
13 submit to the Committee on Homeland Security and
14 Governmental Affairs of the Senate and the Com-
15 mittee on Oversight and Reform of the House of
16 Representatives a report on the total amount of ac-
17 quisitions made by Federal agencies in the relevant
18 fiscal year of articles, materials, or supplies acquired
19 from entities that mine, produce, or manufacture the
20 articles, materials, or supplies outside the United
21 States.

22 “(2) EXCEPTION FOR INTELLIGENCE COMMU-
23 NITY.—This subsection does not apply to acquisi-
24 tions made by an agency, or component of an agen-
25 cy, that is an element of the intelligence community

1 as specified in, or designated under, section 3 of the
2 National Security Act of 1947 (50 U.S.C. 3003).”.

3 (d) DEFINITION.—Section 8301 of title 41, United
4 States Code, is amended by adding at the end the fol-
5 lowing new paragraph:

6 “(3) FEDERAL AGENCY.—The term ‘Federal
7 agency’ has the meaning given the term ‘executive
8 agency’ in section 133 of this title.”.

9 (e) CONFORMING AMENDMENTS.—Title 41, United
10 States Code, is amended—

11 (1) in section 8302(a)—

12 (A) in paragraph (1)—

13 (i) by striking “department or inde-
14 pendent establishment” and inserting
15 “Federal agency”; and

16 (ii) by striking “their acquisition to be
17 inconsistent with the public interest or
18 their cost to be unreasonable” and insert-
19 ing “their acquisition to be inconsistent
20 with the public interest, their cost to be
21 unreasonable, or that the articles, mate-
22 rials, or supplies of the class or kind to be
23 used, or the articles, materials, or supplies
24 from which they are manufactured, are not
25 mined, produced, or manufactured in the

2343

1 United States in sufficient and reasonably
2 available commercial quantities and of a
3 satisfactory quality”; and

4 (B) in paragraph (2), by amending sub-
5 paragraph (B) to read as follows:

6 “(B) to any articles, materials, or supplies
7 procured pursuant to a reciprocal defense pro-
8 curement memorandum of understanding (as
9 described in section 8304 of this title), or a
10 trade agreement or least developed country des-
11 ignation described in subpart 25.400 of the
12 Federal Acquisition Regulation; and”;

13 (2) in section 8303—

14 (A) in subsection (b)—

15 (i) by striking “department or inde-
16 pendent establishment” each place it ap-
17 pears and inserting “Federal agency”;

18 (ii) by amending subparagraph (B) of
19 paragraph (1) to read as follows:

20 “(B) to any articles, materials, or supplies
21 procured pursuant to a reciprocal defense pro-
22 curement memorandum of understanding (as
23 described in section 8304), or a trade agree-
24 ment or least developed country designation de-

2344

1 scribed in subpart 25.400 of the Federal Acqui-
2 sition Regulation; and”;

3 (iii) in paragraph (3)—

4 (I) in the heading, by striking
5 “INCONSISTENT WITH PUBLIC INTER-
6 EST” and inserting “WAIVER AU-
7 THORITY”; and

8 (II) by striking “their purchase
9 to be inconsistent with the public in-
10 terest or their cost to be unreason-
11 able” and inserting “their acquisition
12 to be inconsistent with the public in-
13 terest, their cost to be unreasonable,
14 or that the articles, materials, or sup-
15 plies of the class or kind to be used,
16 or the articles, materials, or supplies
17 from which they are manufactured,
18 are not mined, produced, or manufac-
19 tured in the United States in suffi-
20 cient and reasonably available com-
21 mercial quantities and of a satisfac-
22 tory quality”; and

23 (B) in subsection (d), as redesignated by
24 subsection (b)(1) of this section, by striking
25 “department, bureau, agency, or independent

1 establishment” each place it appears and insert-
2 ing “Federal agency”.

3 (f) EXCLUSION FROM INFLATION ADJUSTMENT OF
4 ACQUISITION-RELATED DOLLAR THRESHOLDS.—Sub-
5 paragraph (A) of section 1908(b)(2) of title 41, United
6 States Code, is amended by striking “chapter 67” and in-
7 serting “chapters 67 and 83”.

8 **SEC. 70923. MADE IN AMERICA OFFICE.**

9 (a) ESTABLISHMENT.—The Director of the Office of
10 Management and Budget shall establish within the Office
11 of Management and Budget an office to be known as the
12 “Made in America Office”. The head of the office shall
13 be appointed by the Director of the Office of Management
14 and Budget (in this section referred to as the “Made in
15 America Director”).

16 (b) DUTIES.—The Made in America Director shall
17 have the following duties:

18 (1) Maximize and enforce compliance with do-
19 mestic preference statutes.

20 (2) Develop and implement procedures to re-
21 view waiver requests or inapplicability requests re-
22 lated to domestic preference statutes.

23 (3) Prepare the reports required under sub-
24 sections (c) and (e).

1 (4) Ensure that Federal contracting personnel,
2 financial assistance personnel, and non-Federal re-
3 cipients are regularly trained on obligations under
4 the Buy American Act and other agency-specific do-
5 mestic preference statutes.

6 (5) Conduct the review of reciprocal defense
7 agreements required under subsection (d).

8 (6) Ensure that Federal agencies, Federal fi-
9 nancial assistance recipients, and the Hollings Man-
10 ufacturing Extension Partnership partner with each
11 other to promote compliance with domestic pref-
12 erence statutes.

13 (7) Support executive branch efforts to develop
14 and sustain a domestic supply base to meet Federal
15 procurement requirements.

16 (c) OFFICE OF MANAGEMENT AND BUDGET RE-
17 PORT.—Not later than 1 year after the date of the enact-
18 ment of this Act, the Director of the Office of Manage-
19 ment and Budget, working through the Made in America
20 Director, shall report to the relevant congressional com-
21 mittees on the extent to which, in each of the three fiscal
22 years prior to the date of enactment of this Act, articles,
23 materials, or supplies acquired by the Federal Government
24 were mined, produced, or manufactured outside the

1 United States. Such report shall include for each Federal
2 agency the following:

3 (1) A summary of total procurement funds ex-
4 pended on articles, materials, and supplies mined,
5 produced, or manufactured—

6 (A) inside the United States;

7 (B) outside the United States; and

8 (C) outside the United States—

9 (i) under each category of waiver
10 under the Buy American Act;

11 (ii) under each category of exception
12 under such chapter; and

13 (iii) for each country that mined, pro-
14 duced, or manufactured such articles, ma-
15 terials, and supplies.

16 (2) For each fiscal year covered by the report—

17 (A) the dollar value of any articles, mate-
18 rials, or supplies that were mined, produced, or
19 manufactured outside the United States, in the
20 aggregate and by country;

21 (B) an itemized list of all waivers made
22 under the Buy American Act with respect to ar-
23 ticles, materials, or supplies, where available,
24 and the country where such articles, materials,

1 or supplies were mined, produced, or manufac-
2 tured;

3 (C) if any articles, materials, or supplies
4 were acquired from entities that mine, produce,
5 or manufacture such articles, materials, or sup-
6 plies outside the United States due to an excep-
7 tion (that is not the micro-purchase threshold
8 exception described under section 8302(a)(2)(C)
9 of title 41, United States Code), the specific ex-
10 ception that was used to purchase such articles,
11 materials, or supplies; and

12 (D) if any articles, materials, or supplies
13 were acquired from entities that mine, produce,
14 or manufacture such articles, materials, or sup-
15 plies outside the United States pursuant to a
16 reciprocal defense procurement memorandum of
17 understanding (as described in section 8304 of
18 title 41, United States Code), or a trade agree-
19 ment or least developed country designation de-
20 scribed in subpart 25.400 of the Federal Acqui-
21 sition Regulation, a citation to such memo-
22 randum of understanding, trade agreement, or
23 designation.

24 (3) A description of the methods used by each
25 Federal agency to calculate the percentage domestic

1 content of articles, materials, and supplies mined,
2 produced, or manufactured in the United States.

3 (d) REVIEW OF RECIPROCAL DEFENSE AGREE-
4 MENTS.—

5 (1) REVIEW OF PROCESS.—Not later than 180
6 days after the date of the enactment of this Act, the
7 Made in America Director shall review the Depart-
8 ment of Defense's use of reciprocal defense agree-
9 ments to determine if domestic entities have equal
10 and proportional access and report the findings of
11 the review to the Director of the Office of Manage-
12 ment and Budget, the Secretary of Defense, and the
13 Secretary of State.

14 (2) REVIEW OF RECIPROCAL PROCUREMENT
15 MEMORANDA OF UNDERSTANDING.—The Made in
16 America Director shall review reciprocal procure-
17 ment memoranda of understanding entered into
18 after the date of the enactment of this Act between
19 the Department of Defense and its counterparts in
20 foreign governments to assess whether domestic enti-
21 ties will have equal and proportional access under
22 the memoranda of understanding and report the
23 findings of the review to the Director of the Office
24 of Management and Budget, the Secretary of De-
25 fense, and the Secretary of State.

1 (e) REPORT ON USE OF MADE IN AMERICA LAWS.—
2 The Made in America Director shall submit to the relevant
3 congressional committees a summary of each report on the
4 use of Made in America Laws received by the Made in
5 America Director pursuant to section 11 of Executive
6 Order 14005, dated January 25, 2021 (relating to ensur-
7 ing the future is made in all of America by all of America’s
8 workers) not later than 90 days after the date of the en-
9 actment of this Act or receipt of the reports required
10 under section 11 of such Executive Order, whichever is
11 later.

12 (f) DOMESTIC PREFERENCE STATUTE DEFINED.—
13 In this section, the term “domestic preference statute”
14 means any of the following:

- 15 (1) the Buy American Act;
- 16 (2) a Buy America law (as that term is defined
17 in section 70916(a));
- 18 (3) the Berry Amendment;
- 19 (4) section 604 of the American Recovery and
20 Reinvestment Act of 2009 (6 U.S.C. 453b) (com-
21 monly referred to as the “Kissell amendment”);
- 22 (5) section 2533b of title 10 (commonly re-
23 ferred to as the “specialty metals clause”);
- 24 (6) laws requiring domestic preference for mari-
25 time transport, including the Merchant Marine Act,

1 1920 (Public Law 66–261), commonly known as the
2 “Jones Act”; and

3 (7) any other law, regulation, rule, or executive
4 order relating to Federal financial assistance awards
5 or Federal procurement, that requires, or provides a
6 preference for, the purchase or acquisition of goods,
7 products, or materials produced in the United
8 States, including iron, steel, construction material,
9 and manufactured goods offered in the United
10 States.

11 **SEC. 70924. HOLLINGS MANUFACTURING EXTENSION PART-**
12 **nership ACTIVITIES.**

13 (a) USE OF HOLLINGS MANUFACTURING EXTENSION
14 PARTNERSHIP TO REFER NEW BUSINESSES TO CON-
15 TRACTING OPPORTUNITIES.—The head of each Federal
16 agency shall work with the Director of the Hollings Manu-
17 facturing Extension Partnership, as necessary, to ensure
18 businesses participating in this Partnership are aware of
19 their contracting opportunities.

20 (b) AUTOMATIC ENROLLMENT IN GSA ADVAN-
21 TAGE!.—The Administrator of the General Services Ad-
22 ministration and the Secretary of Commerce, acting
23 through the Under Secretary of Commerce for Standards
24 and Technology, shall jointly ensure that each business
25 that participates in the Hollings Manufacturing Extension

1 Partnership is automatically enrolled in General Services
2 Administration Advantage!.

3 **SEC. 70925. UNITED STATES OBLIGATIONS UNDER INTER-**
4 **NATIONAL AGREEMENTS.**

5 This part, and the amendments made by this part,
6 shall be applied in a manner consistent with United States
7 obligations under international agreements.

8 **SEC. 70926. DEFINITIONS.**

9 In this part:

10 (1) **BERRY AMENDMENT.**—The term “Berry
11 Amendment” means section 2533a of title 10,
12 United States Code.

13 (2) **BUY AMERICAN ACT.**—The term “Buy
14 American Act” means chapter 83 of title 41, United
15 States Code.

16 (3) **FEDERAL AGENCY.**—The term “Federal
17 agency” has the meaning given the term “executive
18 agency” in section 133 of title 41, United States
19 Code.

20 (4) **RELEVANT CONGRESSIONAL COMMIT-**
21 **TEES.**—The term “relevant congressional commit-22 tees” means—

23 (A) the Committee on Homeland Security
24 and Governmental Affairs, the Committee on
25 Commerce, Science, and Transportation, the

1 Committee on Environment and Public Works,
2 the Committee on Banking, Housing, and
3 Urban Affairs, and the Committee on Armed
4 Services of the Senate; and

5 (B) the Committee on Oversight and Re-
6 form, the Committee on Armed Services, and
7 the Committee on Transportation and Infra-
8 structure of the House of Representatives.

9 (5) WAIVER.—The term “waiver”, with respect
10 to the acquisition of an article, material, or supply
11 for public use, means the inapplicability of chapter
12 83 of title 41, United States Code, to the acquisition
13 by reason of any of the following determinations
14 under section 8302(a)(1) or 8303(b) of such title:

15 (A) A determination by the head of the
16 Federal agency concerned that the acquisition
17 is inconsistent with the public interest.

18 (B) A determination by the head of the
19 Federal agency concerned that the cost of the
20 acquisition is unreasonable.

21 (C) A determination by the head of the
22 Federal agency concerned that the article, ma-
23 terial, or supply is not mined, produced, or
24 manufactured in the United States in sufficient

1 and reasonably available commercial quantities
2 of a satisfactory quality.

3 **SEC. 70927. PROSPECTIVE AMENDMENTS TO INTERNAL**
4 **CROSS-REFERENCES.**

5 (a) SPECIALTY METALS CLAUSE REFERENCE.—Sec-
6 tion 70923(f)(5) is amended by striking “section 2533b”
7 and inserting “section 4863”.

8 (b) BERRY AMENDMENT REFERENCE.—Section
9 70926(1) is amended by striking “section 2533a” and in-
10 serting “section 4862”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on January 1, 2022.

13 **Subtitle B—BuyAmerican.gov**

14 **SEC. 70931. SHORT TITLE.**

15 This subtitle may be cited as the “BuyAmerican.gov
16 Act of 2021”.

17 **SEC. 70932. DEFINITIONS.**

18 In this subtitle:

19 (1) BUY AMERICAN LAW.—The term “Buy
20 American law” means any law, regulation, Executive
21 order, or rule relating to Federal contracts, grants,
22 or financial assistance that requires or provides a
23 preference for the purchase or use of goods, prod-
24 ucts, or materials mined, produced, or manufactured
25 in the United States, including—

2355

1 (A) chapter 83 of title 41, United States
2 Code (commonly referred to as the “Buy Amer-
3 ican Act”);

4 (B) section 5323(j) of title 49, United
5 States Code;

6 (C) section 313 of title 23, United States
7 Code;

8 (D) section 50101 of title 49, United
9 States Code;

10 (E) section 24405 of title 49, United
11 States Code;

12 (F) section 608 of the Federal Water Pol-
13 lution Control Act (33 U.S.C. 1388);

14 (G) section 1452(a)(4) of the Safe Drink-
15 ing Water Act (42 U.S.C. 300j–12(a)(4));

16 (H) section 5035 of the Water Resources
17 Reform and Development Act of 2014 (33
18 U.S.C. 3914);

19 (I) section 2533a of title 10, United States
20 Code (commonly referred to as the “Berry
21 Amendment”); and

22 (J) section 2533b of title 10, United
23 States Code.

24 (2) EXECUTIVE AGENCY.—The term “executive
25 agency” has the meaning given the term “agency”

1 in paragraph (1) of section 3502 of title 44, United
2 States Code, except that it does not include an inde-
3 pendent regulatory agency, as that term is defined
4 in paragraph (5) of such section.

5 (3) BUY AMERICAN WAIVER.—The term “Buy
6 American waiver” refers to an exception to or waiver
7 of any Buy American law, or the terms and condi-
8 tions used by an agency in granting an exception to
9 or waiver from Buy American laws.

10 **SEC. 70933. SENSE OF CONGRESS ON BUYING AMERICAN.**

11 It is the sense of Congress that—

12 (1) every executive agency should maximize,
13 through terms and conditions of Federal financial
14 assistance awards and Federal procurements, the
15 use of goods, products, and materials produced in
16 the United States and contracts for outsourced gov-
17 ernment service contracts to be performed by United
18 States nationals;

19 (2) every executive agency should scrupulously
20 monitor, enforce, and comply with Buy American
21 laws, to the extent they apply, and minimize the use
22 of waivers; and

23 (3) every executive agency should use available
24 data to routinely audit its compliance with Buy
25 American laws.

1 **SEC. 70934. ASSESSMENT OF IMPACT OF FREE TRADE**
2 **AGREEMENTS.**

3 Not later than 150 days after the date of the enact-
4 ment of this Act, the Secretary of Commerce, the United
5 States Trade Representative, and the Director of the Of-
6 fice of Management and Budget shall assess the impacts
7 in a publicly available report of all United States free
8 trade agreements, the World Trade Organization Agree-
9 ment on Government Procurement, and Federal permit-
10 ting processes on the operation of Buy American laws, in-
11 cluding their impacts on the implementation of domestic
12 procurement preferences.

13 **SEC. 70935. JUDICIOUS USE OF WAIVERS.**

14 (a) IN GENERAL.—To the extent permitted by law,
15 a Buy American waiver that is determined by an agency
16 head or other relevant official to be in the public interest
17 shall be construed to ensure the maximum utilization of
18 goods, products, and materials produced in the United
19 States.

20 (b) PUBLIC INTEREST WAIVER DETERMINATIONS.—
21 To the extent permitted by law, determination of public
22 interest waivers shall be made by the head of the agency
23 with the authority over the Federal financial assistance
24 award or Federal procurement under consideration.

1 **SEC. 70936. ESTABLISHMENT OF BUYAMERICAN.GOV**
2 **WEBSITE.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of the enactment of this Act, the Administrator of
5 General Services shall establish an Internet website with
6 the address BuyAmerican.gov that will be publicly avail-
7 able and free to access. The website shall include informa-
8 tion on all waivers of and exceptions to Buy American laws
9 since the date of the enactment of this Act that have been
10 requested, are under consideration, or have been granted
11 by executive agencies and be designed to enable manufac-
12 turers and other interested parties to easily identify waiv-
13 ers. The website shall also include the results of routine
14 audits to determine data errors and Buy American law
15 violations after the award of a contract. The website shall
16 provide publicly available contact information for the rel-
17 evant contracting agencies.

18 (b) UTILIZATION OF EXISTING WEBSITE.—The re-
19 quirements of subsection (a) may be met by utilizing an
20 existing website, provided that the address of that website
21 is BuyAmerican.gov.

22 **SEC. 70937. WAIVER TRANSPARENCY AND STREAMLINING**
23 **FOR CONTRACTS.**

24 (a) COLLECTION OF INFORMATION.—The Adminis-
25 trator of General Services, in consultation with the heads
26 of relevant agencies, shall develop a mechanism to collect

1 information on requests to invoke a Buy American waiver
2 for a Federal contract, utilizing existing reporting require-
3 ments whenever possible, for purposes of providing early
4 notice of possible waivers via the website established under
5 section 70936.

6 (b) WAIVER TRANSPARENCY AND STREAMLINING.—

7 (1) REQUIREMENT.—Prior to granting a re-
8 quest to waive a Buy American law, the head of an
9 executive agency shall submit a request to invoke a
10 Buy American waiver to the Administrator of Gen-
11 eral Services, and the Administrator of General
12 Services shall make the request available on or
13 through the public website established under section
14 70936 for public comment for not less than 15 days.

15 (2) EXCEPTION.—The requirement under para-
16 graph (1) does not apply to a request for a Buy
17 American waiver to satisfy an urgent contracting
18 need in an unforeseen and exigent circumstance.

19 (c) INFORMATION AVAILABLE TO THE EXECUTIVE
20 AGENCY CONCERNING THE REQUEST.—

21 (1) REQUIREMENT.—No Buy American waiver
22 for purposes of awarding a contract may be granted
23 if, in contravention of subsection (b)—

2360

1 (A) information about the waiver was not
2 made available on the website under section
3 70936; or

4 (B) no opportunity for public comment
5 concerning the request was granted.

6 (2) SCOPE.—Information made available to the
7 public concerning the request included on the
8 website described in section 70936 shall properly
9 and adequately document and justify the statutory
10 basis cited for the requested waiver. Such informa-
11 tion shall include—

12 (A) a detailed justification for the use of
13 goods, products, or materials mined, produced,
14 or manufactured outside the United States;

15 (B) for requests citing unreasonable cost
16 as the statutory basis of the waiver, a compari-
17 son of the cost of the domestic product to the
18 cost of the foreign product or a comparison of
19 the overall cost of the project with domestic
20 products to the overall cost of the project with
21 foreign-origin products or services, pursuant to
22 the requirements of the applicable Buy Amer-
23 ican law, except that publicly available cost
24 comparison data may be provided in lieu of pro-
25 prietary pricing information;

2361

1 (C) for requests citing the public interest
2 as the statutory basis for the waiver, a detailed
3 written statement, which shall include all appro-
4 priate factors, such as potential obligations
5 under international agreements, justifying why
6 the requested waiver is in the public interest;
7 and

8 (D) a certification that the procurement
9 official or assistance recipient made a good
10 faith effort to solicit bids for domestic products
11 supported by terms included in requests for
12 proposals, contracts, and nonproprietary com-
13 munications with the prime contractor.

14 (d) NONAVAILABILITY WAIVERS.—

15 (1) IN GENERAL.—Except as provided under
16 paragraph (2), for a request citing nonavailability as
17 the statutory basis for a Buy American waiver, an
18 executive agency shall provide an explanation of the
19 procurement official's efforts to procure a product
20 from a domestic source and the reasons why a do-
21 mestic product was not available from a domestic
22 source. Those explanations shall be made available
23 on BuyAmerican.gov prior to the issuance of the
24 waiver, and the agency shall consider public com-

1 ments regarding the availability of the product be-
2 fore making a final determination.

3 (2) EXCEPTION.—An explanation under para-
4 graph (1) is not required for a product the nonavail-
5 ability of which is established by law or regulation.

6 **SEC. 70938. COMPTROLLER GENERAL REPORT.**

7 Not later than two years after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall submit to Congress a report describing the
10 implementation of this subtitle, including recommenda-
11 tions for any legislation to improve the collection and re-
12 porting of information regarding waivers of and exceptions
13 to Buy American laws.

14 **SEC. 70939. RULES OF CONSTRUCTION.**

15 (a) DISCLOSURE REQUIREMENTS.—Nothing in this
16 subtitle shall be construed as preempting, superseding, or
17 otherwise affecting the application of any disclosure re-
18 quirement or requirements otherwise provided by law or
19 regulation.

20 (b) ESTABLISHMENT OF SUCCESSOR INFORMATION
21 SYSTEMS.—Nothing in this subtitle shall be construed as
22 preventing or otherwise limiting the ability of the Adminis-
23 trator of General Services to move the data required to
24 be included on the website established under subsection

1 (a) to a successor information system. Any such informa-
2 tion system shall include a reference to BuyAmerican.gov.

3 **SEC. 70940. CONSISTENCY WITH INTERNATIONAL AGREE-**
4 **MENTS.**

5 This subtitle shall be applied in a manner consistent
6 with United States obligations under international agree-
7 ments.

8 **SEC. 70941. PROSPECTIVE AMENDMENTS TO INTERNAL**
9 **CROSS-REFERENCES.**

10 (a) IN GENERAL.—Section 70932(1) is amended—

11 (1) in subparagraph (I), by striking “section
12 2533a” and inserting “section 4862”; and

13 (2) in subparagraph (J), by striking “section
14 2533b” and inserting “section 4863”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on January 1, 2022.

17 **Subtitle C—Make PPE in America**

18 **SEC. 70951. SHORT TITLE.**

19 This subtitle may be cited as the “Make PPE in
20 America Act”.

21 **SEC. 70952. FINDINGS.**

22 Congress makes the following findings:

23 (1) The COVID–19 pandemic has exposed the
24 vulnerability of the United States supply chains for,

1 and lack of domestic production of, personal protec-
2 tive equipment (PPE).

3 (2) The United States requires a robust, secure,
4 and wholly domestic PPE supply chain to safeguard
5 public health and national security.

6 (3) Issuing a strategy that provides the govern-
7 ment's anticipated needs over the next three years
8 will enable suppliers to assess what changes, if any,
9 are needed in their manufacturing capacity to meet
10 expected demands.

11 (4) In order to foster a domestic PPE supply
12 chain, United States industry needs a strong and
13 consistent demand signal from the Federal Govern-
14 ment providing the necessary certainty to expand
15 production capacity investment in the United States.

16 (5) In order to effectively incentivize investment
17 in the United States and the re-shoring of manufac-
18 turing, long-term contracts must be no shorter than
19 three years in duration.

20 (6) To accomplish this aim, the United States
21 should seek to ensure compliance with its inter-
22 national obligations, such as its commitments under
23 the World Trade Organization's Agreement on Gov-
24 ernment Procurement and its free trade agreements,
25 including by invoking any relevant exceptions to

1 those agreements, especially those related to national
2 security and public health.

3 (7) The United States needs a long-term invest-
4 ment strategy for the domestic production of PPE
5 items critical to the United States national response
6 to a public health crisis, including the COVID-19
7 pandemic.

8 **SEC. 70953. REQUIREMENT OF LONG-TERM CONTRACTS**
9 **FOR DOMESTICALLY MANUFACTURED PER-**
10 **SONAL PROTECTIVE EQUIPMENT.**

11 (a) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Homeland Security
16 and Governmental Affairs, the Committee on
17 Health, Education, Labor, and Pensions, the
18 Committee on Finance, and the Committee on
19 Veterans’ Affairs of the Senate; and

20 (B) the Committee on Homeland Security,
21 the Committee on Oversight and Reform, the
22 Committee on Energy and Commerce, the Com-
23 mittee on Ways and Means, and the Committee
24 on Veterans’ Affairs of the House of Represent-
25 atives.

1 (2) COVERED SECRETARY.—The term “covered
2 Secretary” means the Secretary of Homeland Secu-
3 rity, the Secretary of Health and Human Services,
4 and the Secretary of Veterans Affairs.

5 (3) PERSONAL PROTECTIVE EQUIPMENT.—The
6 term “personal protective equipment” means sur-
7 gical masks, respirator masks and powered air puri-
8 fying respirators and required filters, face shields
9 and protective eyewear, gloves, disposable and reus-
10 able surgical and isolation gowns, head and foot cov-
11 erings, and other gear or clothing used to protect an
12 individual from the transmission of disease.

13 (4) UNITED STATES.—The term “United
14 States” means the 50 States, the District of Colum-
15 bia, and the possessions of the United States.

16 (b) CONTRACT REQUIREMENTS FOR DOMESTIC PRO-
17 DUCTION.—Beginning 90 days after the date of the enact-
18 ment of this Act, in order to ensure the sustainment and
19 expansion of personal protective equipment manufacturing
20 in the United States and meet the needs of the current
21 pandemic response, any contract for the procurement of
22 personal protective equipment entered into by a covered
23 Secretary, or a covered Secretary’s designee, shall—

24 (1) be issued for a duration of at least 2 years,
25 plus all option periods necessary, to incentivize in-

1 vestment in the production of personal protective
2 equipment and the materials and components there-
3 of in the United States; and

4 (2) be for personal protective equipment, in-
5 cluding the materials and components thereof, that
6 is grown, reprocessed, reused, or produced in the
7 United States.

8 (c) ALTERNATIVES TO DOMESTIC PRODUCTION.—

9 The requirement under subsection (b) shall not apply to
10 an item of personal protective equipment, or component
11 or material thereof if, after maximizing to the extent fea-
12 sible sources consistent with subsection (b), the covered
13 Secretary—

14 (1) maximizes sources for personal protective
15 equipment that is assembled outside the United
16 States containing only materials and components
17 that are grown, reprocessed, reused, or produced in
18 the United States; and

19 (2) certifies every 120 days that it is necessary
20 to procure personal protective equipment under al-
21 ternative procedures to respond to the immediate
22 needs of a public health emergency.

23 (d) AVAILABILITY EXCEPTION.—

1 (1) IN GENERAL.—Subsections (b) and (c) shall
2 not apply to an item of personal protective equip-
3 ment, or component or material thereof—

4 (A) that is, or that includes, a material
5 listed in section 25.104 of the Federal Acquisi-
6 tion Regulation as one for which a non-avail-
7 ability determination has been made; or

8 (B) as to which the covered Secretary de-
9 termines that a sufficient quantity of a satisfac-
10 tory quality that is grown, reprocessed, reused,
11 or produced in the United States cannot be pro-
12 cured as, and when, needed at United States
13 market prices.

14 (2) CERTIFICATION REQUIREMENT.—The cov-
15 ered Secretary shall certify every 120 days that the
16 exception under paragraph (1) is necessary to meet
17 the immediate needs of a public health emergency.

18 (e) REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Di-
21 rector of the Office of Management and Budget, in
22 consultation with the covered Secretaries, shall sub-
23 mit to the chairs and ranking members of the appro-
24 priate congressional committees a report on the pro-
25 curement of personal protective equipment.

1 (2) ELEMENTS.—The report required under
2 paragraph (1) shall include the following elements:

3 (A) The United States long-term domestic
4 procurement strategy for PPE produced in the
5 United States, including strategies to
6 incentivize investment in and maintain United
7 States supply chains for all PPE sufficient to
8 meet the needs of the United States during a
9 public health emergency.

10 (B) An estimate of long-term demand
11 quantities for all PPE items procured by the
12 United States.

13 (C) Recommendations for congressional ac-
14 tion required to implement the United States
15 Government's procurement strategy.

16 (D) A determination whether all notifica-
17 tions, amendments, and other necessary actions
18 have been completed to bring the United States
19 existing international obligations into con-
20 formity with the statutory requirements of this
21 subtitle.

22 (f) AUTHORIZATION OF TRANSFER OF EQUIP-
23 MENT.—

24 (1) IN GENERAL.—A covered Secretary may
25 transfer to the Strategic National Stockpile estab-

1 lished under section 319F–2 of the Public Health
2 Service Act (42 U.S.C. 247d–6b) any excess per-
3 sonal protective equipment acquired under a con-
4 tract executed pursuant to subsection (b).

5 (2) TRANSFER OF EQUIPMENT DURING A PUB-
6 LIC HEALTH EMERGENCY.—

7 (A) AMENDMENT.—Title V of the Home-
8 land Security Act of 2002 (6 U.S.C. 311 et
9 seq.) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC**
12 **HEALTH EMERGENCY.**

13 “(a) AUTHORIZATION OF TRANSFER OF EQUIP-
14 MENT.—During a public health emergency declared by the
15 Secretary of Health and Human Services under section
16 319(a) of the Public Health Service Act (42 U.S.C.
17 247d(a)), the Secretary, at the request of the Secretary
18 of Health and Human Services, may transfer to the De-
19 partment of Health and Human Services, on a reimburs-
20 able basis, excess personal protective equipment or medi-
21 cally necessary equipment in the possession of the Depart-
22 ment.

23 “(b) DETERMINATION BY SECRETARIES.—

24 “(1) IN GENERAL.—In carrying out this sec-
25 tion—

2371

1 “(A) before requesting a transfer under
2 subsection (a), the Secretary of Health and
3 Human Services shall determine whether the
4 personal protective equipment or medically nec-
5 essary equipment is otherwise available; and

6 “(B) before initiating a transfer under
7 subsection (a), the Secretary, in consultation
8 with the heads of each component within the
9 Department, shall—

10 “(i) determine whether the personal
11 protective equipment or medically nec-
12 essary equipment requested to be trans-
13 ferred under subsection (a) is excess equip-
14 ment; and

15 “(ii) certify that the transfer of the
16 personal protective equipment or medically
17 necessary equipment will not adversely im-
18 pact the health or safety of officers, em-
19 ployees, or contractors of the Department.

20 “(2) NOTIFICATION.—The Secretary of Health
21 and Human Services and the Secretary shall each
22 submit to Congress a notification explaining the de-
23 termination made under subparagraphs (A) and (B),
24 respectively, of paragraph (1).

25 “(3) REQUIRED INVENTORY.—

2372

1 “(A) IN GENERAL.—The Secretary shall—

2 “(i) acting through the Chief Medical
3 Officer of the Department, maintain an in-
4 ventory of all personal protective equip-
5 ment and medically necessary equipment in
6 the possession of the Department; and

7 “(ii) make the inventory required
8 under clause (i) available, on a continual
9 basis, to—

10 “(I) the Secretary of Health and
11 Human Services; and

12 “(II) the Committee on Appro-
13 priations and the Committee on
14 Homeland Security and Governmental
15 Affairs of the Senate and the Com-
16 mittee on Appropriations and the
17 Committee on Homeland Security of
18 the House of Representatives.

19 “(B) FORM.—Each inventory required to
20 be made available under subparagraph (A) shall
21 be submitted in unclassified form, but may in-
22 clude a classified annex.”.

23 (B) TABLE OF CONTENTS AMENDMENT.—
24 The table of contents in section 1(b) of the
25 Homeland Security Act of 2002 (Public Law

1 107–296; 116 Stat. 2135) is amended by in-
2 serting after the item relating to section 528
3 the following:

“Sec. 529. Transfer of equipment during a public health emergency.”.

4 (3) STRATEGIC NATIONAL STOCKPILE.—Section
5 319F–2(a) of the Public Health Service Act (42
6 U.S.C. 247d–6b(a)) is amended by adding at the
7 end the following:

8 “(6) TRANSFERS OF ITEMS.—The Secretary, in
9 coordination with the Secretary of Homeland Secu-
10 rity, may sell drugs, vaccines and other biological
11 products, medical devices, or other supplies main-
12 tained in the stockpile under paragraph (1) to a
13 Federal agency or private, nonprofit, State, local,
14 tribal, or territorial entity for immediate use and
15 distribution, provided that any such items being sold
16 are—

17 “(A) within 1 year of their expiration date;

18 or

19 “(B) determined by the Secretary to no
20 longer be needed in the stockpile due to ad-
21 vances in medical or technical capabilities.”.

22 (g) COMPLIANCE WITH INTERNATIONAL AGREE-
23 MENTS.—The President or the President’s designee shall
24 take all necessary steps, including invoking the rights of
25 the United States under Article III of the World Trade

1 Organization's Agreement on Government Procurement
2 and the relevant exceptions of other relevant agreements
3 to which the United States is a party, to ensure that the
4 international obligations of the United States are con-
5 sistent with the provisions of this subtitle.

6 **TITLE X—ASSET CONCESSIONS**

7 **SEC. 71001. ASSET CONCESSIONS.**

8 (a) ESTABLISHMENT OF PROGRAM.—

9 (1) IN GENERAL.—Chapter 6 of title 23, United
10 States Code, is amended by adding at the end the
11 following:

12 **“§ 611. Asset concessions and innovative finance as-** 13 **sistance**

14 “(a) DEFINITIONS.—In this section:

15 “(1) APPROVED INFRASTRUCTURE ASSET.—

16 The term ‘approved infrastructure asset’ means—

17 “(A) a project (as defined in section
18 601(a)); and

19 “(B) a group of projects (as defined in sec-
20 tion 601(a)) considered together in a single
21 asset concession or long-term lease to a conces-
22 sionaire by 1 or more eligible entities.

23 “(2) ASSET CONCESSION.—The term ‘asset con-
24 cession’ means a contract between an eligible entity
25 and a concessionaire—

2375

1 “(A) under which—

2 “(i) the eligible entity agrees to enter
3 into a concession agreement or long-term
4 lease with the concessionaire relating to an
5 approved infrastructure asset owned, con-
6 trolled, or maintained by the eligible entity;

7 “(ii) as consideration for the agree-
8 ment or lease described in clause (i), the
9 concessionaire agrees—

10 “(I) to provide to the eligible en-
11 tity 1 or more asset concession pay-
12 ments; and

13 “(II) to maintain or exceed the
14 condition, performance, and service
15 level of the approved infrastructure
16 asset, as compared to that condition,
17 performance, and service level on the
18 date of execution of the agreement or
19 lease; and

20 “(iii) the eligible entity and the con-
21 cessionaire agree that the costs for a fiscal
22 year of the agreement or lease, and any
23 project carried out under the agreement or
24 lease, shall not be shifted to any taxpayer
25 the annual household income of whom is

1 less than \$400,000 per year, including
2 through taxes, user fees, tolls, or any other
3 measure, for use of an approved infra-
4 structure asset; and

5 “(B) the terms of which do not include any
6 noncompete or exclusivity restriction (or any
7 other, similar restriction) on the approval of an-
8 other project.

9 “(3) ASSET CONCESSION PAYMENT.—The term
10 ‘asset concession payment’ means a payment that—

11 “(A) is made by a concessionaire to an eli-
12 gible entity for fair market value that is deter-
13 mined as part of the asset concession; and

14 “(B) may be—

15 “(i) a payment made at the financial
16 close of an asset concession; or

17 “(ii) a series of payments scheduled to
18 be made for—

19 “(I) a fixed period; or

20 “(II) the term of an asset conces-
21 sion.

22 “(4) CONCESSIONAIRE.—The term ‘conces-
23 sionaire’ means a private individual or a private or
24 publicly chartered corporation or entity that enters
25 into an asset concession with an eligible entity.

1 “(5) ELIGIBLE ENTITY.—

2 “(A) IN GENERAL.—The term ‘eligible en-
3 tity’ means an entity described in subparagraph
4 (B) that—

5 “(i) owns, controls, or maintains an
6 approved infrastructure asset; and

7 “(ii) has the legal authority to enter
8 into a contract to transfer ownership,
9 maintenance, operations, revenues, or
10 other benefits and responsibilities for an
11 approved infrastructure asset.

12 “(B) ENTITIES DESCRIBED.—An entity re-
13 ferred to in subparagraph (A) is any of the fol-
14 lowing:

15 “(i) A State.

16 “(ii) A Tribal government.

17 “(iii) A unit of local government.

18 “(iv) An agency or instrumentality of
19 a State, Tribal government, or unit of local
20 government.

21 “(v) A special purpose district or pub-
22 lic authority.

23 “(b) ESTABLISHMENT.—The Secretary shall estab-
24 lish a program to facilitate access to expert services for,
25 and to provide grants to, eligible entities to enhance the

1 technical capacity of eligible entities to facilitate and
2 evaluate public-private partnerships in which the private
3 sector partner could assume a greater role in project plan-
4 ning, development, financing, construction, maintenance,
5 and operation, including by assisting eligible entities in en-
6 tering into asset concessions.

7 “(c) APPLICATIONS.—To be eligible to receive a grant
8 under this section, an eligible entity shall submit to the
9 Secretary an application at such time, in such manner,
10 and containing such information as the Secretary may re-
11 quire.

12 “(d) ELIGIBLE ACTIVITIES.—

13 “(1) TECHNICAL ASSISTANCE GRANTS.—An eli-
14 gible entity may use amounts made available from a
15 grant under this section for technical assistance to
16 build the organizational capacity of the eligible enti-
17 ty to develop, review, or enter into an asset conces-
18 sion, including for—

19 “(A) identifying appropriate assets or
20 projects for asset concessions;

21 “(B) soliciting and negotiating asset con-
22 cessions, including hiring staff in public agen-
23 cies;

24 “(C) conducting a value-for-money anal-
25 ysis, or a comparable analysis, to evaluate the

1 comparative benefits of asset concessions and
2 public debt or other procurement methods;

3 “(D) evaluating options for the structure
4 and use of asset concession payments;

5 “(E) evaluating and publicly presenting
6 the risks and benefits of all contract provisions
7 for the purpose of transparency and account-
8 ability;

9 “(F) identifying best practices to protect
10 the public interest and priorities;

11 “(G) identifying best practices for man-
12 aging transportation demand and mobility
13 along a corridor, including through provisions
14 of the asset concession, to facilitate transpor-
15 tation demand management strategies along the
16 corridor that is subject to the asset concession;
17 and

18 “(H) integrating and coordinating pricing,
19 data, and fare collection with other regional op-
20 erators that exist or may be developed.

21 “(2) EXPERT SERVICES.—An eligible entity
22 seeking to leverage public and private funding in
23 connection with the development of an early-stage
24 approved infrastructure asset, including in the devel-
25 opment of alternative approaches to project delivery

1 or procurement, may use amounts made available
2 from a grant under this section to retain the services
3 of an expert firm to provide to the eligible entity di-
4 rect project level assistance, which services may in-
5 clude—

6 “(A) project planning, feasibility studies,
7 revenue forecasting, economic assessments and
8 cost-benefit analyses, public benefit studies,
9 value-for-money analyses, business case develop-
10 ment, lifecycle cost analyses, risk assessment,
11 financing and funding options analyses, pro-
12 curement alternatives analyses, statutory and
13 regulatory framework analyses and other pre-
14 procurement and pre-construction activities;

15 “(B) financial and legal planning (includ-
16 ing the identification of statutory authorization,
17 funding, and financing options);

18 “(C) early assessment of permitting, envi-
19 ronmental review, and regulatory processes and
20 costs; and

21 “(D) assistance with entering into an asset
22 concession.

23 “(e) DISTRIBUTION.—

24 “(1) MAXIMUM AMOUNT.—

2381

1 “(A) TECHNICAL ASSISTANCE GRANTS.—

2 The maximum amount of a technical assistance
3 grant under subsection (d)(1) shall be
4 \$2,000,000.

5 “(B) EXPERT SERVICES.—The maximum
6 amount of the value of expert services retained
7 by an eligible entity under subsection (d)(2)
8 shall be \$2,000,000.

9 “(2) COST SHARING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Federal share of the cost
12 of an activity carried out under this section
13 may be up to 100 percent.

14 “(B) CERTAIN PROJECTS.—If the amount
15 of the grant provided to an eligible entity under
16 this section is more than \$1,000,000, the Fed-
17 eral share of the cost of an activity carried out
18 using grant amounts in excess of \$1,000,000
19 shall be 50 percent.

20 “(3) STATEWIDE MAXIMUM.—The aggregate
21 amount made available under this section to eligible
22 entities within a State shall not exceed, on a cumu-
23 lative basis for all eligible entities within the State
24 during any 3-year period, \$4,000,000.

25 “(f) REQUIREMENTS.—

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that, as a condition of receiving a grant under this
3 section, for any asset concession for which the grant
4 provides direct assistance—

5 “(A) the asset concession shall not pro-
6 hibit, discourage, or make it more difficult for
7 an eligible entity to construct new infrastruc-
8 ture, to provide or expand transportation serv-
9 ices, or to manage associated infrastructure in
10 publicly beneficial ways, along a transportation
11 corridor or in the proximity of a transportation
12 facility that was a part of the asset concession;

13 “(B) the eligible entity shall have adopted
14 binding rules to publish all major business
15 terms of the proposed asset concession not later
16 than the date that is 30 days before entering
17 into the asset concession, to enable public re-
18 view, including a certification of public interest
19 based on the results of an assessment under
20 subparagraph (D);

21 “(C) the asset concession shall not result
22 in displacement, job loss, or wage reduction for
23 the existing workforce of the eligible entity or
24 other public entities;

1 “(D) the eligible entity or the conces-
2 sionaire shall carry out a value-for-money anal-
3 ysis, or similar assessment, to compare the ag-
4 gregate costs and benefits to the eligible entity
5 of the asset concession against alternative op-
6 tions to determine whether the asset concession
7 generates additional public benefits and serves
8 the public interest;

9 “(E) the full amount of any asset conces-
10 sion payment received by the eligible entity
11 under the asset concession, less any amount
12 paid for transaction costs relating to the asset
13 concession, shall be used to pay infrastructure
14 costs of the eligible entity; and

15 “(F) the terms of the asset concession
16 shall not result in any increase in costs under
17 the asset concession being shifted to taxpayers
18 the annual household income of whom is less
19 than \$400,000 per year, including through
20 taxes, user fees, tolls, or any other measure, for
21 use of an approved infrastructure asset.

22 “(2) AUDIT.—Not later than 3 years after the
23 date on which an eligible entity enters into an asset
24 concession as a result of a grant under this sec-
25 tion—

1 “(A) the eligible entity shall hire an inde-
2 pendent auditor to evaluate the performance of
3 the concessionaire based on the requirements
4 described in paragraph (1); and

5 “(B) the independent auditor shall submit
6 to the eligible entity, and make publicly avail-
7 able, a report describing the results of the audit
8 under subparagraph (A).

9 “(3) TREATMENT.—Unless otherwise provided
10 under paragraph (1), the Secretary shall not, as a
11 condition of receiving a grant under this section,
12 prohibit or otherwise prevent an eligible entity from
13 entering into, or receiving any asset concession pay-
14 ment under, an asset concession for an approved in-
15 frastructure asset owned, controlled, or maintained
16 by the eligible entity.

17 “(4) APPLICABILITY OF FEDERAL LAWS.—
18 Nothing in this section exempts a concessionaire or
19 an eligible entity from a compliance obligation with
20 respect to any applicable Federal or State law that
21 would otherwise apply to the concessionaire, the eli-
22 gible entity, or an approved infrastructure asset.

23 “(g) FUNDING.—

24 “(1) IN GENERAL.—On October 1, 2021, and
25 on each October 1 thereafter through October 1,

1 2025, out of any funds in the Treasury not other-
2 wise appropriated, the Secretary of the Treasury
3 shall transfer to the Secretary to carry out this sec-
4 tion \$20,000,000, to remain available until ex-
5 pended.

6 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
7 retary shall be entitled to receive, shall accept, and
8 shall use to carry out this section the funds trans-
9 ferred under paragraph (1), without further appro-
10 priation.”.

11 (2) CLERICAL AMENDMENT.—The analysis for
12 chapter 6 of title 23, United States Code, is amend-
13 ed by adding at the end the following:

“611. Asset concessions and innovative finance assistance.”.

14 (b) ASSET RECYCLING REPORT.—Not later than Au-
15 gust 1, 2024, the Secretary shall submit to Congress a
16 report that includes—

17 (1) an analysis of any impediments in applica-
18 ble laws, regulations, and practices to increased use
19 of public-private partnerships and private investment
20 in transportation improvements; and

21 (2) proposals for approaches that address those
22 impediments while continuing to protect the public
23 interest and any public investment in transportation
24 improvements.

2386

1 **TITLE XI—CLEAN SCHOOL**
2 **BUSES AND FERRIES**

3 **SEC. 71101. CLEAN SCHOOL BUS PROGRAM.**

4 Section 741 of the Energy Policy Act of 2005 (42
5 U.S.C. 16091) is amended to read as follows:

6 **“SEC. 741. CLEAN SCHOOL BUS PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATOR.—The term ‘Adminis-
9 trator’ means the Administrator of the Environ-
10 mental Protection Agency.

11 “(2) ALTERNATIVE FUEL.—The term ‘alter-
12 native fuel’ means liquefied natural gas, compressed
13 natural gas, hydrogen, propane, or biofuels.

14 “(3) CLEAN SCHOOL BUS.—The term ‘clean
15 school bus’ means a school bus that—

16 “(A) the Administrator certifies reduces
17 emissions and is operated entirely or in part
18 using an alternative fuel; or

19 “(B) is a zero-emission school bus.

20 “(4) ELIGIBLE CONTRACTOR.—The term ‘eligi-
21 ble contractor’ means a contractor that is a for-prof-
22 it, not-for-profit, or nonprofit entity that has the ca-
23 pacity—

24 “(A) to sell clean school buses, zero-emis-
25 sion school buses, charging or fueling infra-

1 structure, or other equipment needed to charge,
2 fuel, or maintain clean school buses or zero-
3 emission school buses, to individuals or entities
4 that own a school bus or a fleet of school buses;
5 or

6 “(B) to arrange financing for such a sale.

7 “(5) ELIGIBLE RECIPIENT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the term ‘eligible recipient’ means—

10 “(i) 1 or more local or State govern-
11 mental entities responsible for—

12 “(I) providing school bus service
13 to 1 or more public school systems; or

14 “(II) the purchase of school
15 buses;

16 “(ii) an eligible contractor;

17 “(iii) a nonprofit school transportation
18 association; or

19 “(iv) an Indian Tribe (as defined in
20 section 4 of the Indian Self-Determination
21 and Education Assistance Act (25 U.S.C.
22 5304)), Tribal organization (as defined in
23 that section), or tribally controlled school
24 (as defined in section 5212 of the Tribally

2388

1 Controlled Schools Act of 1988 (25 U.S.C.
2 2511)) that is responsible for—

3 “(I) providing school bus service
4 to 1 or more Bureau-funded schools
5 (as defined in section 1141 of the
6 Education Amendments of 1978 (25
7 U.S.C. 2021)); or

8 “(II) the purchase of school
9 buses.

10 “(B) SPECIAL REQUIREMENTS.—In the
11 case of eligible recipients identified under
12 clauses (ii) and (iii) of subparagraph (A), the
13 Administrator shall establish timely and appro-
14 priate requirements for notice and shall estab-
15 lish timely and appropriate requirements for ap-
16 proval by the public school systems that would
17 be served by buses purchased using award
18 funds made available under this section.

19 “(6) HIGH-NEED LOCAL EDUCATIONAL AGEN-
20 CY.—The term ‘high-need local educational agency’
21 means a local educational agency (as defined in sec-
22 tion 8101 of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7801)) that is among
24 the local educational agencies in the applicable State
25 with high percentages of children counted under sec-

1 tion 1124(c) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6333(e)), on the basis
3 of the most recent satisfactory data available, as de-
4 termined by the Secretary of Education (or, for a
5 local educational agency for which no such data is
6 available, such other data as the Secretary of Edu-
7 cation determines to be satisfactory).

8 “(7) SCHOOL BUS.—The term ‘school bus’ has
9 the meaning given the term ‘schoolbus’ in section
10 30125(a) of title 49, United States Code.

11 “(8) ZERO-EMISSION SCHOOL BUS.—The term
12 ‘zero-emission school bus’ means a school bus that
13 is certified by the Administrator to have a drivetrain
14 that produces, under any possible operational mode
15 or condition, zero exhaust emission of—

16 “(A) any air pollutant that is listed pursu-
17 ant to section 108(a) of the Clean Air Act (42
18 U.S.C. 7408(a)) (or any precursor to such an
19 air pollutant); and

20 “(B) any greenhouse gas.

21 “(b) PROGRAM FOR REPLACEMENT OF EXISTING
22 SCHOOL BUSES WITH CLEAN SCHOOL BUSES AND ZERO-
23 EMISSION SCHOOL BUSES.—

24 “(1) ESTABLISHMENT.—The Administrator
25 shall establish a program—

2390

1 “(A) to award grants and rebates on a
2 competitive basis to eligible recipients for the
3 replacement of existing school buses with clean
4 school buses;

5 “(B) to award grants and rebates on a
6 competitive basis to eligible recipients for the
7 replacement of existing school buses with zero-
8 emission school buses;

9 “(C) to award contracts to eligible contrac-
10 tors to provide rebates for the replacement of
11 existing school buses with clean school buses;
12 and

13 “(D) to award contracts to eligible contrac-
14 tors to provide rebates for the replacement of
15 existing school buses with zero-emission school
16 buses.

17 “(2) ALLOCATION OF FUNDS.—Of the amounts
18 made available for awards under paragraph (1) in a
19 fiscal year, the Administrator shall award—

20 “(A) 50 percent to replace existing school
21 buses with zero-emission school buses; and

22 “(B) 50 percent to replace existing school
23 buses with clean school buses and zero-emission
24 school buses.

2391

1 “(3) CONSIDERATIONS.—In making awards
2 under paragraph (2)(B), the Administrator shall
3 take into account the following criteria and shall not
4 give preference to any individual criterion:

5 “(A) Lowest overall cost of bus replace-
6 ment.

7 “(B) Local conditions, including the length
8 of bus routes and weather conditions.

9 “(C) Technologies that most reduce emis-
10 sions.

11 “(D) Whether funds will bring new tech-
12 nologies to scale or promote cost parity between
13 old technology and new technology.

14 “(4) PRIORITY OF APPLICATIONS.—In making
15 awards under paragraph (1), the Administrator may
16 prioritize applicants that—

17 “(A) propose to replace school buses that
18 serve—

19 “(i) a high-need local educational
20 agency;

21 “(ii) a Bureau-funded school (as de-
22 fined in section 1141 of the Education
23 Amendments of 1978 (25 U.S.C. 2021));

24 or

1 “(iii) a local educational agency that
2 receives a basic support payment under
3 section 7003(b)(1) of the Elementary and
4 Secondary Education Act of 1965 (20
5 U.S.C. 7703(b)(1)) for children who reside
6 on Indian land;

7 “(B) serve rural or low-income areas; or

8 “(C) propose to complement the assistance
9 received through the award by securing addi-
10 tional sources of funding for the activities sup-
11 ported through the award, such as through—

12 “(i) public-private partnerships;

13 “(ii) grants from other entities; or

14 “(iii) issuance of school bonds.

15 “(5) USE OF SCHOOL BUS FLEET.—All clean
16 school buses and zero-emission school buses acquired
17 with funds provided under this section shall—

18 “(A) be operated as part of the school bus
19 fleet for which the award was made for not less
20 than 5 years;

21 “(B) be maintained, operated, and charged
22 or fueled according to manufacturer rec-
23 ommendations or State requirements; and

24 “(C) not be manufactured or retrofitted
25 with, or otherwise have installed, a power unit

1 or other technology that creates air pollution
2 within the school bus, such as an unvented die-
3 sel passenger heater.

4 “(6) AWARDS.—

5 “(A) IN GENERAL.—In making awards
6 under paragraph (1), the Administrator may
7 make awards for up to 100 percent of the costs
8 for replacement of existing school buses with
9 clean school buses, zero-emission school buses,
10 and charging or fueling infrastructure.

11 “(B) STRUCTURING AWARDS.—In making
12 an award under paragraph (1)(A), the Adminis-
13 trator shall decide whether to award a grant or
14 rebate, or a combination thereof, based pri-
15 marily on how best to facilitate replacing exist-
16 ing school buses with clean school buses or
17 zero-emission school buses, as applicable.

18 “(7) DEPLOYMENT AND DISTRIBUTION.—

19 “(A) IN GENERAL.—The Administrator
20 shall—

21 “(i) to the maximum extent prac-
22 ticable, achieve nationwide deployment of
23 clean school buses and zero-emission school
24 buses through the program under this sec-
25 tion; and

1 “(ii) ensure a broad geographic dis-
2 tribution of awards.

3 “(B) LIMITATION.—The Administrator
4 shall ensure that the amount received by all eli-
5 gible entities in a State from grants and rebates
6 under this section does not exceed 10 percent of
7 the amounts made available to carry out this
8 section during a fiscal year.

9 “(8) ANNUAL REPORT.—Not later than Janu-
10 ary 31 of each year, the Administrator shall submit
11 to Congress a report that evaluates the implementa-
12 tion of this section and describes—

13 “(A) the total number of applications re-
14 ceived;

15 “(B) the quantity and amount of grants
16 and rebates awarded and the location of the re-
17 cipients of the grants and rebates;

18 “(C) the criteria used to select the recipi-
19 ents; and

20 “(D) any other information the Adminis-
21 trator considers appropriate.

22 “(c) EDUCATION AND OUTREACH.—

23 “(1) IN GENERAL.—Not later than 120 days
24 after the date of enactment of the Infrastructure In-
25 vestment and Jobs Act, the Administrator shall de-

1 “(iii) workforce development, training,
2 and Registered Apprenticeships that meet
3 the requirements under parts 29 and 30 of
4 title 29, Code of Federal Regulations (as
5 in effect on December 1, 2019); and

6 “(iv) any other information that is
7 necessary, as determined by the Adminis-
8 trator; and

9 “(E) include, as appropriate, information
10 from the annual report required under sub-
11 section (b)(7).

12 “(d) ADMINISTRATIVE COSTS.—The Administrator
13 may use, for the administrative costs of carrying out this
14 section, not more than 3 percent of the amounts made
15 available to carry out this section for any fiscal year.

16 “(e) REGULATIONS.—The Administrator shall have
17 the authority to issue such regulations or other guidance,
18 forms, instructions, and publications as may be necessary
19 or appropriate to carry out the programs, projects, or ac-
20 tivities authorized under this section, including to ensure
21 that such programs, projects, or activities are completed
22 in a timely and effective manner, result in emissions re-
23 ductions, and maximize public health benefits.

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Administrator to

1 carry out this section, to remain available until expended,
2 \$1,000,000,000 for each of fiscal years 2022 through
3 2026, of which—

4 “(1) \$500,000,000 shall be made available for
5 the adoption of clean school buses and zero-emission
6 school buses; and

7 “(2) \$500,000,000 shall be made available for
8 the adoption of zero-emission school buses.”.

9 **SEC. 71102. ELECTRIC OR LOW-EMITTING FERRY PILOT**
10 **PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ALTERNATIVE FUEL.—The term “alter-
13 native fuel” means—

14 (A) methanol, denatured ethanol, and
15 other alcohols;

16 (B) a mixture containing at least 85 per-
17 cent of methanol, denatured ethanol, and other
18 alcohols by volume with gasoline or other fuels;

19 (C) natural gas;

20 (D) liquefied petroleum gas;

21 (E) hydrogen;

22 (F) fuels (except alcohol) derived from bio-
23 logical materials;

24 (G) electricity (including electricity from
25 solar energy); and

1 (H) any other fuel the Secretary prescribes
2 by regulation that is not substantially petro-
3 leum and that would yield substantial energy
4 security and environmental benefits.

5 (2) ELECTRIC OR LOW-EMITTING FERRY.—The
6 term “electric or low-emitting ferry” means a ferry
7 that reduces emissions by utilizing alternative fuels
8 or onboard energy storage systems and related
9 charging infrastructure to reduce emissions or
10 produce zero onboard emissions under normal oper-
11 ation.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Transportation.

14 (b) ESTABLISHMENT.—The Secretary shall carry out
15 a pilot program to provide grants for the purchase of elec-
16 tric or low-emitting ferries and the electrification of or
17 other reduction of emissions from existing ferries.

18 (c) REQUIREMENT.—In carrying out the pilot pro-
19 gram under this section, the Secretary shall ensure that—

20 (1) not less than 1 grant under this section
21 shall be for a ferry service that serves the State with
22 the largest number of Marine Highway System
23 miles; and

24 (2) not less than 1 grant under this section
25 shall be for a bi-State ferry service—

2399

1 (A) with an aging fleet; and

2 (B) whose development of zero and low
3 emission power source ferries will propose to
4 advance the state of the technology toward in-
5 creasing the range and capacity of zero emis-
6 sion power source ferries.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary to carry
9 out this section \$50,000,000 for each of fiscal years 2022
10 through 2026.

11 **SEC. 71103. FERRY SERVICE FOR RURAL COMMUNITIES.**

12 (a) DEFINITIONS.—In this section:

13 (1) BASIC ESSENTIAL FERRY SERVICE.—The
14 term “basic essential ferry service” means scheduled
15 ferry transportation service.

16 (2) ELIGIBLE SERVICE.—The term “eligible
17 service” means a ferry service that—

18 (A) operated a regular schedule at any
19 time during the 5-year period ending on March
20 1, 2020; and

21 (B) served not less than 2 rural areas lo-
22 cated more than 50 sailing miles apart.

23 (3) RURAL AREA.—The term “rural area” has
24 the meaning given the term in section 5302 of title
25 49, United States Code.

2400

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 (b) ESTABLISHMENT.—The Secretary shall establish
4 a program to ensure that basic essential ferry service is
5 provided to rural areas by providing funds to States to
6 provide such basic essential ferry service.

7 (c) PROGRAM CRITERIA.—The Secretary shall estab-
8 lish requirements and criteria for participation in the pro-
9 gram under this section, including requirements for the
10 provision of funds to States.

11 (d) WAIVERS.—The Secretary shall establish criteria
12 for the waiver of any requirement under this section.

13 (e) TREATMENT.—

14 (1) NOT ATTRIBUTABLE TO URBANIZED
15 AREAS.—An eligible service that receives funds from
16 a State under this section shall not be attributed to
17 an urbanized area for purposes of apportioning
18 funds under chapter 53 of title 49, United States
19 Code.

20 (2) NO RECEIPT OF CERTAIN APPORTIONED
21 FUNDS.—An eligible service that receives funds from
22 a State under this section shall not receive funds ap-
23 portioned under section 5336 or 5337 of title 49,
24 United States Code, in the same fiscal year.

2401

1 (f) FUNDING.—There is authorized to be appro-
 2 priated to the Secretary to carry out this section
 3 \$200,000,000 for each of fiscal years 2022 through 2026.

4 (g) OPERATING COSTS.—

5 (1) Section 147 of title 23, United States Code,
 6 is amended by adding at the end the following:

7 “(k) ADDITIONAL USES.—Notwithstanding any other
 8 provision of law, in addition to other uses of funds under
 9 this section, an eligible entity may use amounts made
 10 available under this section to pay the operating costs of
 11 the eligible entity.”.

12 (2) Section 218(c) of title 23, United States
 13 Code (as amended by section 11116 of division A),
 14 is amended by inserting “operation, repair,” after
 15 “purchase,”.

16 **DIVISION H—REVENUE**
 17 **PROVISIONS**

18 **TITLE I—HIGHWAY TRUST FUND**

19 **SEC. 80101. EXTENSION OF HIGHWAY TRUST FUND EXPEND-**
 20 **ITURE AUTHORITY.**

21 (a) HIGHWAY TRUST FUND.—Section 9503 of the
 22 Internal Revenue Code of 1986 is amended—

23 (1) by striking “October 1, 2021” in sub-
 24 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
 25 “October 1, 2026”, and

2402

1 (2) by striking “Continuing Appropriations Act,
2 2021 and Other Extensions Act” in subsections
3 (e)(1) and (e)(3) and inserting “Infrastructure In-
4 vestment and Jobs Act”.

5 (b) SPORT FISH RESTORATION AND BOATING TRUST
6 FUND.—Section 9504 of such Code is amended—

7 (1) by striking “Continuing Appropriations Act,
8 2021 and Other Extensions Act” each place it ap-
9 pears in subsection (b)(2) and inserting “Infrastruc-
10 ture Investment and Jobs Act”, and

11 (2) by striking “October 1, 2021” in subsection
12 (d)(2) and inserting “October 1, 2026”.

13 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
14 FUND.—Section 9508(e)(2) of such Code is amended by
15 striking “October 1, 2021” and inserting “October 1,
16 2026”.

17 **SEC. 80102. EXTENSION OF HIGHWAY-RELATED TAXES.**

18 (a) IN GENERAL.—

19 (1) Each of the following provisions of the In-
20 ternal Revenue Code of 1986 is amended by striking
21 “September 30, 2022” and inserting “September
22 30, 2028”:

23 (A) Section 4041(a)(1)(C)(iii)(I).

24 (B) Section 4041(m)(1)(B).

25 (C) Section 4081(d)(1).

2403

1 (2) Each of the following provisions of such
2 Code is amended by striking “October 1, 2022” and
3 inserting “October 1, 2028”:

4 (A) Section 4041(m)(1)(A).

5 (B) Section 4051(c).

6 (C) Section 4071(d).

7 (D) Section 4081(d)(3).

8 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
9 HEAVY VEHICLES.—Each of the following provisions of
10 the Internal Revenue Code of 1986 is amended by striking
11 “2023” each place it appears and inserting “2029”:

12 (1) Section 4481(f).

13 (2) Subsections (c)(4) and (d) of section 4482.

14 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
15 of the Internal Revenue Code of 1986 is amended—

16 (1) by striking “October 1, 2022” each place it
17 appears and inserting “October 1, 2028”;

18 (2) by striking “March 31, 2023” each place it
19 appears and inserting “March 31, 2029”; and

20 (3) by striking “January 1, 2023” and insert-
21 ing “January 1, 2029”.

22 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

23 (1) Section 4221(a) of the Internal Revenue
24 Code of 1986 is amended by striking “October 1,
25 2022” and inserting “October 1, 2028”.

2404

1 (2) Section 4483(i) of such Code is amended by
2 striking “October 1, 2023” and inserting “October
3 1, 2029”.

4 (e) EXTENSION OF TRANSFERS OF CERTAIN
5 TAXES.—

6 (1) IN GENERAL.—Section 9503 of the Internal
7 Revenue Code of 1986 is amended—

8 (A) in subsection (b)—

9 (i) by striking “October 1, 2022”
10 each place it appears in paragraphs (1)
11 and (2) and inserting “October 1, 2028”;

12 (ii) by striking “OCTOBER 1, 2022” in
13 the heading of paragraph (2) and inserting
14 “OCTOBER 1, 2028”;

15 (iii) by striking “September 30,
16 2022” in paragraph (2) and inserting
17 “September 30, 2028”; and

18 (iv) by striking “July 1, 2023” in
19 paragraph (2) and inserting “July 1,
20 2029”; and

21 (B) in subsection (c)(2), by striking “July
22 1, 2023” and inserting “July 1, 2029”.

23 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
24 TRANSFERS.—

2405

1 (A) IN GENERAL.—Paragraphs (3)(A)(i)
2 and (4)(A) of section 9503(c) of such Code are
3 each amended by striking “October 1, 2022”
4 and inserting “October 1, 2028”.

5 (B) CONFORMING AMENDMENTS TO LAND
6 AND WATER CONSERVATION FUND.—Section
7 200310 of title 54, United States Code, is
8 amended—

9 (i) by striking “October 1, 2023”
10 each place it appears and inserting “Octo-
11 ber 1, 2029”; and

12 (ii) by striking “October 1, 2022” and
13 inserting “October 1, 2028”.

14 (f) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2021.

16 **SEC. 80103. FURTHER ADDITIONAL TRANSFERS TO TRUST**
17 **FUND.**

18 Subsection (f) of section 9503 of the Internal Rev-
19 enue Code of 1986 is amended by redesignating paragraph
20 (11) as paragraph (12) and inserting after paragraph (10)
21 the following new paragraph:

22 “(11) FURTHER TRANSFERS TO TRUST
23 FUND.—Out of money in the Treasury not otherwise
24 appropriated, there is hereby appropriated—

2406

1 “(A) \$90,000,000,000 to the Highway Ac-
2 count (as defined in subsection (e)(5)(B)) in
3 the Highway Trust Fund; and

4 “(B) \$28,000,000,000 to the Mass Transit
5 Account in the Highway Trust Fund.”.

6 **TITLE II—CHEMICAL**
7 **SUPERFUND**

8 **SEC. 80201. EXTENSION AND MODIFICATION OF CERTAIN**
9 **SUPERFUND EXCISE TAXES.**

10 (a) EXTENSION.—

11 (1) IN GENERAL.—Section 4661(c) of the Inter-
12 nal Revenue Code of 1986 is amended to read as fol-
13 lows:

14 “(c) TERMINATION.—No tax shall be imposed by this
15 section after December 31, 2031.”.

16 (2) IMPORTED SUBSTANCES.—Section 4671(e)
17 of the Internal Revenue Code of 1986 is amended to
18 read as follows:

19 “(e) TERMINATION.—No tax shall be imposed by this
20 section after December 31, 2031.”.

21 (b) MODIFICATION OF RATES.—

22 (1) IN GENERAL.—Section 4661(b) of the In-
23 ternal Revenue Code of 1986 is amended to read as
24 follows:

2407

- 1 “(b) AMOUNT OF TAX.—The amount of tax imposed
 2 by subsection (a) shall be determined in accordance with
 3 the following table:

“In the case of:	The tax is the following amount per ton:
Acetylene	\$9.74
Benzene	9.74
Butane	9.74
Butylene	9.74
Butadiene	9.74
Ethylene	9.74
Methane	6.88
Napthalene	9.74
Propylene	9.74
Toluene	9.74
Xylene	9.74
Ammonia	5.28
Antimony	8.90
Antimony trioxide	7.50
Arsenic	8.90
Arsenic trioxide	6.82
Barium sulfide	4.60
Bromine	8.90
Cadmium	8.90
Chlorine	5.40
Chromium	8.90
Chromite	3.04
Potassium dichromate	3.38
Sodium dichromate	3.74
Cobalt	8.90
Cupric sulfate	3.74
Cupric oxide	7.18
Cuprous oxide	7.94
Hydrochloric acid	0.58
Hydrogen fluoride	8.46
Lead oxide	8.28
Mereury	8.90
Nickel	8.90
Phosphorus	8.90
Stannous chloride	5.70
Stannic chloride	4.24
Zinc chloride	4.44
Zinc sulfate	3.80
Potassium hydroxide	0.44
Sodium hydroxide	0.56
Sulfuric acid	0.52
Nitric acid	0.48.”.

1 (2) RATE ON TAXABLE SUBSTANCES WHERE
2 IMPORTER DOES NOT FURNISH INFORMATION TO
3 THE SECRETARY.—Section 4671(b)(2) of such Code
4 is amended by striking “5 percent” and inserting
5 “10 percent”.

6 (c) RULES RELATING TO TAXABLE SUBSTANCES.—

7 (1) MODIFICATION OF DETERMINATION OF
8 TAXABLE SUBSTANCES.—Section 4672(a)(2)(B) of
9 the Internal Revenue Code of 1986 is amended by
10 striking “50 percent” each place it appears and in-
11 serting “20 percent”.

12 (2) PRESUMPTION AS A TAXABLE SUBSTANCE
13 FOR PRIOR DETERMINATIONS.—Except as otherwise
14 determined by the Secretary of the Treasury (or the
15 Secretary’s delegate), any substance which was de-
16 termined to be a taxable substance by reason of sec-
17 tion 4672(a)(2) of the Internal Revenue Code of
18 1986 prior to the date of enactment of this Act shall
19 continue to be treated as a taxable substance for
20 purposes of such section after such date.

21 (3) PUBLICATION OF INITIAL LIST.—Not later
22 than January 1, 2022, the Secretary of the Treasury
23 (or the Secretary’s delegate) shall publish an initial
24 list of taxable substances under section 4672(a) of
25 the Internal Revenue Code of 1986.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on July 1, 2022.

3 **TITLE III—CUSTOMS USER FEES**

4 **SEC. 80301. EXTENSION OF CUSTOMS USER FEES.**

5 (a) IN GENERAL.—Section 13031(j)(3) of the Con-
6 solidated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(j)(3)) is amended—

8 (1) in subparagraph (A), by striking “Sep-
9 tember 30, 2030” and inserting “September 30,
10 2031”; and

11 (2) in subparagraph (B)(i), by striking “Sep-
12 tember 30, 2030” and inserting “September 30,
13 2031”.

14 (b) RATE FOR MERCHANDISE PROCESSING FEES.—
15 Section 503 of the United States-Korea Free Trade
16 Agreement Implementation Act (Public Law 112–41; 19
17 U.S.C. 3805 note) is amended by striking “September 30,
18 2030” and inserting “September 30, 2031”.

19 **TITLE IV—BOND PROVISIONS**

20 **SEC. 80401. PRIVATE ACTIVITY BONDS FOR QUALIFIED** 21 **BROADBAND PROJECTS.**

22 (a) IN GENERAL.—Section 142(a) of the Internal
23 Revenue Code of 1986 is amended by striking “or” at the
24 end of paragraph (14), by striking the period at the end

1 of paragraph (15) and inserting “, or”, and by adding at
2 the end the following new paragraph:

3 “(16) qualified broadband projects.”.

4 (b) QUALIFIED BROADBAND PROJECTS.—Section
5 142 of such Code is amended by adding at the end the
6 following new subsection:

7 “(n) QUALIFIED BROADBAND PROJECT.—

8 “(1) IN GENERAL.—For purposes of subsection
9 (a)(16), the term ‘qualified broadband project’
10 means any project which—

11 “(A) is designed to provide broadband
12 service solely to 1 or more census block groups
13 in which more than 50 percent of residential
14 households do not have access to fixed, terres-
15 trial broadband service which delivers at least
16 25 megabits per second downstream and at
17 least 3 megabits service upstream, and

18 “(B) results in internet access to residen-
19 tial locations, commercial locations, or a com-
20 bination of residential and commercial locations
21 at speeds not less than 100 megabits per sec-
22 ond for downloads and 20 megabits for second
23 for uploads, but only if at least 90 percent of
24 the locations provided such access under the

1 project are locations where, before the project,
2 a broadband service provider—

3 “(i) did not provide service, or

4 “(ii) did not provide service meeting
5 the minimum speed requirements described
6 in subparagraph (A).

7 “(2) NOTICE TO BROADBAND PROVIDERS.—A
8 project shall not be treated as a qualified broadband
9 project unless, before the issue date of any issue the
10 proceeds of which are to be used to fund the project,
11 the issuer—

12 “(A) notifies each broadband service pro-
13 vider providing broadband service in the area
14 within which broadband services are to be pro-
15 vided under the project of the project and its
16 intended scope,

17 “(B) includes in such notice a request for
18 information from each such provider with re-
19 spect to the provider’s ability to deploy, man-
20 age, and maintain a broadband network capable
21 of providing gigabit capable Internet access to
22 residential or commercial locations, and

23 “(C) allows each such provider at least 90
24 days to respond to such notice and request.”.

25 (c) PARTIAL EXCEPTION FROM VOLUME CAP.—

1 (1) IN GENERAL.—Section 146(g) of the Inter-
2 nal Revenue Code of 1986 is amended by striking
3 “and” at the end of paragraph (3), by striking the
4 period at the end of paragraph (4) and inserting “,
5 and”, and by inserting immediately after paragraph
6 (4) the following new paragraph:

7 “(5) 75 percent of any exempt facility bond
8 issued as part of an issue described in paragraph
9 (16) of section 142(a) (relating to qualified
10 broadband projects).”.

11 (2) GOVERNMENT-OWNED PROJECTS.—The last
12 sentence of section 146(g) of such Code is amended
13 by striking “Paragraph (4)” and inserting “Para-
14 graphs (4) and (5)”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to obligations issued in calendar
17 years beginning after the date of the enactment of this
18 Act.

19 **SEC. 80402. CARBON DIOXIDE CAPTURE FACILITIES.**

20 (a) IN GENERAL.—Section 142(a) of the Internal
21 Revenue Code of 1986, as amended by section 80401, is
22 amended by striking “or” at the end of paragraph (15),
23 by striking the period at the end of paragraph (16) and
24 inserting “, or”, and by adding at the end the following
25 new paragraph:

2414

1 pression, transportation, or on-site
2 storage of carbon dioxide produced by
3 the industrial carbon dioxide facility,
4 or

5 “(II) integral or functionally re-
6 lated and subordinate to a process
7 which converts a solid or liquid prod-
8 uct from coal, petroleum residue, bio-
9 mass, or other materials which are re-
10 covered for their energy or feedstock
11 value into a synthesis gas composed
12 primarily of carbon dioxide and hydro-
13 gen for direct use or subsequent
14 chemical or physical conversion.

15 “(ii) DEFINITIONS.—For purposes of
16 this subparagraph—

17 “(I) BIOMASS.—

18 “(aa) IN GENERAL.—The
19 term ‘biomass’ means any—

20 “(AA) agricultural or
21 plant waste,

22 “(BB) byproduct of
23 wood or paper mill oper-
24 ations, including lignin in
25 spent pulping liquors, and

2415

1 “(CC) other products of
2 forestry maintenance.

3 “(bb) EXCLUSION.—The
4 term ‘biomass’ does not include
5 paper which is commonly recy-
6 cled.

7 “(II) COAL.—The term ‘coal’
8 means anthracite, bituminous coal,
9 subbituminous coal, lignite, and peat.

10 “(B) INDUSTRIAL CARBON DIOXIDE FACIL-
11 ITY.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in clause (ii), the term ‘industrial
14 carbon dioxide facility’ means a facility
15 that emits carbon dioxide (including from
16 any fugitive emissions source) that is cre-
17 ated as a result of any of the following
18 processes:

19 “(I) Fuel combustion.

20 “(II) Gasification.

21 “(III) Bioindustrial.

22 “(IV) Fermentation.

23 “(V) Any manufacturing industry
24 relating to—

25 “(aa) chemicals,

2416

1 “(bb) fertilizers,
2 “(cc) glass,
3 “(dd) steel,
4 “(ee) petroleum residues,
5 “(ff) forest products,
6 “(gg) agriculture, including
7 feedlots and dairy operations,
8 and
9 “(hh) transportation grade
10 liquid fuels.

11 “(ii) EXCEPTIONS.—For purposes of
12 clause (i), an industrial carbon dioxide fa-
13 cility shall not include—

14 “(I) any geological gas facility, or
15 “(II) any air separation unit
16 that—

17 “(aa) does not qualify as
18 gasification equipment, or

19 “(bb) is not a necessary
20 component of an oxy-fuel com-
21 bustion process.

22 “(iii) DEFINITIONS.—For purposes of
23 this subparagraph—

24 “(I) PETROLEUM RESIDUE.—The
25 term ‘petroleum residue’ means the

2417

1 carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

2 “(II) GEOLOGICAL GAS FACILITY.—The term ‘geological gas facility’ means a facility that—

3 “(aa) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

4 “(bb) transports or removes impurities from such product, or

5 “(cc) separates such product into its constituent parts.

6 “(3) SPECIAL RULE FOR FACILITIES WITH LESS THAN 65 PERCENT CAPTURE AND STORAGE PERCENTAGE.—

7 “(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility satisfies the requirements of this paragraph if such eligible components are designed to have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

2418

1 “(B) EXCEPTION.—In the case of an in-
2 dustrial carbon dioxide facility designed with a
3 capture and storage percentage that is less than
4 65 percent, the percentage of the cost of the eli-
5 gible components installed in such facility that
6 may be financed with tax-exempt bonds may
7 not be greater than the designed capture and
8 storage percentage.

9 “(C) CAPTURE AND STORAGE PERCENT-
10 AGE.—

11 “(i) IN GENERAL.—Subject to clause
12 (ii), the capture and storage percentage
13 shall be an amount, expressed as a per-
14 centage, equal to the quotient of—

15 “(I) the total metric tons of car-
16 bon dioxide designed to be annually
17 captured, transported, and injected
18 into—

19 “(aa) a facility for geologic
20 storage, or

21 “(bb) an enhanced oil or gas
22 recovery well followed by geologic
23 storage, divided by

24 “(II) the total metric tons of car-
25 bon dioxide which would otherwise be

1 released into the atmosphere each
2 year as industrial emission of green-
3 house gas if the eligible components
4 were not installed in the industrial
5 carbon dioxide facility.

6 “(ii) LIMITED APPLICATION OF ELIGI-
7 BLE COMPONENTS.—In the case of eligible
8 components that are designed to capture
9 carbon dioxide solely from specific sources
10 of emissions or portions thereof within an
11 industrial carbon dioxide facility, the cap-
12 ture and storage percentage under this
13 subparagraph shall be determined based
14 only on such specific sources of emissions
15 or portions thereof.

16 “(4) REGULATIONS.—The Secretary shall issue
17 such regulations or other guidance as are necessary
18 to carry out the provisions of this subsection, includ-
19 ing methods for determining costs attributable to an
20 eligible component for purposes of paragraph
21 (3)(A).”.

22 (c) VOLUME CAP.—Section 146(g) of such Code, as
23 amended by section 80401, is amended by striking “and”
24 at the end of paragraph (4), by striking the period at the
25 end of paragraph (5) and inserting “, and”, and by insert-

1 ing immediately after paragraph (5) the following new
2 paragraph:

3 “(6) 75 percent of any exempt facility bond
4 issued as part of an issue described in paragraph
5 (17) of section 142(a) (relating to qualified carbon
6 dioxide capture facilities).”.

7 (d) CLARIFICATION OF PRIVATE BUSINESS USE.—
8 Section 141(b)(6) of such Code is amended by adding at
9 the end the following new subparagraph:

10 “(C) CLARIFICATION RELATING TO QUALI-
11 FIED CARBON DIOXIDE CAPTURE FACILITIES.—
12 For purposes of this subsection, the sale of car-
13 bon dioxide produced by a qualified carbon di-
14 oxide capture facility (as defined in section
15 142(o)) which is owned by a governmental unit
16 shall not constitute private business use.”.

17 (e) COORDINATION WITH CREDIT FOR CARBON
18 OXIDE SEQUESTRATION.—Section 45Q(f) of such Code is
19 amended by adding at the end the following new para-
20 graph:

21 “(3) CREDIT REDUCED FOR CERTAIN TAX-EX-
22 EMPT BONDS.—The amount of the credit determined
23 under subsection (a) with respect to any project for
24 any taxable year shall be reduced by the amount

2421

1 which is the product of the amount so determined
2 for such year and the lesser of $\frac{1}{2}$ or a fraction—

3 “(A) the numerator of which is the sum,
4 for the taxable year and all prior taxable years,
5 of the proceeds from an issue described in sec-
6 tion 142(a)(17) used to provide financing for
7 the project the interest on which is exempt from
8 tax under section 103, and

9 “(B) the denominator of which is the ag-
10 gregate amount of additions to the capital ac-
11 count for the project for the taxable year and
12 all prior taxable years.

13 The amounts under the preceding sentence for any
14 taxable year shall be determined as of the close of
15 the taxable year.”.

16 (f) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to obligations issued after Decem-
18 ber 31, 2021.

19 **SEC. 80403. INCREASE IN NATIONAL LIMITATION AMOUNT**
20 **FOR QUALIFIED HIGHWAY OR SURFACE**
21 **FREIGHT TRANSPORTATION FACILITIES.**

22 (a) IN GENERAL.—Section 142(m)(2)(A) of the In-
23 ternal Revenue Code of 1986 is amended by striking
24 “\$15,000,000,000” and inserting “\$30,000,000,000”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to bonds issued after the date of
3 the enactment of this Act.

4 **TITLE V—RELIEF FOR TAX-**
5 **PAYERS AFFECTED BY DISAS-**
6 **TERS OR OTHER CRITICAL**
7 **EVENTS**

8 **SEC. 80501. MODIFICATION OF AUTOMATIC EXTENSION OF**
9 **CERTAIN DEADLINES IN THE CASE OF TAX-**
10 **PAYERS AFFECTED BY FEDERALLY DE-**
11 **CLARED DISASTERS.**

12 (a) IN GENERAL.—Section 7508A(d) of the Internal
13 Revenue Code of 1986 is amended—

14 (1) in paragraph (1)—

15 (A) by striking “the latest incident date so
16 specified” in subparagraph (B) and inserting
17 “the later of such earliest incident date de-
18 scribed in subparagraph (A) or the date such
19 declaration was issued”, and

20 (B) by striking “in the same manner as a
21 period specified under subsection (a)” and in-
22 sserting “in determining, under the internal rev-
23 enue laws, in respect of any tax liability of such
24 qualified taxpayer, whether any of the acts de-
25 scribed in subparagraphs (A) through (F) of

1 section 7508(a)(1) were performed within the
2 time prescribed therefor (determined without
3 regard to extension under any other provision
4 of this subtitle for periods after the date deter-
5 mined under subparagraph (B))”,

6 (2) by striking paragraph (3) and inserting the
7 following:

8 “(3) DISASTER AREA.—For purposes of this
9 subsection, the term ‘disaster area’ means an area
10 in which a major disaster for which the President
11 provides financial assistance under section 408 of
12 the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5174) occurs.”,
14 and

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

16 “(6) MULTIPLE DECLARATIONS.—For purposes
17 of paragraph (1), in the case of multiple declarations
18 relating to a disaster area which are issued within
19 a 60-day period, a separate period shall be deter-
20 mined under such paragraph with respect to each
21 such declaration.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply to federally declared disasters de-
24 clared after the date of enactment of this Act.

1 **SEC. 80502. MODIFICATIONS OF RULES FOR POSTPONING**
2 **CERTAIN ACTS BY REASON OF SERVICE IN**
3 **COMBAT ZONE OR CONTINGENCY OPER-**
4 **ATION.**

5 (a) IN GENERAL.—Section 7508(a)(1) of the Internal
6 Revenue Code of 1986 is amended—

7 (1) by striking subparagraph (C) and inserting
8 the following:

9 “(C) Filing a petition with the Tax Court,
10 or filing a notice of appeal from a decision of
11 the Tax Court;”, and

12 (2) by inserting “or in respect of any erroneous
13 refund” after “any tax” in subparagraph (J).

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to any period for performing an
16 act which has not expired before the date of the enactment
17 of this Act.

18 **SEC. 80503. TOLLING OF TIME FOR FILING A PETITION**
19 **WITH THE TAX COURT.**

20 (a) IN GENERAL.—Section 7451 of the Internal Rev-
21 enue Code of 1986 is amended—

22 (1) by striking “The Tax Court” and inserting
23 the following:

24 “(a) FEES.—The Tax Court”, and

25 (2) by adding at the end the following new sub-
26 section:

1 “(b) TOLLING OF TIME IN CERTAIN CASES.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of this title, in any case (including by rea-
4 son of a lapse in appropriations) in which a filing lo-
5 cation is inaccessible or otherwise unavailable to the
6 general public on the date a petition is due, the rel-
7 evant time period for filing such petition shall be
8 tolled for the number of days within the period of
9 inaccessibility plus an additional 14 days.

10 “(2) FILING LOCATION.—For purposes of this
11 subsection, the term ‘filing location’ means—

12 “(A) the office of the clerk of the Tax
13 Court, or

14 “(B) any on-line portal made available by
15 the Tax Court for electronic filing of peti-
16 tions.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) The heading for section 7451 of the Inter-
19 nal Revenue Code of 1986 is amended by striking
20 “**FEE FOR FILING PETITION**” and inserting “**PE-**
21 **TITIONS**”.

22 (2) The item in the table of contents for part
23 II of subchapter C of chapter 76 of such Code is
24 amended by striking “Fee for filing petition” and in-
25 sserting “Petitions”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to petitions required to be timely
3 filed (determined without regard to the amendments made
4 by this section) after the date of enactment of this Act.

5 **SEC. 80504. AUTHORITY TO POSTPONE CERTAIN TAX DEAD-**
6 **LINES BY REASON OF SIGNIFICANT FIRES.**

7 (a) IN GENERAL.—Section 7508A of the Internal
8 Revenue Code of 1986 is amended—

9 (1) by inserting “, a significant fire,” after
10 “federally declared disaster (as defined in section
11 165(i)(5)(A))” in subsection (a),

12 (2) by inserting “, fire,” after “disaster” each
13 place it appears in subsections (a)(1) and (b), and

14 (3) by adding at the end the following new sub-
15 section:

16 “(e) SIGNIFICANT FIRE.—For purposes of this sec-
17 tion, the term ‘significant fire’ means any fire with respect
18 to which assistance is provided under section 420 of the
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) The heading of section 7508A of the Inter-
23 nal Revenue Code of 1986 is amended by striking
24 “**PRESIDENTIALLY DECLARED DISASTER**” and

1 inserting “**FEDERALLY DECLARED DISASTER,**
2 **SIGNIFICANT FIRE,**”.

3 (2) The item relating to section 7508A in the
4 table of sections for chapter 77 of such Code is
5 amended by striking “Presidentially declared dis-
6 aster” and inserting “Federally declared disaster,
7 significant fire,”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to fires for which assistance is pro-
10 vided after the date of the enactment of this Act.

11 **TITLE VI—OTHER PROVISIONS**

12 **SEC. 80601. MODIFICATION OF TAX TREATMENT OF CON-** 13 **TRIBUTIONS TO THE CAPITAL OF A COR-** 14 **PORATION.**

15 (a) IN GENERAL.—Section 118 of the Internal Rev-
16 enue Code of 1986 is amended—

17 (1) in subsection (b), by inserting “except as
18 provided in subsection (c),” after “For purposes of
19 subsection (a),”,

20 (2) by redesignating subsection (d) as sub-
21 section (e), and

22 (3) by striking subsection (c) and inserting the
23 following:

24 “(c) SPECIAL RULES FOR WATER AND SEWERAGE
25 DISPOSAL UTILITIES.—

1 “(1) GENERAL RULE.—For purposes of this
2 section, the term ‘contribution to the capital of the
3 taxpayer’ includes any amount of money or other
4 property received from any person (whether or not
5 a shareholder) by a regulated public utility which
6 provides water or sewerage disposal services if—

7 “(A) such amount is—

8 “(i) a contribution in aid of construc-
9 tion, or

10 “(ii) a contribution to the capital of
11 such utility by a governmental entity pro-
12 viding for the protection, preservation, or
13 enhancement of drinking water or sewer-
14 age disposal services,

15 “(B) in the case of a contribution in aid of
16 construction which is property other than water
17 or sewerage disposal facilities, such amount
18 meets the requirements of the expenditure rule
19 of paragraph (2), and

20 “(C) such amount (or any property ac-
21 quired or constructed with such amount) is not
22 included in the taxpayer’s rate base for rate-
23 making purposes.

24 “(2) EXPENDITURE RULE.—An amount meets
25 the requirements of this paragraph if—

1 “(A) an amount equal to such amount is
2 expended for the acquisition or construction of
3 tangible property described in section
4 1231(b)—

5 “(i) which is the property for which
6 the contribution was made or is of the
7 same type as such property, and

8 “(ii) which is used predominantly in
9 the trade or business of furnishing water
10 or sewerage disposal services,

11 “(B) the expenditure referred to in sub-
12 paragraph (A) occurs before the end of the sec-
13 ond taxable year after the year in which such
14 amount was received, and

15 “(C) accurate records are kept of the
16 amounts contributed and expenditures made,
17 the expenditures to which contributions are al-
18 located, and the year in which the contributions
19 and expenditures are received and made.

20 “(3) DEFINITIONS.—For purposes of this sub-
21 section—

22 “(A) CONTRIBUTION IN AID OF CONSTRUC-
23 TION.—The term ‘contribution in aid of con-
24 struction’ shall be defined by regulations pre-
25 scribed by the Secretary, except that such term

2430

1 shall not include amounts paid as service
2 charges for starting or stopping services.

3 “(B) PREDOMINANTLY.—The term ‘pre-
4 dominantly’ means 80 percent or more.

5 “(C) REGULATED PUBLIC UTILITY.—The
6 term ‘regulated public utility’ has the meaning
7 given such term by section 7701(a)(33), except
8 that such term shall not include any utility
9 which is not required to provide water or sewer-
10 age disposal services to members of the general
11 public in its service area.

12 “(4) DISALLOWANCE OF DEDUCTIONS AND
13 CREDITS; ADJUSTED BASIS.—Notwithstanding any
14 other provision of this subtitle, no deduction or cred-
15 it shall be allowed for, or by reason of, any expendi-
16 ture which constitutes a contribution in aid of con-
17 struction to which this subsection applies. The ad-
18 justed basis of any property acquired with contribu-
19 tions in aid of construction to which this subsection
20 applies shall be zero.

21 “(d) STATUTE OF LIMITATIONS.—If the taxpayer for
22 any taxable year treats an amount as a contribution to
23 the capital of the taxpayer described in subsection
24 (c)(1)(A)(i), then—

2431

1 “(1) the statutory period for the assessment of
2 any deficiency attributable to any part of such
3 amount shall not expire before the expiration of 3
4 years from the date the Secretary is notified by the
5 taxpayer (in such manner as the Secretary may pre-
6 scribe) of—

7 “(A) the amount of the expenditure re-
8 ferred to in subparagraph (A) of subsection
9 (c)(2),

10 “(B) the taxpayer’s intention not to make
11 the expenditures referred to in such subpara-
12 graph, or

13 “(C) a failure to make such expenditure
14 within the period described in subparagraph
15 (B) of subsection (c)(2), and

16 “(2) such deficiency may be assessed before the
17 expiration of such 3-year period notwithstanding the
18 provisions of any other law or rule of law which
19 would otherwise prevent such assessment.”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 this section shall apply to contributions made after De-
22 cember 31, 2020.

23 **SEC. 80602. EXTENSION OF INTEREST RATE STABILIZATION.**

24 (a) **FUNDING STABILIZATION UNDER THE INTERNAL**
25 **REVENUE CODE OF 1986.**—The table in subclause (II)

2432

1 of section 430(h)(2)(C)(iv) of the Internal Revenue Code
 2 of 1986 is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.”.

3 (b) FUNDING STABILIZATION UNDER EMPLOYEE
 4 RETIREMENT INCOME SECURITY ACT OF 1974.—

5 (1) IN GENERAL.—The table in subclause (II)
 6 of section 303(h)(2)(C)(iv) of the Employee Retirement
 7 Income Security Act of 1974 (29 U.S.C.
 8 1083(h)(2)(C)(iv)) is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) IN GENERAL.—Section 101(f)(2)(D) of
 11 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
 12 ed—

2433

1 (i) in clause (i), by striking “and the
2 American Rescue Plan Act of 2021” both
3 places it appears and inserting “, the
4 American Rescue Plan Act of 2021, and
5 the Infrastructure Investment and Jobs
6 Act”, and

7 (ii) in clause (ii), by striking “2029”
8 and inserting “2034”.

9 (B) STATEMENTS.—The Secretary of
10 Labor shall modify the statements required
11 under subclauses (I) and (II) of section
12 101(f)(2)(D)(i) of such Act to conform to the
13 amendments made by this section.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to plan years begin-
16 ning after December 31, 2021.

17 **SEC. 80603. INFORMATION REPORTING FOR BROKERS AND**
18 **DIGITAL ASSETS.**

19 (a) CLARIFICATION OF DEFINITION OF BROKER.—
20 Section 6045(c)(1) of the Internal Revenue Code of 1986
21 is amended—

22 (1) by striking “and” at the end of subpara-
23 graph (B),

24 (2) in subparagraph (C)—

2434

1 (A) by striking “any other person who (for
2 a consideration)” and inserting “any person
3 who (for consideration)”, and

4 (B) by striking the period at the end and
5 inserting “, and”, and

6 (3) by inserting after subparagraph (C) the fol-
7 lowing new subparagraph:

8 “(D) any person who (for consideration) is
9 responsible for regularly providing any service
10 effectuating transfers of digital assets on behalf
11 of another person.”.

12 (b) REPORTING OF DIGITAL ASSETS.—

13 (1) BROKERS.—

14 (A) TREATMENT AS SPECIFIED SECUR-
15 RITY.—Section 6045(g)(3)(B) of the Internal
16 Revenue Code of 1986 is amended by striking
17 “and” at the end of clause (iii), by redesignig-
18 nating clause (iv) as clause (v), and by insert-
19 ing after clause (iii) the following new clause:

20 “(iv) any digital asset, and”.

21 (B) DEFINITION OF DIGITAL ASSET.—Sec-
22 tion 6045(g)(3) of such Code is amended by
23 adding at the end the following new subpara-
24 graph:

2435

1 “(D) DIGITAL ASSET.—Except as other-
2 wise provided by the Secretary, the term ‘digital
3 asset’ means any digital representation of value
4 which is recorded on a cryptographically se-
5 cured distributed ledger or any similar tech-
6 nology as specified by the Secretary.”.

7 (C) APPLICABLE DATE.—Section
8 6045(g)(3)(C) of such Code is amended—

9 (i) in clause (ii), by striking “and” at
10 the end,

11 (ii) by redesignating clause (iii) as
12 clause (iv), and

13 (iii) by inserting after clause (ii) the
14 following:

15 “(iii) January 1, 2023, in the case of
16 any specified security which is a digital
17 asset, and”.

18 (2) FURNISHING OF INFORMATION.—

19 (A) IN GENERAL.—Section 6045A of such
20 Code is amended—

21 (i) in subsection (a), by striking “a
22 security which is”, and

23 (ii) by adding at the end the fol-
24 lowing:

2436

1 “(d) RETURN REQUIREMENT FOR CERTAIN TRANS-
2 FERS OF DIGITAL ASSETS NOT OTHERWISE SUBJECT TO
3 REPORTING.—Any broker, with respect to any transfer
4 (which is not part of a sale or exchange executed by such
5 broker) during a calendar year of a covered security which
6 is a digital asset from an account maintained by such
7 broker to an account which is not maintained by, or an
8 address not associated with, a person that such broker
9 knows or has reason to know is also a broker, shall make
10 a return for such calendar year, in such form as deter-
11 mined by the Secretary, showing the information otherwise
12 required to be furnished with respect to transfers subject
13 to subsection (a).”.

14 (B) REPORTING PENALTIES.—Section
15 6724(d)(1)(B) of such Code is amended by
16 striking “or” at the end of clause (xxv), by
17 striking “and” at the end of clause (xxvi), and
18 by inserting after clause (xxvi) the following
19 new clause:

20 “(xxvii) section 6045A(d) (relating to
21 returns for certain digital assets),”.

22 (3) TREATMENT AS CASH FOR PURPOSES OF
23 SECTION 6050I.—Section 6050I(d) of such Code is
24 amended by striking “and” at the end of paragraph
25 (1), by striking the period at the end of paragraph

2437

1 (2) and inserting “, and”, and by inserting after
2 paragraph (2) the following new paragraph:

3 “(3) any digital asset (as defined in section
4 6045(g)(3)(D)).”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to returns required to be filed, and
7 statements required to be furnished, after December 31,
8 2023.

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion or the amendments made by this section shall be con-
11 strued to create any inference, for any period prior to the
12 effective date of such amendments, with respect to—

13 (1) whether any person is a broker under sec-
14 tion 6045(c)(1) of the Internal Revenue Code of
15 1986, or

16 (2) whether any digital asset is property which
17 is a specified security under section 6045(g)(3)(B)
18 of such Code.

19 **SEC. 80604. TERMINATION OF EMPLOYEE RETENTION**
20 **CREDIT FOR EMPLOYERS SUBJECT TO CLO-**
21 **SURE DUE TO COVID-19.**

22 (a) IN GENERAL.—Section 3134 of the Internal Rev-
23 enue Code of 1986 is amended—

24 (1) in subsection (c)(5)—

2438

1 (A) in subparagraph (A), by adding “and”
2 at the end,

3 (B) in subparagraph (B), by striking “,
4 and” at the end and inserting a period, and

5 (C) by striking subparagraph (C), and

6 (2) in subsection (n), by striking “January 1,
7 2022” and inserting “October 1, 2021 (or, in the
8 case of wages paid by an eligible employer which is
9 a recovery startup business, January 1, 2022)”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to calendar quarters beginning
12 after September 30, 2021.

13 **DIVISION I—OTHER MATTERS**

14 **SEC. 90001. EXTENSION OF DIRECT SPENDING REDUCTIONS** 15 **THROUGH FISCAL YEAR 2031.**

16 Section 251A(6) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is
18 amended—

19 (1) in subparagraph (B), in the matter pre-
20 ceding clause (i), by striking “2030” and inserting
21 “2031”; and

22 (2) in subparagraph (C)—

23 (A) in the matter preceding clause (i), by
24 striking “2030” and inserting “2031”;

25 (B) in clause (i)—

2439

1 (i) by striking “5 1/2” and inserting
2 “6”;

3 (ii) by striking “2.0” and inserting
4 “4.0”; and

5 (iii) by striking the semicolon at the
6 end and inserting “; and”;

7 (C) in clause (ii)—

8 (i) by striking “6-month period begin-
9 ning on the day after the last day of the
10 period described in clause (i)” and insert-
11 ing “second 6 months”;

12 (ii) by striking “4.0” and inserting
13 “0”; and

14 (iii) by striking “; and” and inserting
15 a period; and

16 (D) by striking clause (iii).

17 **SEC. 90002. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
18 **AND SALE.**

19 (a) DRAWDOWN AND SALE.—

20 (1) IN GENERAL.—Notwithstanding section 161
21 of the Energy Policy and Conservation Act (42
22 U.S.C. 6241), except as provided in subsections (b)
23 and (c), the Secretary of Energy shall draw down
24 and sell from the Strategic Petroleum Reserve

1 87,600,000 barrels of crude oil during the period of
2 fiscal years 2028 through 2031.

3 (2) TIMING.—Subject to paragraph (1) and
4 subsection (c)(1), in determining the timing of each
5 drawdown and sale from the Strategic Petroleum
6 Reserve during the period of fiscal years 2028
7 through 2031 under paragraph (1), to the maximum
8 extent practicable, the Secretary shall maximize the
9 financial return to the United States taxpayers.

10 (3) DEPOSIT OF AMOUNTS RECEIVED FROM
11 SALE.—Amounts received from a sale under para-
12 graph (1) shall be deposited in the general fund of
13 the Treasury during the fiscal year in which the sale
14 occurs.

15 (4) SPR PETROLEUM ACCOUNT.—The Sec-
16 retary of the Treasury shall deposit in the SPR Pe-
17 troleum Account established under section 167(a) of
18 the Energy Policy and Conservation Act (42 U.S.C.
19 6247(a)) \$43,500,000, to be used to carry out para-
20 graph (1) in accordance with section 167 of the En-
21 ergy Policy and Conservation Act (42 U.S.C. 6247).

22 (b) EMERGENCY PROTECTION.—The Secretary of
23 Energy shall not draw down and sell crude oil under sub-
24 section (a) in a quantity that would limit the authority
25 to sell petroleum products under subsection (h) of section

1 161 of the Energy Policy and Conservation Act (42 U.S.C.
2 6241) in the full quantity authorized by that subsection.

3 (c) LIMITATIONS.—

4 (1) IN GENERAL.—The Secretary of Energy
5 shall not draw down or conduct sales of crude oil
6 under subsection (a) after the date on which a total
7 of \$6,100,000,000 has been deposited in the general
8 fund of the Treasury from sales authorized under
9 that subsection.

10 (2) MINIMUM VOLUME.—Section 161(h)(2) of
11 the Energy Policy and Conservation Act (42 U.S.C.
12 6241(h)(2)) is amended by striking “340,000,000”
13 each place it appears and inserting “252,400,000”.

14 **SEC. 90003. FINDINGS REGARDING UNUSED UNEMPLOY-**
15 **MENT INSURANCE FUNDS.**

16 Congress finds the following:

17 (1) On July 16, 2021, the Congressional Budg-
18 et Office (in this section referred to as “CBO”) re-
19 duced its projected cost of the extension of expanded
20 unemployment compensation as enacted in the
21 American Rescue Plan Act of 2021 (P.L. 117–2).

22 (2) CBO budget projections included mandatory
23 outlays for the expansion totaling \$144,000,000,000
24 in 2021 and \$8,000,000,000 in 2022. That esti-
25 mated cost is \$50,000,000,000 less in 2021, and

2442

1 \$3,000,000,000 less in 2022, than anticipated in
2 CBO's March 2021 cost estimate.

3 (3) CBO reduced its projections of those costs
4 for two major reasons. First, several States have an-
5 nounced that they are discontinuing one or more of
6 the components of expanded unemployment com-
7 pensation before the expansion's authorization ends
8 in September 2021. In its original estimate, CBO
9 projected that all States would participate in the
10 programs until September. Second, because of the
11 improving economy, the agency has lowered its fore-
12 cast of the unemployment rate, resulting in fewer
13 projected beneficiaries for the programs, which also
14 reduced projected costs.

15 (4) It is estimated that there are approximately
16 \$53,000,000,000 in savings from the amounts in the
17 Treasury originally estimated to be spent on unem-
18 ployment insurance funds (under the provisions of
19 subtitle A of title II of division A of the CARES
20 Act) not used by the States.

2443

1 **SEC. 90004. REQUIRING MANUFACTURERS OF CERTAIN SIN-**
2 **GLE-DOSE CONTAINER OR SINGLE-USE PACK-**
3 **AGE DRUGS PAYABLE UNDER PART B OF THE**
4 **MEDICARE PROGRAM TO PROVIDE REFUNDS**
5 **WITH RESPECT TO DISCARDED AMOUNTS OF**
6 **SUCH DRUGS.**

7 Section 1847A of the Social Security Act (42 U.S.C.
8 1395w-3a) is amended—

9 (1) by redesignating subsection (h) as sub-
10 section (i); and

11 (2) by inserting after subsection (g) the fol-
12 lowing new subsection:

13 “(h) REFUND FOR CERTAIN DISCARDED SINGLE-
14 DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS.—

15 “(1) SECRETARIAL PROVISION OF INFORMA-
16 TION.—

17 “(A) IN GENERAL.—For each calendar
18 quarter beginning on or after January 1, 2023,
19 the Secretary shall, with respect to a refundable
20 single-dose container or single-use package drug
21 (as defined in paragraph (8)), report to each
22 manufacturer (as defined in subsection
23 (c)(6)(A)) of such refundable single-dose con-
24 tainer or single-use package drug the following
25 for the calendar quarter:

2444

1 “(i) Subject to subparagraph (C), in-
2 formation on the total number of units of
3 the billing and payment code of such drug,
4 if any, that were discarded during such
5 quarter, as determined using a mechanism
6 such as the JW modifier used as of the
7 date of enactment of this subsection (or
8 any such successor modifier that includes
9 such data as determined appropriate by
10 the Secretary).

11 “(ii) The refund amount that the
12 manufacturer is liable for pursuant to
13 paragraph (3).

14 “(B) DETERMINATION OF DISCARDED
15 AMOUNTS.—For purposes of subparagraph
16 (A)(i), with respect to a refundable single-dose
17 container or single-use package drug furnished
18 during a quarter, the amount of such drug that
19 was discarded shall be determined based on the
20 amount of such drug that was unused and dis-
21 carded for each drug on the date of service.

22 “(C) EXCLUSION OF UNITS OF PACKAGED
23 DRUGS.—The total number of units of the bill-
24 ing and payment code of a refundable single-
25 dose container or single-use package drug of a

2445

1 manufacturer furnished during a calendar quar-
2 ter for purposes of subparagraph (A)(i), and
3 the determination of the estimated total allowed
4 charges for the drug in the quarter for purposes
5 of paragraph (3)(A)(ii), shall not include such
6 units that are packaged into the payment
7 amount for an item or service and are not sepa-
8 rately payable.

9 “(2) MANUFACTURER REQUIREMENT.—For
10 each calendar quarter beginning on or after January
11 1, 2023, the manufacturer of a refundable single-
12 dose container or single-use package drug shall, for
13 such drug, provide to the Secretary a refund that is
14 equal to the amount specified in paragraph (3) for
15 such drug for such quarter.

16 “(3) REFUND AMOUNT.—

17 “(A) IN GENERAL.—The amount of the re-
18 fund specified in this paragraph is, with respect
19 to a refundable single-dose container or single-
20 use package drug of a manufacturer assigned to
21 a billing and payment code for a calendar quar-
22 ter beginning on or after January 1, 2023, an
23 amount equal to the estimated amount (if any)
24 by which—

25 “(i) the product of—

2446

1 “(I) the total number of units of
2 the billing and payment code for such
3 drug that were discarded during such
4 quarter (as determined under para-
5 graph (1)); and

6 “(II)(aa) in the case of a refund-
7 able single-dose container or single-
8 use package drug that is a single
9 source drug or biological, the amount
10 of payment determined for such drug
11 or biological under subsection
12 (b)(1)(B) for such quarter; or

13 “(bb) in the case of a refundable
14 single-dose container or single-use
15 package drug that is a biosimilar bio-
16 logical product, the amount of pay-
17 ment determined for such product
18 under subsection (b)(1)(C) for such
19 quarter; exceeds

20 “(ii) an amount equal to the applica-
21 ble percentage (as defined in subparagraph
22 (B)) of the estimated total allowed charges
23 for such drug under this part during the
24 quarter.

2447

1 “(B) APPLICABLE PERCENTAGE DE-
2 FINED.—

3 “(i) IN GENERAL.—For purposes of
4 subparagraph (A)(ii), the term ‘applicable
5 percentage’ means—

6 “(I) subject to subclause (II), 10
7 percent; and

8 “(II) if applicable, in the case of
9 a refundable single-dose container or
10 single-use package drug described in
11 clause (ii), a percentage specified by
12 the Secretary pursuant to such clause.

13 “(ii) TREATMENT OF DRUGS THAT
14 HAVE UNIQUE CIRCUMSTANCES.—In the
15 case of a refundable single-dose container
16 or single-use package drug that has unique
17 circumstances involving similar loss of
18 product as that described in paragraph
19 (8)(B)(ii), the Secretary, through notice
20 and comment rulemaking, may increase
21 the applicable percentage otherwise appli-
22 cable under clause (i)(I) as determined ap-
23 propriate by the Secretary.

24 “(4) FREQUENCY.—Amounts required to be re-
25 funded pursuant to paragraph (2) shall be paid in

1 regular intervals (as determined appropriate by the
2 Secretary).

3 “(5) REFUND DEPOSITS.—Amounts paid as re-
4 funds pursuant to paragraph (2) shall be deposited
5 into the Federal Supplementary Medical Insurance
6 Trust Fund established under section 1841.

7 “(6) ENFORCEMENT.—

8 “(A) AUDITS.—

9 “(i) MANUFACTURER AUDITS.—Each
10 manufacturer of a refundable single-dose
11 container or single-use package drug that
12 is required to provide a refund under this
13 subsection shall be subject to periodic
14 audit with respect to such drug and such
15 refunds by the Secretary.

16 “(ii) PROVIDER AUDITS.—The Sec-
17 retary shall conduct periodic audits of
18 claims submitted under this part with re-
19 spect to refundable single-dose container or
20 single-use package drugs in accordance
21 with the authority under section 1833(e) to
22 ensure compliance with the requirements
23 applicable under this subsection.

24 “(B) CIVIL MONEY PENALTY.—

2449

1 “(i) IN GENERAL.—The Secretary
2 shall impose a civil money penalty on a
3 manufacturer of a refundable single-dose
4 container or single-use package drug who
5 has failed to comply with the requirement
6 under paragraph (2) for such drug for a
7 calendar quarter in an amount equal to the
8 sum of—

9 “(I) the amount that the manu-
10 facturer would have paid under such
11 paragraph with respect to such drug
12 for such quarter; and

13 “(II) 25 percent of such amount.

14 “(ii) APPLICATION.—The provisions
15 of section 1128A (other than subsections
16 (a) and (b)) shall apply to a civil money
17 penalty under this subparagraph in the
18 same manner as such provisions apply to a
19 penalty or proceeding under section
20 1128A(a).

21 “(7) IMPLEMENTATION.—The Secretary shall
22 implement this subsection through notice and com-
23 ment rulemaking.

24 “(8) DEFINITION OF REFUNDABLE SINGLE-
25 DOSE CONTAINER OR SINGLE-USE PACKAGE DRUG.—

2450

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), in this subsection, the term
3 ‘refundable single-dose container or single-use
4 package drug’ means a single source drug or bi-
5 ological (as defined in section 1847A(c)(6)(D))
6 or a biosimilar biological product (as defined in
7 section 1847A(c)(6)(H)) for which payment is
8 made under this part and that is furnished
9 from a single-dose container or single-use pack-
10 age.

11 “(B) EXCLUSIONS.—The term ‘refundable
12 single-dose container or single-use package
13 drug’ does not include—

14 “(i) a drug or biological that is either
15 a radiopharmaceutical or an imaging
16 agent;

17 “(ii) a drug or biological approved by
18 the Food and Drug Administration for
19 which dosage and administration instruc-
20 tions included in the labeling require filtra-
21 tion during the drug preparation process,
22 prior to dilution and administration, and
23 require that any unused portion of such
24 drug after the filtration process be dis-

2451

1 carded after the completion of such filtra-
2 tion process; or

3 “(iii) a drug or biological approved by
4 the Food and Drug Administration on or
5 after the date of enactment of this sub-
6 section and with respect to which payment
7 has been made under this part for fewer
8 than 18 months.

9 “(9) REPORT TO CONGRESS.—Not later than 3
10 years after the date of enactment of this subsection,
11 the Office of the Inspector General, after consulta-
12 tion with the Centers for Medicare & Medicaid Serv-
13 ices and the Food and Drug Administration, shall
14 submit to the Committee on Finance of the Senate
15 and the Committee on Energy and Commerce and
16 the Committee on Ways and Means of the House of
17 Representatives, a report on any impact this section
18 is reported to have on the licensure, market entry,
19 market retention, or marketing of biosimilar biologi-
20 cal products. Such report shall be updated periodi-
21 cally at the direction of the Committee on Finance
22 of the Senate and the Committee on Energy and
23 Commerce and the Committee on Ways and Means
24 of the House of Representatives.”.

2452

1 **SEC. 90005. EXTENSION OF ENTERPRISE GUARANTEE FEES.**

2 Section 1327(f) of the Federal Housing Enterprises
3 Financial Safety and Soundness Act of 1992 (12 U.S.C.
4 4547(f)) is amended by striking “2021” and inserting
5 “2032”.

6 **SEC. 90006. MORATORIUM ON IMPLEMENTATION OF RULE**
7 **RELATING TO ELIMINATING THE ANTI-KICK-**
8 **BACK STATUTE SAFE HARBOR PROTECTION**
9 **FOR PRESCRIPTION DRUG REBATES.**

10 Notwithstanding any other provision of law, the Sec-
11 retary of Health and Human Services shall not, prior to
12 January 1, 2026, implement, administer, or enforce the
13 provisions of the final rule published by the Office of the
14 Inspector General of the Department of Health and
15 Human Services on November 30, 2020, and titled
16 “Fraud and Abuse; Removal of Safe Harbor Protection
17 for Rebates Involving Prescription Pharmaceuticals and
18 Creation of New Safe Harbor Protection for Certain
19 Point-of-Sale Reductions in Price on Prescription Phar-
20 maceuticals and Certain Pharmacy Benefit Manager Serv-
21 ice Fees” (85 Fed. Reg. 76666).

22 **SEC. 90007. RESCISSION OF COVID-19 APPROPRIATIONS.**

23 (a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

24 (1) RESCISSION.—Of the unobligated balances
25 from amounts made available under the heading
26 “Small Business Administration—Disaster Loans

1 Program Account” in title II of division B of the
2 Paycheck Protection Program and Health Care En-
3 hancement Act (Public Law 116–139),
4 \$13,500,000,000 are permanently rescinded.

5 (2) DESIGNATION.—The amount rescinded pur-
6 suant to paragraph (1) that was previously des-
7 igned by the Congress as an emergency require-
8 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
9 anced Budget and Emergency Deficit Control Act of
10 1985 is designated by the Congress as an emergency
11 requirement pursuant to section 4112(a) of H. Con.
12 Res. 71 (115th Congress), the concurrent resolution
13 on the budget for fiscal year 2018, and to section
14 251(b) of the Balanced Budget and Emergency Def-
15 icit Control Act of 1985.

16 (b) TARGETED EIDL ADVANCE.—

17 (1) Of the unobligated balances from amounts
18 made available under the heading “Small Business
19 Administration—Targeted EIDL Advance” in sec-
20 tion 323(d)(1)(D) of division N of the Consolidated
21 Appropriations Act, 2021 (Public Law 116–260),
22 \$17,578,000,000 are permanently rescinded.

23 (2) Of the unobligated balances from amounts
24 made available in section 5002(b) of the American
25 Rescue Plan Act of 2021 (Public Law 117–2)—

2454

1 (A) amounts may be transferred to and
2 merged with “Small Business Administration—
3 Disaster Loans Program Account” for the cost
4 of direct loans authorized under section 7(b) of
5 the Small Business Act (15 U.S.C. 636(b));

6 (B) not more than \$500,000,000 may be
7 transferred to “Small Business Administra-
8 tion—Salaries and Expenses” for necessary ex-
9 penses, not otherwise provided for, of the Small
10 Business Administration; and

11 (C) not more than \$992,000,000 may be
12 transferred to, and merged with, “Small Busi-
13 ness Administration—Business Loans Program
14 Account” for the cost of guaranteed loans as
15 authorized by paragraphs (1) through (35) of
16 section 7(a) of the Small Business Act (15
17 U.S.C. 636(a)), including the cost of carrying
18 out sections 326, 327, and 328 of division N of
19 the Consolidated Appropriations Act, 2021
20 (Public Law 116–260).

21 (c) ECONOMIC STABILIZATION PROGRAM.—Of the
22 unobligated balances from amounts made available in sec-
23 tion 4027(a) of the Coronavirus Aid, Relief, and Economic
24 Security Act (15 U.S.C. 9601), \$1,366,100,000 are per-
25 manently rescinded.

2455

1 (d) BUSINESS LOANS PROGRAM ACCOUNT.—

2 (1) Of the unobligated balances from amounts
3 made available under the heading “Small Business
4 Administration—Business Loans Program Account,
5 CARES Act” in section 1107(a)(1) of the
6 Coronavirus Aid, Relief, and Economic Security Act
7 (Public Law 116–136), as amended by section
8 101(a)(2) of division A of the Paycheck Protection
9 Program and Health Care Enhancement Act (Public
10 Law 116–139), and in section 323(d)(1)(A) of divi-
11 sion N of the Consolidated Appropriations Act, 2021
12 (Public Law 116–260) for carrying out paragraphs
13 (36) and (37) of section 7(a) of the Small Business
14 Act (15 U.S.C. 636(a)), \$4,684,000,000 are perma-
15 nently rescinded.

16 (2) Of the unobligated balances from amounts
17 made available under the heading “Small Business
18 Administration—Business Loans Program Account”
19 in section 323(d)(1)(F) of division N of the Consoli-
20 dated Appropriations Act, 2021 (Public Law 116–
21 260), \$992,000,000 are permanently rescinded.

22 (e) PANDEMIC RELIEF FOR AVIATION WORKERS,
23 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY
24 ACT (CARES ACT).—Of the unobligated balances from
25 amounts made available in section 4120 of the

1 Coronavirus Aid, Relief, and Economic Security Act (15
2 U.S.C. 9080), \$3,000,000,000 are permanently rescinded.

3 (f) EDUCATION STABILIZATION FUND.—

4 (1) RESCISSION.—Of the unobligated balances
5 from amounts made available under the heading
6 “Education Stabilization Fund” in title VIII of divi-
7 sion B of the Coronavirus Aid, Relief, and Economic
8 Security Act (Public Law 116–136) and in title III
9 of division M of the Consolidated Appropriations
10 Act, 2021 (Public Law 116–260) that were reserved
11 for the Higher Education Emergency Relief Fund by
12 sections 18004(a)(1) and 18004(a)(2) of division B
13 of the Coronavirus Aid, Relief, and Economic Secu-
14 rity Act (Public Law 116–136) and sections
15 314(a)(1), 314(a)(2), and 314(a)(4) of division M of
16 the Consolidated Appropriations Act, 2021 (Public
17 Law 116–260), \$353,400,000 are permanently re-
18 scinded.

19 (2) DESIGNATION.—The amount rescinded pur-
20 suant to paragraph (1) that was previously des-
21 ignated by the Congress as an emergency require-
22 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of
24 1985 is designated by the Congress as an emergency
25 requirement pursuant to section 4112(a) of H. Con.

1 Res. 71 (115th Congress), the concurrent resolution
2 on the budget for fiscal year 2018, and to section
3 251(b) of the Balanced Budget and Emergency Def-
4 icit Control Act of 1985.

5 (g) SMALL BUSINESS ADMINISTRATION, SALARIES
6 AND EXPENSES.—

7 (1) RESCISSION.—Of the unobligated balances
8 from amounts made available under the heading
9 “Small Business Administration—Salaries and Ex-
10 penses” in section 1107(a)(2) of the Coronavirus
11 Aid, Relief, and Economic Security Act (Public Law
12 116–136), in title II of division B of the Paycheck
13 Protection Program and Health Care Enhancement
14 Act (Public Law 116–139), and in section
15 323(d)(1)(C) of division N of the Consolidated Ap-
16 propriations Act, 2021 (Public Law 116–260),
17 \$175,000,000 are permanently rescinded.

18 (2) DESIGNATION.—The amount rescinded pur-
19 suant to paragraph (1) that was previously des-
20 ignated by the Congress as an emergency require-
21 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of
23 1985 is designated by the Congress as an emergency
24 requirement pursuant to section 4112(a) of H. Con.
25 Res. 71 (115th Congress), the concurrent resolution

1 on the budget for fiscal year 2018, and to section
2 251(b) of the Balanced Budget and Emergency Def-
3 icit Control Act of 1985.

4 (h) PANDEMIC RELIEF FOR AVIATION WORKERS.—
5 Of the unobligated balances from amounts made available
6 in section 411 of subtitle A of title IV of division N of
7 the Consolidated Appropriations Act, 2021 (15 U.S.C.
8 9101), \$200,000,000 are permanently rescinded.

9 **SEC. 90008. SPECTRUM AUCTIONS.**

10 (a) DEFINITIONS.—In this section:

11 (1) COMMISSION.—The term “Commission”
12 means the Federal Communications Commission.

13 (2) COVERED BAND.—The term “covered
14 band” means the band of frequencies between 3100
15 and 3450 megahertz.

16 (3) RELEVANT CONGRESSIONAL COMMIT-
17 TEES.—The term “relevant congressional commit-
18 tees” means—

19 (A) the Committee on Armed Services of
20 the Senate;

21 (B) the Committee on Armed Services of
22 the House of Representatives;

23 (C) the Committee on Commerce, Science,
24 and Transportation of the Senate; and

1 (D) the Committee on Energy and Com-
2 merce of the House of Representatives.

3 (b) 3.1–3.45 GHz BAND.—

4 (1) PRE-AUCTION FUNDING.—

5 (A) IN GENERAL.—On the date of enact-
6 ment of this Act, the Director of the Office of
7 Management and Budget shall transfer
8 \$50,000,000 from the Spectrum Relocation
9 Fund established under section 118 of the Na-
10 tional Telecommunications and Information Ad-
11 ministration Act (47 U.S.C. 928) to the De-
12 partment of Defense for the purpose of research
13 and development, engineering studies, economic
14 analyses, activities with respect to systems, or
15 other planning activities to improve efficiency
16 and effectiveness of the spectrum use of the De-
17 partment of Defense in order to make available
18 electromagnetic spectrum in the covered band—

19 (i) for reallocation for shared Federal
20 and non-Federal commercial licensed use;
21 and

22 (ii) for auction under paragraph (3)
23 of this subsection.

24 (B) EXEMPTION.—Section 118(g) of the
25 National Telecommunications and Information

1 Administration Organization Act (47 U.S.C.
2 928(g)) shall not apply with respect to the pay-
3 ment required under subparagraph (A).

4 (C) REPORT TO SECRETARY OF COM-
5 MERCE.—For purposes of paragraph (2)(A),
6 the Secretary of Defense shall report to the
7 Secretary of Commerce the findings of the plan-
8 ning activities described in subparagraph (A) of
9 this paragraph.

10 (2) IDENTIFICATION.—

11 (A) IN GENERAL.—Not later than 21
12 months after the date of enactment of this Act,
13 in accordance with the findings of the planning
14 activities described in paragraph (1)(A) and
15 subject to the determination of the Secretary of
16 Defense under subparagraph (B) of this para-
17 graph, the Secretary of Commerce, in coordina-
18 tion with the Secretary of Defense, the Director
19 of the Office of Science and Technology Policy,
20 and relevant congressional committees, shall—

21 (i) determine which frequencies of
22 electromagnetic spectrum in the covered
23 band could be made available on a shared
24 basis between Federal use and non-Federal

1 commercial licensed use, subject to flexible-
2 use service rules; and

3 (ii) submit to the President and the
4 Commission a report that identifies the
5 frequencies determined appropriate under
6 clause (i).

7 (B) REQUIRED DETERMINATION.—The
8 Secretary of Commerce may identify fre-
9 quencies under subparagraph (A)(ii) only if the
10 Secretary of Defense has determined that shar-
11 ing those frequencies with non-Federal users
12 would not impact the primary mission of mili-
13 tary spectrum users in the covered band.

14 (3) AUCTION.—Not earlier than November 30,
15 2024, the Commission, in consultation with the As-
16 sistant Secretary of Commerce for Communications
17 and Information, shall begin a system of competitive
18 bidding under section 309(j) of the Communications
19 Act of 1934 (47 U.S.C. 309(j)) to grant new licenses
20 for the spectrum identified under paragraph
21 (2)(A)(ii) of this subsection.

22 (4) SHARING OF SPECTRUM.—Not earlier than
23 May 31, 2025, the President shall modify any as-
24 signment to a Federal Government station of the
25 frequencies identified under clause (ii) of paragraph

1 (2)(A) in order to accommodate shared Federal and
2 non-Federal commercial licensed use in accordance
3 with that paragraph.

4 (5) AUCTION PROCEEDS TO COVER 110 PER-
5 CENT OF FEDERAL RELOCATION OR SHARING
6 COSTS.—Nothing in this subsection shall be con-
7 strued to relieve the Commission from the require-
8 ments under section 309(j)(16)(B) of the Commu-
9 nications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

10 (c) FCC AUCTION AUTHORITY.—

11 (1) TERMINATION.—Section 309(j)(11) of the
12 Communications Act of 1934 (47 U.S.C. 309(j)(11))
13 is amended by inserting after “2025” the following:
14 “, and with respect to the electromagnetic spectrum
15 identified under section 90008(b)(2)(A)(ii) of the In-
16 frastructure Investment and Jobs Act, such author-
17 ity shall expire on the date that is 7 years after the
18 date of enactment of that Act”.

19 (2) SPECTRUM PIPELINE ACT OF 2015.—Section
20 1006(e)(1) of the Spectrum Pipeline Act of 2015
21 (Public Law 114–74; 129 Stat. 624) is amended by
22 striking “2022” and inserting “2024”.

23 **DIVISION J—APPROPRIATIONS**

24 That the following sums are appropriated, out of any
25 money in the Treasury not otherwise appropriated, for the

2463

1 fiscal year ending September 30, 2022, and for other pur-
2 poses, namely:

3 TITLE I—AGRICULTURE, RURAL DEVELOP-
4 MENT, FOOD AND DRUG ADMINISTRATION,
5 AND RELATED AGENCIES

6 DEPARTMENT OF AGRICULTURE

7 FARM PRODUCTION AND CONSERVATION

8 PROGRAMS

9 NATURAL RESOURCES CONSERVATION SERVICE

10 WATERSHED AND FLOOD PREVENTION OPERATIONS

11 For an additional amount for “Watershed and Flood
12 Prevention Operations”, \$500,000,000, to remain avail-
13 able until expended: *Provided*, That not later than 90 days
14 after the date of enactment of this Act, the Secretary of
15 Agriculture shall submit to the House and Senate Com-
16 mittees on Appropriations a detailed spend plan, including
17 a list of project locations and project cost: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
21 rent resolution on the budget for fiscal year 2018, and
22 to section 251(b) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

2464

1 WATERSHED REHABILITATION PROGRAM

2 For an additional amount for “Watershed Rehabilita-
3 tion Program”, \$118,000,000, to remain available until
4 expended: *Provided*, That not later than 90 days after the
5 date of enactment of this Act, the Secretary of Agriculture
6 shall submit to the House and Senate Committees on Ap-
7 propriations a detailed spend plan, including a list of
8 project locations and project cost: *Provided further*, That
9 such amount is designated by the Congress as being for
10 an emergency requirement pursuant to section 4112(a) of
11 H. Con. Res. 71 (115th Congress), the concurrent resolu-
12 tion on the budget for fiscal year 2018, and to section
13 251(b) of the Balanced Budget and Emergency Deficit
14 Control Act of 1985.

15 EMERGENCY WATERSHED PROTECTION PROGRAM

16 For an additional amount for “Emergency Watershed
17 Protection Program” to repair damages to the waterways
18 and watersheds resulting from natural disasters,
19 \$300,000,000, to remain available until expended: *Pro-*
20 *vided*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
23 concurrent resolution on the budget for fiscal year 2018,
24 and to section 251(b) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

2465

1 RURAL DEVELOPMENT PROGRAMS

2 RURAL UTILITIES SERVICE

3 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

4 PROGRAM

5 For an additional amount for “Rural Utilities Serv-
6 ice—Distance Learning, Telemedicine, and Broadband
7 Program”, \$2,000,000,000, to remain available until ex-
8 pended: *Provided*, That of the funds made available under
9 this heading in this Act, \$74,000,000 shall be for the cost
10 of broadband loans, as authorized by section 601 of the
11 Rural Electrification Act: *Provided further*, That, of the
12 funds made available under this heading in this Act,
13 \$1,926,000,000 shall be for the broadband loan and grant
14 pilot program established by section 779 of Public Law
15 115–141 under the Rural Electrification Act of 1936, as
16 amended (7 U.S.C. 901 et seq.): *Provided further*, That
17 at least 50 percent of the households to be served by a
18 project receiving a loan or grant from funds provided
19 under the preceding proviso shall be in a rural area, as
20 defined in section 601(b)(3) of the Rural Electrification
21 Act, without sufficient access to broadband defined for
22 such funds as having speeds of not less than 25 megabits
23 per second downloads and 3 megabits per second uploads:
24 *Provided further*, That 10 percent of the amounts made
25 available under this heading in this Act for the pilot pro-

1 gram shall be set aside for service areas where at least
2 90 percent of households to be served by a project receiv-
3 ing a loan or grant are in a rural area without sufficient
4 access to broadband, as defined in the preceding proviso:
5 *Provided further*, That, to the extent possible, projects re-
6 ceiving funds provided under this heading in this Act for
7 the pilot program must build out service to at least 100
8 megabits per second downloads and 20 megabits per sec-
9 ond uploads: *Provided further*, That, in administering the
10 pilot program under this heading in this Act, the Sec-
11 retary of Agriculture may, for purposes of determining en-
12 tities eligible to receive assistance, consider those commu-
13 nities which are “Areas Rural in Character”, as defined
14 in section 343(a)(13)(D) of the Consolidated Farm and
15 Rural Development Act: *Provided further*, That not more
16 than \$50,000,000 of the funds made available under this
17 heading in this Act for the pilot program may be used
18 for the purpose of the preceding proviso: *Provided further*,
19 That pole attachment fees and replacements charged by
20 electric cooperatives for the shared use of their utility
21 poles shall be an eligible use of funds provided under this
22 heading in this Act for the pilot program to enable the
23 deployment of broadband in rural areas: *Provided further*,
24 That the Secretary shall waive any matching funds re-
25 quired for pilot program projects funded from amounts

1 provided under this heading in this Act for Alaska Native
2 Corporations for federally-recognized Tribes, on substan-
3 tially underserved Trust areas, as defined in 7 U.S.C.
4 936f(a)(2), and residents of a rural area that was recog-
5 nized as a colonia as of October 1, 1989, and for projects
6 in which 75 percent of the service area is a persistent pov-
7 erty county or counties: *Provided further*, That for pur-
8 poses of the preceding proviso, the term “persistent pov-
9 erty counties” means any county that has had 20 percent
10 or more of its population living in poverty over the past
11 30 years, as measured by the 1990 and 2000 decennial
12 censuses, and 2007–2011 American Community Survey
13 5–6 year average, or any territory or possession of the
14 United States: *Provided further*, That, in addition to other
15 funds available for such purpose, not more than four per-
16 cent of the amounts provided under this heading in this
17 Act shall be for administrative costs to carry out the pilot
18 program and broadband loans: *Provided further*, That up
19 to three percent of the amounts provided under this head-
20 ing in this Act shall be for technical assistance and
21 predevelopment planning activities to support rural com-
22 munities, of which \$5,000,000 shall have a priority for the
23 establishment and growth of cooperatives to offer
24 broadband, which shall be transferred to and merged with
25 the appropriation for “Rural Development, Salaries and

2468

1 Expenses’’: *Provided further*, That the Secretary of Agri-
2 culture shall collaborate, to the extent practicable, with the
3 Commissioner of the Federal Communications Commis-
4 sion and the Assistant Secretary for Communications and
5 Information at the National Telecommunications and In-
6 formation Administration to carry out the amounts pro-
7 vided under this heading in this Act for the pilot program:
8 *Provided further*, That the Secretary may transfer funds
9 provided under this heading in this Act between
10 broadband loans, as authorized by section 601 of the
11 Rural Electrification Act, and the pilot program to accom-
12 modate demand: *Provided further*, That no funds shall be
13 transferred pursuant to the preceding proviso until the
14 Secretary notifies in writing and receives approval from
15 the Committees on Appropriations and Agriculture of both
16 Houses of Congress at least 30 days in advance of the
17 transfer of such funds or the use of such authority: *Pro-*
18 *vided further*, That for purposes of the amounts provided
19 under this heading in this Act for the pilot program, the
20 Secretary shall adhere to the notice, reporting, and service
21 area assessment requirements set forth in section 701(a)–
22 (d) of the Rural Electrification Act (7 U.S.C. 950cc(a)–
23 (d)): *Provided further*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-
25 suant to section 4112(a) of H. Con. Res. 71 (115th Con-

1 gress), the concurrent resolution on the budget for fiscal
2 year 2018, and to section 251(b) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985.

4 **GENERAL PROVISION—THIS TITLE**

5 SEC. 101. In addition to amounts otherwise made
6 available for such purpose, there is hereby appropriated
7 \$10,000,000, to remain available until expended, to carry
8 out section 70501 of division G of this Act: *Provided*, That
9 \$5,000,000, to remain available until expended, shall be
10 made available for fiscal year 2022 and \$5,000,000, to
11 remain available until expended, shall be made available
12 for fiscal year 2023: *Provided further*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 4112(a) of H. Con. Res.
15 71 (115th Congress), the concurrent resolution on the
16 budget for fiscal year 2018, and to section 251(b) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

2470

1 TITLE II—COMMERCE, JUSTICE, SCIENCE, AND
2 RELATED AGENCIES

3 DEPARTMENT OF COMMERCE

4 NATIONAL TELECOMMUNICATIONS AND INFORMATION
5 ADMINISTRATION

6 BROADBAND EQUITY, ACCESS, AND DEPLOYMENT
7 PROGRAM

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Broadband Equity,
10 Access, and Deployment Program”, \$42,450,000,000, to
11 remain available until expended, for grants as authorized
12 under section 60102 of division F of this Act: *Provided*,
13 That not later than 90 days after the date of enactment
14 of this Act, the Secretary of Commerce shall submit to
15 the House and Senate Committees on Appropriations a
16 detailed spend plan for fiscal year 2022: *Provided further*,
17 That up to 2 percent of the amounts made available under
18 this heading in this Act in fiscal year 2022 shall be for
19 salaries and expenses, administration, and oversight, of
20 which \$12,000,000 shall be transferred to the Office of
21 Inspector General of the Department of Commerce for
22 oversight of funding provided to the National Tele-
23 communications and Information Administration in this
24 title in this Act: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

2471

1 quirement pursuant to section 4112(a) of H. Con. Res.
2 71 (115th Congress), the concurrent resolution on the
3 budget for fiscal year 2018, and to section 251(b) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 BROADBAND CONNECTIVITY FUND

7 For an additional amount for “Broadband
8 Connectivity Fund”, \$2,000,000,000, to remain available
9 until expended, for grants for the Tribal Broadband
10 Connectivity Program, as authorized under section 905(c)
11 of division N of the Consolidated Appropriations Act,
12 2021 (Public Law 116–260), as amended by section
13 60201 of division F this Act: *Provided*, That such amount
14 is designated by the Congress as being for an emergency
15 requirement pursuant to section 4112(a) of H. Con. Res.
16 71 (115th Congress), the concurrent resolution on the
17 budget for fiscal year 2018, and to section 251(b) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985.

20 DIGITAL EQUITY

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Digital Equity”,
23 \$2,750,000,000, to remain available until expended, for
24 competitive grants as authorized under sections 60304

2472

1 and 60305 of division F of this Act: *Provided*, That of
2 the amount provided under this heading in this Act—

3 (1) \$550,000,000, to remain available until ex-
4 pended, shall be made available for fiscal year 2022,
5 of which \$60,000,000 is for the award of grants
6 under section 60304 (c)(3) of division F of this Act,
7 \$240,000,000 is for the award of grants under sec-
8 tion 60304(d) of division F of this Act, and
9 \$250,000,000 is for the award of grants under sec-
10 tion 60305 of division F of this Act;

11 (2) \$550,000,000, to remain available until ex-
12 pended, shall be made available for fiscal year 2023,
13 of which \$300,000,000 is for the award of grants
14 under section 60304(d) of division F of this Act and
15 \$250,000,000 is for the award of grants under sec-
16 tion 60305 of division F of this Act;

17 (3) \$550,000,000, to remain available until ex-
18 pended, shall be made available for fiscal year 2024,
19 of which \$300,000,000 is for the award of grants
20 under section 60304(d) of division F of this Act and
21 \$250,000,000 is for the award of grants under sec-
22 tion 60305 of division F of this Act;

23 (4) \$550,000,000, to remain available until ex-
24 pended, shall be made available for fiscal year 2025,
25 of which \$300,000,000 is for the award of grants

2473

1 under section 60304(d) of division F of this Act and
2 \$250,000,000 is for the award of grants under sec-
3 tion 60305 of division F of this Act; and

4 (5) \$550,000,000, to remain available until ex-
5 pended, shall be made available for fiscal year 2026,
6 of which \$300,000,000 is for the award of grants
7 under section 60304(d) of division F of this Act and
8 \$250,000,000 is for the award of grants under sec-
9 tion 60305 of division F of this Act:

10 *Provided further*, That the Secretary shall issue notices of
11 funding opportunity not later than 180 days after each
12 date upon which funds are made available under the pre-
13 ceding proviso: *Provided further*, That the Secretary shall
14 make awards not later than 270 days after issuing the
15 notices of funding opportunity required under the pre-
16 ceding proviso: *Provided further*, That up to 2 percent of
17 the amounts made available in each fiscal year shall be
18 for salaries and expenses, administration, and oversight,
19 of which \$1,000,000 in each of fiscal years 2022 through
20 2026 shall be transferred to the Office of Inspector Gen-
21 eral of the Department of Commerce for oversight of fund-
22 ing provided to the National Telecommunications and In-
23 formation Administration in this title in this Act: *Provided*
24 *further*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

2474

1 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
2 concurrent resolution on the budget for fiscal year 2018,
3 and to section 251(b) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 MIDDLE MILE DEPLOYMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Middle Mile Deploy-
8 ment”, \$1,000,000,000, to remain available September
9 30, 2026, for competitive grants as authorized under sec-
10 tion 60401 of division F of this Act: *Provided*, That the
11 Secretary of Commerce shall issue notices of funding op-
12 portunity not later than 180 days after the date of enact-
13 ment of this Act: *Provided further*, That the Secretary of
14 Commerce shall make awards not later than 270 days
15 after issuing the notices of funding opportunity required
16 under the preceding proviso: *Provided further*, That up to
17 2 percent of the amounts made available under this head-
18 ing in this Act shall be for salaries and expenses, adminis-
19 tration, and oversight, during fiscal years 2022 through
20 2026 of which \$1,000,000 shall be transferred to the Of-
21 fice of Inspector General of the Department of Commerce
22 for oversight of funding provided to the National Tele-
23 communications and Information Administration in this
24 title in this Act: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

2475

1 quirement pursuant to section 4112(a) of H. Con. Res.
2 71 (115th Congress), the concurrent resolution on the
3 budget for fiscal year 2018, and to section 251(b) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 NATIONAL OCEANIC AND ATMOSPHERIC
7 ADMINISTRATION
8 OPERATIONS, RESEARCH, AND FACILITIES

9 For an additional amount for “Operations, Research,
10 and Facilities”, \$2,611,000,000, to remain available until
11 September 30, 2027: *Provided*, That \$557,250,000, to re-
12 main available until September 30, 2023, shall be made
13 available for fiscal year 2022, \$515,584,000, to remain
14 available until September 30, 2024, shall be made avail-
15 able for fiscal year 2023, \$515,583,000, to remain avail-
16 able until September 30, 2025, shall be made available
17 for fiscal year 2024, \$515,583,000, to remain available
18 until September 30, 2026, shall be made available for fis-
19 cal year 2025, and \$507,000,000, to remain available until
20 September 30, 2027, shall be made available for fiscal
21 year 2026: *Provided further*, That of the funds made avail-
22 able under this heading in this Act, the following amounts
23 shall be for the following purposes in equal amounts for
24 each of fiscal years 2022 through 2026, including for ad-

2476

1 ministrative costs, technical support, and oversight, unless
2 stated otherwise—

3 (1) \$492,000,000 shall be for National Oceans
4 and Coastal Security Fund grants, as authorized
5 under section 906(c) of division O of Public Law
6 114–113;

7 (2) \$491,000,000 shall be for contracts, grants,
8 and cooperative agreements to provide funding and
9 technical assistance for purposes of restoring ma-
10 rine, estuarine, coastal, or Great Lakes ecosystem
11 habitat, or constructing or protecting ecological fea-
12 tures that protect coastal communities from flooding
13 or coastal storms;

14 (3) \$492,000,000 shall be for coastal and in-
15 land flood and inundation mapping and forecasting,
16 and next-generation water modeling activities, in-
17 cluding modernized precipitation frequency and
18 probable maximum studies;

19 (4) \$25,000,000 shall be for data acquisition
20 activities pursuant to section 511(b) of the Water
21 Resources Development Act of 2020 (division AA of
22 Public Law 116–260), of which \$8,334,000 shall be
23 available in fiscal year 2023 and \$8,333,000 shall be
24 available in each of fiscal years 2024 and 2025;

2477

1 (5) \$50,000,000 shall be for wildfire prediction,
2 detection, observation, modeling, and forecasting, for
3 fiscal year 2022;

4 (6) \$1,000,000 shall be for the study of soil
5 moisture and snowpack monitoring network in the
6 Upper Missouri River Basin pursuant to section
7 511(b)(3) of the Water Resources Development Act
8 of 2020 (division AA of Public Law 116–260), in
9 equal amounts for each of fiscal years 2022 through
10 2025;

11 (7) \$150,000,000 shall be for marine debris as-
12 sessment, prevention, mitigation, and removal;

13 (8) \$50,000,000 shall be for marine debris pre-
14 vention and removal through the National Sea Grant
15 College Program (33 U.S.C. 1121 et seq.);

16 (9) \$207,000,000 shall be for habitat restora-
17 tion projects pursuant to section 310 of the Coastal
18 Zone Management Act (16 U.S.C. 1456c), including
19 ecosystem conservation pursuant to section 12502 of
20 the Omnibus Public Land Management Act of 2009
21 (16 U.S.C. 1456–1), notwithstanding subsection (g)
22 of that section;

23 (10) \$77,000,000 shall be for habitat restora-
24 tion projects through the National Estuarine Re-
25 search Reserve System (16 U.S.C. 1456c), including

2478

1 ecosystem conservation pursuant to section 12502 of
2 the Omnibus Public Land Management Act of 2009
3 (16 U.S.C. 1456–1);

4 (11) \$100,000,000 shall be for supporting im-
5 proved and enhanced coastal, ocean, and Great
6 Lakes observing systems;

7 (12) \$56,000,000 shall be for established Re-
8 gional Ocean Partnerships (ROPs) to coordinate the
9 interstate and intertribal management of ocean and
10 coastal resources and to implement their priority ac-
11 tions, including to enhance associated sharing and
12 integration of Federal and non-Federal data by
13 ROPs, or their equivalent;

14 (13) \$20,000,000 shall be for consultations and
15 permitting related to the Endangered Species Act,
16 the Marine Mammal Protection Act, and Essential
17 Fish Habitat; and

18 (14) \$400,000,000 shall be for restoring fish
19 passage by removing in-stream barriers and pro-
20 viding technical assistance pursuant to section 117
21 of the Magnuson-Stevens Fishery Conservation and
22 Management Reauthorization Act of 2006 (16
23 U.S.C. 1891a), of which up to 15 percent shall be
24 reserved for Indian Tribes or partnerships of Indian
25 Tribes in conjunction with an institution of higher

1 education, non-profit, commercial (for profit) organi-
2 zations, U.S. territories, and state or local govern-
3 ments, and of which the remaining amount shall be
4 for all eligible entities, including Indian Tribes and
5 such partnerships of Indian Tribes:

6 *Provided further*, That under this heading the term Indian
7 Tribe shall have the meaning given to the term in section
8 4 of the Indian Self-Determination and Education Act (25
9 U.S.C. 5304): *Provided further*, That nothing under this
10 heading in this Act shall be construed as providing any
11 new authority to remove, breach, or otherwise alter the
12 operations of a Federal hydropower dam and dam removal
13 projects shall include written consent of the dam owner,
14 if ownership is established: *Provided further*, That
15 amounts made available under this heading in this Act
16 may be used for consultations and permitting related to
17 the Endangered Species Act and the Marine Mammal Pro-
18 tection Act for projects funded under this heading in this
19 Act: *Provided further*, That not later than 90 days after
20 the date of enactment of this Act, the National Oceanic
21 and Atmospheric Administration shall submit to the Com-
22 mittees on Appropriations of the House of Representatives
23 and the Senate a detailed spend plan for fiscal year 2022:
24 *Provided further*, That for each of fiscal years 2023
25 through 2026, as part of the annual budget submission

2480

1 of the President under section 1105(a) of title 31, United
2 States Code, the Secretary of Commerce shall submit a
3 detailed spend plan for that fiscal year: *Provided further*,
4 That the Secretary may waive or reduce the required non-
5 Federal share for amounts made available under this
6 heading in this Act: *Provided further*, That such amount
7 is designated by the Congress as being for an emergency
8 requirement pursuant to section 4112(a) of H. Con. Res.
9 71 (115th Congress), the concurrent resolution on the
10 budget for fiscal year 2018, and to section 251(b) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 PROCUREMENT, ACQUISITION AND CONSTRUCTION

14 For an additional amount for “Procurement, Acquisi-
15 tion and Construction”, \$180,000,000, to remain available
16 until September 30, 2024, as follows:

17 (1) \$50,000,000 shall be for observation and
18 dissemination infrastructure used for wildfire pre-
19 diction, detection, and forecasting;

20 (2) \$80,000,000 shall be for research supercom-
21 puting infrastructure used for weather and climate
22 model development to improve drought, flood, and
23 wildfire prediction, detection, and forecasting; and

24 (3) \$50,000,000 shall be for coastal, ocean, and
25 Great Lakes observing systems:

2481

1 *Provided*, That not later than 90 days after the date of
2 enactment of this Act, the National Oceanic and Atmos-
3 pheric Administration shall submit to the Committees on
4 Appropriations of the House of Representatives and the
5 Senate a detailed spend plan: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section 4112(a) of H.
8 Con. Res. 71 (115th Congress), the concurrent resolution
9 on the budget for fiscal year 2018, and to section 251(b)
10 of the Balanced Budget and Emergency Deficit Control
11 Act of 1985.

12 PACIFIC COASTAL SALMON RECOVERY

13 For an additional amount for “Pacific Coastal Salm-
14 on Recovery”, \$172,000,000, to remain available until
15 September 30, 2027: *Provided*, That \$34,400,000, to re-
16 main available until September 30, 2023, shall be made
17 available for fiscal year 2022, \$34,400,000, to remain
18 available until September 30, 2024, shall be made avail-
19 able for fiscal year 2023, \$34,400,000, to remain available
20 until September 30, 2025, shall be made available for fis-
21 cal year 2024, \$34,400,000, to remain available until Sep-
22 tember 30, 2026, shall be made available for fiscal year
23 2025, and \$34,400,000, to remain available until Sep-
24 tember 30, 2027, shall be made available for fiscal year
25 2026: *Provided*, That not later than 90 days after the date

2482

1 of enactment of this Act, the National Oceanic and Atmos-
2 pheric Administration shall submit to the Committees on
3 Appropriations of the House of Representatives and the
4 Senate a spend plan for fiscal year 2022: *Provided further*,
5 That for each of fiscal years 2023 through 2026, as part
6 of the annual budget submission of the President under
7 section 1105(a) of title 31, United States Code, the Sec-
8 retary of Commerce shall submit a detailed spend plan for
9 that fiscal year: *Provided further*, That the Secretary may
10 waive or reduce the required non-Federal share for
11 amounts made available under this heading in this Act:
12 *Provided further*, That such amount is designated by the
13 Congress as being for an emergency requirement pursuant
14 to section 4112(a) of H. Con. Res. 71 (115th Congress),
15 the concurrent resolution on the budget for fiscal year
16 2018, and to section 251(b) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 TITLE III—ENERGY AND WATER

19 DEVELOPMENT AND RELATED AGENCIES

20 DEPARTMENT OF THE ARMY

21 CORPS OF ENGINEERS—CIVIL

22 INVESTIGATIONS

23 For an additional amount for “Investigations”,
24 \$150,000,000, to remain available until expended: *Pro-*
25 *vided*, That of the amount provided under this heading

2483

1 in this Act, \$30,000,000 shall be used by the Secretary
2 of the Army, acting through the Chief of Engineers, to
3 undertake work authorized to be carried out in accordance
4 with section 22 of the Water Resources Development Act
5 of 1974 (Public Law 93–251; 42 U.S.C. 1962d–16), as
6 amended: *Provided further*, That of the amount provided
7 under this heading in this Act, \$45,000,000 shall be used
8 by the Secretary of the Army, acting through the Chief
9 of Engineers, to undertake work authorized to be carried
10 out in accordance with section 206 of the 1960 Flood Con-
11 trol Act (Public Law 86–645), as amended: *Provided fur-*
12 *ther*, That of the amount provided under this heading in
13 this Act, \$75,000,000 shall be used for necessary expenses
14 related to the completion, or initiation and completion, of
15 studies which are authorized prior to the date of enact-
16 ment of this Act, of which \$30,000,000, to become avail-
17 able on October 1, 2022, shall be used by the Secretary
18 of the Army, acting through the Chief of Engineers, to
19 complete, or to initiate and complete, studies carried out
20 in accordance with section 118 of division AA of the Con-
21 solidated Appropriations Act, 2021 (Public Law 116–
22 260), except that the limitation on the number of studies
23 authorized to be carried out under section 118(b) and sec-
24 tion 118(c) shall not apply: *Provided further*, That not
25 later than 60 days after the date of enactment of this Act,

1 the Chief of Engineers shall submit to the House and Sen-
2 ate Committees on Appropriations a detailed spend plan
3 for the funds identified for fiscal year 2022 in the pre-
4 ceding proviso, including a list of project locations and
5 new studies selected to be initiated: *Provided further*, That
6 not later than 60 days after the date of enactment of this
7 Act, the Chief of Engineers shall provide a briefing to the
8 House and Senate Committees on Appropriations on an
9 implementation plan, including a schedule for solicitation
10 of projects and expenditure of funds, for the funding pro-
11 vided for fiscal year 2023 to undertake work authorized
12 to be carried out in accordance with section 118 of division
13 AA of the Consolidated Appropriations Act, 2021 (Public
14 Law 116–260): *Provided further*, That for fiscal year
15 2023, as part of the annual budget submission of the
16 President under section 1105(a) of title 31, United States
17 Code, the Chief of Engineers shall submit a detailed spend
18 plan for that fiscal year, including a list of project loca-
19 tions for the funding provided to undertake work author-
20 ized to be carried out in accordance with section 118 of
21 division AA of the Consolidated Appropriations Act, 2021
22 (Public Law 116–260): *Provided further*, That beginning
23 not later than 120 days after the enactment of this Act,
24 the Chief of Engineers shall provide a monthly report to
25 the Committees on Appropriations of the House of Rep-

2485

1 representatives and the Senate detailing the allocation and
2 obligation of the funds provided under this heading in this
3 Act, including new studies selected to be initiated using
4 funds provided under this heading: *Provided further*, That
5 such amount is designated by the Congress as being for
6 an emergency requirement pursuant to section 4112(a) of
7 H. Con. Res. 71 (115th Congress), the concurrent resolu-
8 tion on the budget for fiscal year 2018, and to section
9 251(b) of the Balanced Budget and Emergency Deficit
10 Control Act of 1985.

11

CONSTRUCTION

12 For an additional amount for “Construction”,
13 \$11,615,000,000, to remain available until expended: *Pro-*
14 *vided*, That the Secretary may initiate additional new con-
15 struction starts with funds provided under this heading
16 in this Act: *Provided further*, That the limitation con-
17 cerning total project costs in section 902 of the Water Re-
18 sources Development Act of 1986 (Public Law 99–662;
19 33 U.S.C. 2280), as amended, shall not apply to any
20 project completed using funds provided under this heading
21 in this Act: *Provided further*, That of the amount provided
22 under this heading in this Act, such sums as are necessary
23 to cover the Federal share of construction costs for facili-
24 ties under the Dredged Material Disposal Facilities pro-
25 gram shall be derived from the general fund of the Treas-

2486

1 ury: *Provided further*, That of the amount provided under
2 this heading in this Act, \$1,500,000,000 shall be for
3 major rehabilitation, construction, and related activities
4 for rivers and harbors, of which not more than
5 \$250,000,000 shall be to undertake work at harbors de-
6 fined by section 2006 of the Water Resources Develop-
7 ment Act of 2007 (Public Law 110–114, 33 U.S.C. 2242),
8 as amended, and not more than \$250,000,000 may be for
9 projects determined to require repair in the report pre-
10 pared pursuant to section 1104 of the Water Infrastruc-
11 ture Improvements for the Nation Act (Public Law 114–
12 322): *Provided further*, That of the amount provided under
13 this heading in this Act, \$200,000,000 shall be for water-
14 related environmental infrastructure assistance: *Provided*
15 *further*, That of the amount provided under this heading
16 in this Act, \$2,500,000,000 shall be for inland waterways
17 projects: *Provided further*, That notwithstanding any other
18 provision of law, section 102, as amended, of the Water
19 Resources Development Act of 1986 (Public Law 99–662;
20 33 U.S.C. 2212) shall not apply to funds provided in the
21 preceding proviso: *Provided further*, That of the amount
22 provided under this heading in this Act, \$465,000,000
23 shall be used by the Secretary of the Army, acting through
24 the Chief of Engineers, to undertake work authorized to
25 be carried out in accordance with section 14, as amended,

2487

1 of the Flood Control Act of 1946 (33 U.S.C. 701r), section
2 103, as amended, of the River and Harbor Act of 1962
3 (Public Law 87–874), section 107, as amended, of the
4 River and Harbor Act 1960 (Public Law 86–645), section
5 204 of the Water Resources Development Act of 1992 (33
6 U.S.C. 2326), section 205 of the Flood Control Act of
7 1948 (33 U.S.C. 701s), section 206 of the Water Re-
8 sources Development Act of 1996 (Public Law 104–303;
9 33 U.S.C. 2330), or section 1135 of the Water Resources
10 Development Act of 1986 (Public Law 99–662; 33 U.S.C.
11 2309a), notwithstanding the project number or program
12 cost limitations set forth in those sections: *Provided fur-*
13 *ther*, That of the amounts in the preceding proviso,
14 \$115,000,000, shall be used under the aquatic ecosystem
15 restoration program under section 206 of the Water Re-
16 sources Development Act of 1996 (33 U.S.C. 2330) to re-
17 store fish and wildlife passage by removing in-stream bar-
18 riers and provide technical assistance to non-Federal in-
19 terests carrying out such activities, at full Federal expense
20 and notwithstanding the individual project cost limitation
21 set forth in that section: *Provided further*, That the
22 amounts provided in the preceding proviso shall not be
23 construed to provide any new authority to remove, breach,
24 or otherwise alter the operations of a Federal hydropower
25 dam, and do not limit the Secretary of the Army, acting

2488

1 through the Chief of Engineers, from allotting additional
2 funds from amounts provided under this heading in this
3 Act for other purposes allowed under section 206 of the
4 Water Resources Development Act of 1996 (33 U.S.C.
5 2330): *Provided further*, That of the amount provided
6 under this heading in this Act, \$1,900,000,000 shall be
7 for aquatic ecosystem restoration projects, of which not
8 less than \$1,000,000,000 shall be for multi-purpose
9 projects or multi-purpose programs that include aquatic
10 ecosystem restoration as a purpose: *Provided further*, That
11 of the amount provided under this heading in this Act,
12 \$2,550,000,000 shall be for coastal storm risk manage-
13 ment, hurricane and storm damage reduction projects, and
14 related activities targeting States that have been impacted
15 by federally declared disasters over the last six years,
16 which may include projects authorized by section 116 of
17 Public Law 111–85, of which not less than
18 \$1,000,000,000 shall be for multi-purpose projects or
19 multi-purpose programs that include flood risk manage-
20 ment benefits as a purpose: *Provided further*, That of the
21 amount provided in the preceding proviso, \$200,000,000
22 shall be for shore protection projects: *Provided further*,
23 That of the funds in the preceding proviso, \$100,000,000,
24 to remain available until expended, shall be made available
25 for fiscal year 2022, \$50,000,000, to remain available

1 until expended, shall be made available for fiscal year
2 2023, and \$50,000,000, to remain available until ex-
3 pended, shall be made available for fiscal year 2024: *Pro-*
4 *vided further*, That of the amount provided under this
5 heading in this Act, \$2,500,000,000 shall be for inland
6 flood risk management projects, of which not less than
7 \$750,000,000 shall be for multi-purpose projects or multi-
8 purpose programs that include flood risk management as
9 a purpose: *Provided further*, That not later than 60 days
10 after the date of enactment of this Act, the Chief of Engi-
11 neers shall submit to the House and Senate Committees
12 on Appropriations a detailed spend plan for the funds pro-
13 vided under this heading in this Act for each fiscal year,
14 including a list of project locations and new construction
15 projects selected to be initiated: *Provided further*, That be-
16 ginning not later than 120 days after the enactment of
17 this Act, the Chief of Engineers shall provide a monthly
18 report to the Committees on Appropriations of the House
19 of Representatives and the Senate detailing the allocation
20 and obligation of these funds, including new construction
21 projects selected to be initiated using funds provided
22 under this heading in this Act: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section 4112(a) of H.
25 Con. Res. 71 (115th Congress), the concurrent resolution

1 on the budget for fiscal year 2018, and to section 251(b)
2 of the Balanced Budget and Emergency Deficit Control
3 Act of 1985.

4 MISSISSIPPI RIVER AND TRIBUTARIES

5 For an additional amount for “Mississippi River and
6 Tributaries”, \$808,000,000, to remain available until ex-
7 pended: *Provided*, That of the amount provided under this
8 heading in this Act, \$258,000,000, which shall be obli-
9 gated within 90 days of enactment of this Act, shall be
10 used for necessary expenses to address emergency situa-
11 tions at Corps of Engineers Federal projects caused by
12 natural disasters: *Provided further*, That the Secretary
13 may initiate additional new construction starts with funds
14 provided under this heading in this Act: *Provided further*,
15 That the limitation concerning total project costs in sec-
16 tion 902 of the Water Resources Development Act of 1986
17 (Public Law 99–662; 33 U.S.C. 2280), as amended, shall
18 not apply to any project receiving funds provided under
19 this heading in this Act: *Provided further*, That not later
20 than 60 days after the date of enactment of this Act, the
21 Chief of Engineers shall submit to the House and Senate
22 Committees on Appropriations a detailed spend plan for
23 fiscal year 2022, including a list of project locations and
24 construction projects selected to be initiated: *Provided fur-*
25 *ther*, That of the amount provided under this heading in

1 this Act, such sums as are necessary to cover the Federal
2 share of eligible operation and maintenance costs for in-
3 land harbors shall be derived from the general fund of the
4 Treasury: *Provided further*, That beginning not later than
5 120 days after the enactment of this Act, the Chief of
6 Engineers shall provide a monthly report to the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate detailing the allocation and obligation of
9 these funds, including construction projects selected to be
10 initiated using funds provided under this heading in this
11 Act: *Provided further*, That such amount is designated by
12 the Congress as being for an emergency requirement pur-
13 suant to section 4112(a) of H. Con. Res. 71 (115th Con-
14 gress), the concurrent resolution on the budget for fiscal
15 year 2018, and to section 251(b) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE
18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Operations and Main-
20 tenance”, \$4,000,000,000, to remain available until ex-
21 pended: *Provided*, That \$2,000,000,000, to remain avail-
22 able until expended, shall be made available for fiscal year
23 2022, \$1,000,000,000, to remain available until expended,
24 shall be made available for fiscal year 2023,
25 \$1,000,000,000, to remain available until expended, shall

1 be made available for fiscal year 2024: *Provided further,*
2 That of the amount provided under this heading in this
3 Act for fiscal year 2022, \$626,000,000, which shall be ob-
4 ligated within 90 days of enactment of this Act, shall be
5 used for necessary expenses to dredge Federal navigation
6 projects in response to, and repair damages to Corps of
7 Engineers Federal projects caused by, natural disasters:
8 *Provided further,* That of the amount provided under this
9 heading in this Act, \$40,000,000 shall be to carry out Soil
10 Moisture and Snowpack Monitoring activities, as author-
11 ized in section 4003(a) of the Water Resources Reform
12 and Development Act of 2014, as amended: *Provided fur-*
13 *ther,* That not later than 60 days after the date of enact-
14 ment of this Act, the Chief of Engineers shall submit to
15 the House and Senate Committees on Appropriations a
16 detailed spend plan for fiscal year 2022, including a list
17 of project locations, other than for the amount for natural
18 disasters identified in the second proviso: *Provided further,*
19 That for fiscal years 2023 and 2024, as part of the annual
20 budget submission of the President under section 1105(a)
21 of title 31, United States Code, the Chief of Engineers
22 shall submit a detailed spend plan for that fiscal year, in-
23 cluding a list of project locations: *Provided further,* That
24 of the amount provided under this heading in this Act,
25 such sums as are necessary to cover the Federal share of

1 eligible operation and maintenance costs for coastal har-
2 bors and channels, and for inland harbors shall be derived
3 from the general fund of the Treasury: *Provided further*,
4 That up to three percent of the amounts made available
5 under this heading in this Act for any fiscal year may be
6 transferred to “Regulatory Program” or “Expenses” to
7 carry out activities funded by those accounts: *Provided*
8 *further*, That the Committees on Appropriations of the
9 Senate and the House of Representatives shall be notified
10 at least 30 days in advance of any transfer made pursuant
11 to the preceding proviso: *Provided further*, That such
12 amount is designated by the Congress as being for an
13 emergency requirement pursuant to section 4112(a) of H.
14 Con. Res. 71 (115th Congress), the concurrent resolution
15 on the budget for fiscal year 2018, and to section 251(b)
16 of the Balanced Budget and Emergency Deficit Control
17 Act of 1985.

18 REGULATORY PROGRAM

19 For an additional amount for “Regulatory Program”,
20 \$160,000,000, to remain available until September 30,
21 2026: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 4112(a) of H. Con. Res. 71 (115th Congress),
24 the concurrent resolution on the budget for fiscal year

2494

1 2018, and to section 251(b) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 FLOOD CONTROL AND COASTAL EMERGENCIES

4 For an additional amount for “Flood Control and
5 Coastal Emergencies”, \$251,000,000, to remain available
6 until expended: *Provided*, That funding provided under
7 this heading in this Act and utilized for authorized shore
8 protection projects shall restore such projects to the full
9 project profile at full Federal expense: *Provided further*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section 4112(a)
12 of H. Con. Res. 71 (115th Congress), the concurrent reso-
13 lution on the budget for fiscal year 2018, and to section
14 251(b) of the Balanced Budget and Emergency Deficit
15 Control Act of 1985.

16 EXPENSES

17 For an additional amount for “Expenses”,
18 \$40,000,000, to remain available until expended: *Pro-*
19 *vided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
22 concurrent resolution on the budget for fiscal year 2018,
23 and to section 251(b) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

2495

1 WATER INFRASTRUCTURE FINANCE AND INNOVATION

2 PROGRAM ACCOUNT

3 For an additional amount for “Water Infrastructure
4 Finance and Innovation Program Account”, \$75,000,000,
5 to remain available until expended: *Provided*, That of the
6 amounts provided under this heading in this Act,
7 \$64,000,000 shall be for the cost of direct loans and for
8 the cost of guaranteed loans, for safety projects to main-
9 tain, upgrade, and repair dams identified in the National
10 Inventory of Dams with a primary owner type of state,
11 local government, public utility, or private: *Provided fur-*
12 *ther*, That no project may be funded with amounts pro-
13 vided under this heading for a dam that is identified as
14 jointly owned in the National Inventory of Dams and
15 where one of those joint owners is the Federal Govern-
16 ment: *Provided further*, That of the amounts provided
17 under this heading in this Act \$11,000,000 shall be for
18 administrative expenses to carry out the direct and guar-
19 anteed loan programs, notwithstanding section 5033 of
20 the Water Infrastructure Finance and Innovation Act of
21 2014: *Provided further*, That such amount is designated
22 by the Congress as being for an emergency requirement
23 pursuant to section 4112(a) of H. Con. Res. 71 (115th
24 Congress), the concurrent resolution on the budget for fis-

2496

1 cal year 2018, and to section 251(b) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 DEPARTMENT OF THE INTERIOR

4 CENTRAL UTAH PROJECT

5 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

6 For an additional amount for “Central Utah Project
7 Completion Account”, \$50,000,000, to remain available
8 until expended, of which \$10,000,000 shall be deposited
9 into the Utah Reclamation Mitigation and Conservation
10 Account for use by the Utah Reclamation Mitigation and
11 Conservation Commission: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 4112(a) of H. Con. Res.
14 71 (115th Congress), the concurrent resolution on the
15 budget for fiscal year 2018, and to section 251(b) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985.

18 BUREAU OF RECLAMATION

19 WATER AND RELATED RESOURCES

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Water and Related
22 Resources”, \$8,300,000,000, to remain available until ex-
23 pended: *Provided*, That \$1,660,000,000, to remain avail-
24 able until expended, shall be made available for fiscal year
25 2022, \$1,660,000,000, to remain available until expended,

2497

1 shall be made available for fiscal year 2023,
2 \$1,660,000,000, to remain available until expended, shall
3 be made available for fiscal year 2024, \$1,660,000,000,
4 to remain available until expended, shall be made available
5 for fiscal year 2025, \$1,660,000,000, to remain available
6 until expended, shall be made available for fiscal year
7 2026: *Provided further*, That of the amount provided
8 under this heading in this Act for fiscal years 2022
9 through 2026, \$1,150,000,000 shall be for water storage,
10 groundwater storage, and conveyance projects in accord-
11 ance with section 40902 of division D of this Act: *Provided*
12 *further*, That of the funds identified in the preceding pro-
13 viso, \$100,000,000 shall be available for small surface
14 water and ground water storage projects authorized in sec-
15 tion 40903 of division D of this Act: *Provided further*,
16 That of the amount provided under this heading in this
17 Act, \$3,200,000,000 shall be available for transfer into
18 the Aging Infrastructure Account established by section
19 9603(d)(1) of the Omnibus Public Land Management Act
20 of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided*
21 *further*, That of the funds identified in the preceding pro-
22 viso, \$100,000,000 shall be made available for reserved
23 or transferred works that have suffered a critical failure,
24 in accordance with section 40904(a) of division D of this
25 Act, and \$100,000,000 shall be made available for dam

2498

1 rehabilitation, reconstruction, or replacement in accord-
2 ance with section 40904(b) of division D of this Act: *Pro-*
3 *vided further*, That of the amount provided under this
4 heading in this Act for fiscal years 2022 through 2026,
5 \$1,000,000,000 shall be for rural water projects that have
6 been authorized by an Act of Congress before July 1,
7 2021, in accordance with the Reclamation Rural Water
8 Supply Act of 2006 (43 U.S.C. 2401 et seq.): *Provided*
9 *further*, That of the amount provided under this heading
10 in this Act for fiscal years 2022 through 2026,
11 \$1,000,000,000 shall be for water recycling and reuse
12 projects: *Provided further*, That of the funds identified in
13 the preceding proviso, \$550,000,000 shall be for water re-
14 cycling and reuse projects authorized in accordance with
15 the Reclamation Wastewater and Groundwater Study and
16 Facilities Act (42 U.S.C. 390h et seq.), as described in
17 section 40901(4)(A) of division D of this Act, and
18 \$450,000,000 shall be for large-scale water recycling and
19 reuse projects in accordance with section 40905 of division
20 D of this Act: *Provided further*, That of the amount pro-
21 vided under this heading in this Act for fiscal years 2022
22 through 2026, \$250,000,000 shall be for water desalina-
23 tion projects in accordance with the Water Desalinization
24 Act of 1996 (42 U.S.C. 10301 note; Public Law 104-
25 298), as described in section 40901(5) of division D of

2499

1 this Act: *Provided further*, That of the amount provided
2 under this heading in this Act for fiscal years 2022
3 through 2026, \$500,000,000 shall be for the safety of
4 dams program, in accordance with the Reclamation Safety
5 of Dams Act of 1978 (43 U.S.C. 506 et seq.): *Provided*
6 *further*, That of the amount provided under this heading
7 in this Act for fiscal years 2022 through 2026,
8 \$400,000,000 shall be for WaterSMART Grants in ac-
9 cordance with section 9504 of the Omnibus Public Land
10 Management Act of 2009 (42 U.S.C. 10364): *Provided*
11 *further*, That of the funds identified in the preceding pro-
12 viso, \$100,000,000 shall be for projects that would im-
13 prove the condition of a natural feature or nature-based
14 feature, as described in section 40901(7) of division D of
15 this Act: *Provided further*, That of the amount provided
16 under this heading in this Act for fiscal years 2022
17 through 2026, \$300,000,000 shall be for implementing
18 the drought contingency plan consistent with the obliga-
19 tions of the Secretary under the Colorado River Drought
20 Contingency Plan Authorization Act (Public Law 116–14;
21 133 Stat. 850), as described in section 40901(8) of divi-
22 sion D of this Act: *Provided further*, That of the funds
23 identified in the preceding proviso, \$50,000,000 shall be
24 for use in accordance with the Drought Contingency Plan
25 for the Upper Colorado River Basin: *Provided further*,

2500

1 That of the amount provided under this heading in this
2 Act for fiscal years 2022 through 2026, \$100,000,000
3 shall be to provide financial assistance for watershed man-
4 agement projects in accordance with subtitle A of title VI
5 of the Omnibus Public Land Management Act of 2009 (16
6 U.S.C. 1015 et seq.): *Provided further*, That of the amount
7 provided under this heading in this Act for fiscal years
8 2022 through 2026, \$250,000,000 shall be for design,
9 study and construction of aquatic ecosystem restoration
10 and protection projects in accordance with section 1109
11 of the Consolidated Appropriations Act, 2021: *Provided*
12 *further*, That of the amount provided under this heading
13 in this Act for fiscal years 2022 through 2026,
14 \$100,000,000 shall be for multi-benefit projects to im-
15 prove watershed health in accordance with section 40907
16 of division D of this Act: *Provided further*, That of the
17 amounts provided under this heading in this Act for fiscal
18 years 2022 through 2026, \$50,000,000 shall be for endan-
19 gered species recovery and conservation programs in the
20 Colorado River Basin in accordance with Public Law 106–
21 392, title XVIII of Public Law 102–575, and subtitle E
22 of title IX of Public Law 111–11: *Provided further*, That
23 up to three percent of the amounts made available under
24 this heading in this Act in each of fiscal years 2022
25 through 2026 shall be for program administration and

2501

1 policy expenses: *Provided further*, That not later than 60
2 days after the date of enactment of this Act, the Secretary
3 of the Interior shall submit to the House and Senate Com-
4 mittees on Appropriations a detailed spend plan, including
5 a list of project locations of the preceding proviso, to be
6 funded for fiscal year 2022: *Provided further*, That begin-
7 ning not later than 120 days after the enactment of this
8 Act, the Secretary of the Interior shall provide a monthly
9 report to the Committees on Appropriations of the House
10 of Representatives and the Senate detailing the allocation
11 and obligation of the funds provided under this heading
12 in this Act: *Provided further*, That for fiscal years 2023
13 through 2026, as part of the annual budget submission
14 of the President under section 1105(a) of title 31, United
15 States Code, the Secretary of the Interior shall submit a
16 detailed spend plan for those fiscal years, including a list
17 of project locations: *Provided further*, That such amount
18 is designated by the Congress as being for an emergency
19 requirement pursuant to section 4112(a) of H. Con. Res.
20 71 (115th Congress), the concurrent resolution on the
21 budget for fiscal year 2018, and to section 251(b) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

2502

1 DEPARTMENT OF ENERGY
2 ENERGY PROGRAMS
3 ENERGY EFFICIENCY AND RENEWABLE ENERGY
4 For an additional amount for “Energy Efficiency and
5 Renewable Energy”, \$16,264,000,000 to remain available
6 until expended: *Provided*, That of the amount provided
7 under this heading in this Act, \$250,000,000 shall be for
8 activities for the Energy Efficiency Revolving Loan Fund
9 Capitalization Grant Program, as authorized under sec-
10 tion 40502 of division D of this Act: *Provided further*,
11 That of the amount provided under this heading in this
12 Act, \$40,000,000 shall be for grants for the Energy Audi-
13 tor Training Grant Program, as authorized under section
14 40503 of division D of this Act: *Provided further*, That
15 of the amount provided under the heading in this Act,
16 \$225,000,000 shall be for grants for implementing of up-
17 dated building energy codes, as authorized under section
18 309 of the Energy Conservation and Production Act (42
19 U.S.C. 6831 et seq.), as amended by section 40511(a) of
20 division D of this Act: *Provided further*, That of the funds
21 in the preceding proviso, \$45,000,000, to remain available
22 until expended, shall be made available for fiscal year
23 2022, \$45,000,000, to remain available until expended,
24 shall be made available for fiscal year 2023, \$45,000,000,
25 to remain available until expended, shall be made available

2503

1 for fiscal year 2024, \$45,000,000, to remain available
2 until expended, shall be made available for fiscal year
3 2025, and \$45,000,000, to remain available until ex-
4 pended, shall be made available for fiscal year 2026: *Pro-*
5 *vided further*, That of the amount provided under this
6 heading in this Act, \$10,000,000 shall be for Building,
7 Training, and Assessment Centers, as authorized under
8 section 40512 of division D of this Act: *Provided further*,
9 That of the amount provided under this heading in this
10 Act, \$10,000,000 shall be for grants for Career Skills
11 Training, as authorized under section 40513 of division
12 D of this Act: *Provided further*, That of the amount pro-
13 vided under this heading in this Act, \$150,000,000 shall
14 be for activities for Industrial Research and Assessment
15 Centers, as authorized under subsections (a) through (h)
16 of section 457 of the Energy Independence and Security
17 Act of 2007 (42 U.S.C. 17111 et seq.), as amended by
18 section 40521(b) of division D of this Act: *Provided fur-*
19 *ther*, That of the funds in the preceding proviso,
20 \$30,000,000, to remain available until expended, shall be
21 made available for fiscal year 2022, \$30,000,000, to re-
22 main available until expended, shall be made available for
23 fiscal year 2023, \$30,000,000, to remain available until
24 expended, shall be made available for fiscal year 2024,
25 \$30,000,000, to remain available until expended, shall be

2504

1 made available for fiscal year 2025, and \$30,000,000, to
2 remain available until expended, shall be made available
3 for fiscal year 2026: *Provided further*, That of the amount
4 provided under this heading in this Act, \$400,000,000
5 shall be for activities for Implementation Grants for In-
6 dustrial Research and Assessment Centers, as authorized
7 under section 457(i) of the Energy Independence and Se-
8 curity Act of 2007 (42 U.S.C. 17111 et seq.), as amended
9 by section 40521(b) of division D of this Act: *Provided*
10 *further*, That of the funds in the preceding two provisos,
11 \$80,000,000, to remain available until expended, shall be
12 made available for fiscal year 2022, \$80,000,000, to re-
13 main available until expended, shall be made available for
14 fiscal year 2023, \$80,000,000, to remain available until
15 expended, shall be made available for fiscal year 2024,
16 \$80,000,000, to remain available until expended, shall be
17 made available for fiscal year 2025, and \$80,000,000, to
18 remain available until expended, shall be made available
19 for fiscal year 2026: *Provided further*, That of the amount
20 provided under this heading in this Act, \$50,000,000 shall
21 be for carrying out activities for Manufacturing Leader-
22 ship, as authorized under section 40534 of division D of
23 this Act: *Provided further*, That of the amount provided
24 under this heading in this Act, \$500,000,000 shall be for
25 grants for Energy Efficiency Improvements and Renew-

2505

1 able Energy Improvements at Public School Facilities, as
2 authorized under section 40541 of division D of this Act:
3 *Provided further*, That of the funds in the preceding pro-
4 viso, \$100,000,000, to remain available until expended,
5 shall be made available for fiscal year 2022,
6 \$100,000,000, to remain available until expended, shall be
7 made available for fiscal year 2023, \$100,000,000, to re-
8 main available until expended, shall be made available for
9 fiscal year 2024, \$100,000,000, to remain available until
10 expended, shall be made available for fiscal year 2025, and
11 \$100,000,000, to remain available until expended, shall be
12 made available for fiscal year 2026: *Provided further*, That
13 of the amount provided under this heading in this Act,
14 \$50,000,000 shall be for grants for the Energy Efficiency
15 Materials Pilot Program, as authorized under section
16 40542 of division D of this Act: *Provided further*, That
17 of the amount provided under this heading in this Act and
18 in addition to amounts otherwise made available for this
19 purpose, \$3,500,000,000 shall be for carrying out activi-
20 ties for the Weatherization Assistance Program, as au-
21 thorized under part A of title IV of the Energy Conserva-
22 tion and Production Act (42 U.S.C. 6861 et seq.): *Pro-*
23 *vided further*, That of the amount provided under this
24 heading in this Act and in addition to amounts otherwise
25 made available for this purpose, \$550,000,000 shall be for

2506

1 carrying out activities for the Energy Efficiency and Con-
2 servation Block Grant Program, as authorized under sec-
3 tion 542(a) of the Energy Independence and Security Act
4 of 2007 (42 U.S.C. 17152(a)): *Provided further*, That of
5 the amount provided under this heading in this Act,
6 \$250,000,000 shall be for grants for the Assisting Federal
7 Facilities with Energy Conservation Technologies Grant
8 Program, as authorized under section 546(b) of the Na-
9 tional Energy Conservation Policy Act (42 U.S.C.
10 8256(b)): *Provided further*, That of the amount provided
11 under this heading in this Act, \$10,000,000 shall be for
12 extended product system rebates, as authorized under sec-
13 tion 1005 of the Energy Act of 2020 (42 U.S.C. 6311
14 note; Public Law 116–260): *Provided further*, That of the
15 amount provided under this heading in this Act,
16 \$10,000,000 shall be for energy efficient transformer re-
17 bates, as authorized under section 1006 of the Energy Act
18 of 2020 (42 U.S.C. 6317 note; Public Law 116–260): *Pro-*
19 *vided further*, That of the amount provided under this
20 heading in this Act, \$3,000,000,000, to remain available
21 until expended, shall be for Battery Material Processing
22 Grants, as authorized under section 40207(b) of division
23 D of this Act: *Provided further*, That of the funds in the
24 preceding proviso, \$600,000,000, to remain available until
25 expended, shall be made available for fiscal year 2022,

2507

1 \$600,000,000, to remain available until expended, shall be
2 made available for fiscal year 2023, \$600,000,000, to re-
3 main available until expended, shall be made available for
4 fiscal year 2024, \$600,000,000, to remain available until
5 expended, shall be made available for fiscal year 2025, and
6 \$600,000,000, to remain available until expended, shall be
7 made available for fiscal year 2026: *Provided further*, That
8 of the amount provided under this heading in this Act,
9 \$3,000,000,000 shall be for Battery Manufacturing and
10 Recycling Grants, as authorized under section 40207(c)
11 of division D of this Act: *Provided further*, That of the
12 funds in the preceding proviso, \$600,000,000, to remain
13 available until expended, shall be made available for fiscal
14 year 2022, \$600,000,000, to remain available until ex-
15 pended, shall be made available for fiscal year 2023,
16 \$600,000,000, to remain available until expended, shall be
17 made available for fiscal year 2024, \$600,000,000, to re-
18 main available until expended, shall be made available for
19 fiscal year 2025, and \$600,000,000, to remain available
20 until expended, shall be made available for fiscal year
21 2026: *Provided further*, That of the amount provided
22 under this heading in this Act, \$125,000,000 shall be to
23 carry out activities, as authorized under section 40207(f)
24 of division D of this Act: *Provided further*, That of the
25 amount provided under this heading in this Act,

2508

1 \$10,000,000 shall be for a Lithium-Ion Battery Recycling
2 Prize Competition, as authorized under section 40207(e)
3 of division D of this Act: *Provided further*, That of the
4 amount provided under this heading in this Act,
5 \$200,000,000 shall be for grants for the Electric Drive
6 Vehicle Battery Recycling and Second-Life Applications
7 Program, as authorized under subsection (k) of section
8 641 of the Energy Independence and Security Act of 2007
9 (42 U.S.C. 17231), as amended by section 40208(1) of
10 division D of this Act: *Provided further*, That of the funds
11 in the preceding proviso, \$40,000,000, to remain available
12 until expended, shall be made available for fiscal year
13 2022, \$40,000,000, to remain available until expended,
14 shall be made available for fiscal year 2023, \$40,000,000,
15 to remain available until expended, shall be made available
16 for fiscal year 2024, \$40,000,000, to remain available
17 until expended, shall be made available for fiscal year
18 2025, and \$40,000,000, to remain available until ex-
19 pended, shall be made available for fiscal year 2026: *Pro-*
20 *vided further*, That of the amount provided under this
21 heading in this Act, \$750,000,000 shall be for grants for
22 the Advanced Energy Manufacturing and Recycling Grant
23 Program, as authorized under section 40209 of division
24 D of this Act: *Provided further*, That of the funds in the
25 preceding proviso, \$150,000,000, to remain available until

2509

1 expended, shall be made available for fiscal year 2022,
2 \$150,000,000, to remain available until expended, shall be
3 made available for fiscal year 2023, \$150,000,000, to re-
4 main available until expended, shall be made available for
5 fiscal year 2024, \$150,000,000, to remain available until
6 expended, shall be made available for fiscal year 2025, and
7 \$150,000,000, to remain available until expended, shall be
8 made available for fiscal year 2026: *Provided further*, That
9 of the amount provided under this heading in this Act,
10 \$500,000,000 shall be for activities for the Clean Hydro-
11 gen Manufacturing Recycling Research, Development, and
12 Demonstration Program, as authorized under section 815
13 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et
14 seq.), as amended by section 40314 of division D of this
15 Act: *Provided further*, That of the funds in the preceding
16 proviso, \$100,000,000, to remain available until expended,
17 shall be made available for fiscal year 2022,
18 \$100,000,000, to remain available until expended, shall be
19 made available for fiscal year 2023, \$100,000,000, to re-
20 main available until expended, shall be made available for
21 fiscal year 2024, \$100,000,000, to remain available until
22 expended, shall be made available for fiscal year 2025, and
23 \$100,000,000, to remain available until expended, shall be
24 made available for fiscal year 2026: *Provided further*, That
25 of the amount provided under the heading in this Act,

2510

1 \$1,000,000,000 shall be for activities for the Clean Hydro-
2 gen Electrolysis Program, as authorized under section 816
3 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et
4 seq.), as amended by section 40314 of division D of this
5 Act: *Provided further*, That of the funds in the preceding
6 proviso, \$200,000,000, to remain available until expended,
7 shall be made available for fiscal year 2022,
8 \$200,000,000, to remain available until expended, shall be
9 made available for fiscal year 2023, \$200,000,000, to re-
10 main available until expended, shall be made available for
11 fiscal year 2024, \$200,000,000, to remain available until
12 expended, shall be made available for fiscal year 2025, and
13 \$200,000,000, to remain available until expended, shall be
14 made available for fiscal year 2026: *Provided further*, That
15 of the amount provided under this heading in this Act,
16 \$500,000,000 shall be for carrying out activities for the
17 State Energy Program, as authorized under part D of title
18 III of the Energy Policy and Conservation Act (42 U.S.C.
19 6321 et seq.), as amended by section 40109 of division
20 D of this Act: *Provided further*, That of the amount pro-
21 vided under this heading in this Act, \$125,000,000 shall
22 be for carrying out activities under section 242 of the En-
23 ergy Policy Act of 2005 (42 U.S.C. 15881), as amended
24 by section 40331 of division D of this Act: *Provided fur-*
25 *ther*, That of the amount provided under this heading in

2511

1 this Act, \$75,000,000 shall be for carrying out activities
2 under section 243 of the Energy Policy Act of 2005 (42
3 U.S.C. 15882), as amended by section 40332 of division
4 D of this Act: *Provided further*, That of the amount pro-
5 vided under this heading in this Act, \$553,600,000 shall
6 be for activities for Hydroelectric Incentives, as authorized
7 under section 247 of the Energy Policy Act of 2005 (Pub-
8 lic Law 109–58; 119 Stat. 674), as amended by section
9 40333(a) of division D of this Act: *Provided further*, That
10 of the funds in the preceding proviso, \$276,800,000, to
11 remain available until expended, shall be made available
12 for fiscal year 2022, \$276,800,000, to remain available
13 until expended, shall be made available for fiscal year
14 2023: *Provided further*, That of the amount provided
15 under the heading in this Act, \$10,000,000 shall be for
16 activities for the Pumped Storage Hydropower Wind and
17 Solar Integration and System Reliability Initiative, as au-
18 thorized under section 3201 of the Energy Policy Act of
19 2020 (42 U.S.C. 17232), as amended by section 40334
20 of division D of this Act: *Provided further*, That of the
21 amount provided under this heading in this Act,
22 \$36,000,000 shall be for carrying out activities, as author-
23 ized under section 634 of the Energy Independence and
24 Security Act of 2007 (42 U.S.C. 17213): *Provided further*,
25 That of the amount provided under this heading in this

2512

1 Act, \$70,400,000 shall be for carrying out activities, as
2 authorized under section 635 of the Energy Independence
3 and Security Act of 2007 (42 U.S.C.17214): *Provided fur-*
4 *ther*, That of the amount provided under this heading in
5 this Act, \$40,000,000 shall be for carrying out activities
6 for the National Marine Energy Centers, as authorized
7 under section 636 of the Energy Independence and Secu-
8 rity Act of 2007 (42 U.S.C. 17215): *Provided further*,
9 That of the amount provided under this heading in this
10 Act, \$84,000,000 shall be for carrying out activities under
11 section 615(d) of the Energy Independence and Security
12 Act of 2007 (42 U.S.C. 17194(d)): *Provided further*, That
13 of the amount provided under this heading in this Act,
14 \$60,000,000 shall be for carrying out activities for the
15 Wind Energy Technology Program, as authorized under
16 section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C.
17 16237(b)(2)): *Provided further*, That of the amount pro-
18 vided under this heading in this Act, \$40,000,000 shall
19 be for carrying out activities for the Wind Energy Tech-
20 nology Recycling Research, Development, and Demonstra-
21 tion Program, as authorized under section 3003(b)(4) of
22 the Energy Act of 2020 (42 U.S.C. 16237(b)(4)): *Pro-*
23 *vided further*, That of the amount provided under this
24 heading in this Act, \$40,000,000 shall be for carrying out
25 activities under section 3004(b)(2) of the Energy Act of

2513

1 2020 (42 U.S.C. 16238(b)(2)): *Provided further*, That of
2 the amount provided under this heading in this Act,
3 \$20,000,000 shall be for carrying out activities under sec-
4 tion 3004(b)(3) of the Energy Act of 2020 (42 U.S.C.
5 16238(b)(3)): *Provided further*, That of the amount pro-
6 vided under this heading in this Act, \$20,000,000 shall
7 be for carrying out activities under section 3004(b)(4) of
8 the Energy Act of 2020 (42 U.S.C. 16238(b)(4)): *Pro-*
9 *vided further*, That not later than 90 days after the date
10 of enactment of this Act, the Secretary of Energy shall
11 submit to the House and Senate Committees on Appro-
12 priations and the Senate Committee on Energy and Nat-
13 ural Resources and the House Committee on Energy and
14 Commerce a detailed spend plan for fiscal year 2022: *Pro-*
15 *vided further*, That for each fiscal year through 2026, as
16 part of the annual budget submission of the President
17 under section 1105(a) of title 31, United States Code, the
18 Secretary of Energy shall submit a detailed spend plan
19 for that fiscal year: *Provided further*, That up to three per-
20 cent of the amounts made available under this heading
21 in this Act in each of fiscal years 2022 through 2026 shall
22 be for program direction: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section 4112(a) of H.
25 Con. Res. 71 (115th Congress), the concurrent resolution

2514

1 on the budget for fiscal year 2018, and to section 251(b)
2 of the Balanced Budget and Emergency Deficit Control
3 Act of 1985.

4 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
5 RESPONSE

6 For an additional amount for “Cybersecurity, Energy
7 Security, and Emergency Response”, \$550,000,000, to re-
8 main available until expended: *Provided*, That of the
9 amount provided under this heading in this Act,
10 \$250,000,000 shall be to carry out activities under the Cy-
11 bersecurity for the Energy Sector Research, Development,
12 and Demonstration Program, as authorized in section
13 40125(b) of division D of this Act: *Provided further*, That
14 of the funds in the preceding proviso, \$50,000,000, to re-
15 main available until expended, shall be made available for
16 fiscal year 2022, \$50,000,000, to remain available until
17 expended, shall be made available for fiscal year 2023,
18 \$50,000,000, to remain available until expended, shall be
19 made available for fiscal year 2024, \$50,000,000, to re-
20 main available until expended, shall be made available for
21 fiscal year 2025, and \$50,000,000, to remain available
22 until expended, shall be made available for fiscal year
23 2026: *Provided further*, That of the amount provided
24 under this heading in this Act, \$50,000,000 shall be to
25 carry out activities under the Energy Sector Operational

2515

1 Support for Cyberresilience Program, as authorized in sec-
2 tion 40125(c) of division D of this Act: *Provided further*,
3 That of the amount provided under this heading in this
4 Act, \$250,000,000, to carry out activities under the Rural
5 and Municipal Utility Advanced Cybersecurity Grant and
6 Technical Assistance Program, as authorized in section
7 40124 of division D of this Act: *Provided further*, That
8 \$50,000,000, to remain available until expended, shall be
9 made available for fiscal year 2022, \$50,000,000, to re-
10 main available until expended, shall be made available for
11 fiscal year 2023, \$50,000,000, to remain available until
12 expended, shall be made available for fiscal year 2024,
13 \$50,000,000, to remain available until expended, shall be
14 made available for fiscal year 2025, and \$50,000,000, to
15 remain available until expended, shall be made available
16 for fiscal year 2026: *Provided further*, That not later than
17 90 days after the date of enactment of this Act, the Sec-
18 retary of Energy shall submit to the House and Senate
19 Committees on Appropriations and the Senate Committee
20 on Energy and Natural Resources and the House Com-
21 mittee on Energy and Commerce a detailed spend plan
22 for fiscal year 2022: *Provided further*, That for each fiscal
23 year through 2026, as part of the annual budget submis-
24 sion of the President under section 1105(a) of title 31,
25 United States Code, the Secretary of Energy shall submit

2516

1 a detailed spend plan for that fiscal year: *Provided further*,
2 That up to three percent of the amounts made available
3 under this heading in this Act in each of fiscal years 2022
4 through 2026 shall be for program direction: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
8 rent resolution on the budget for fiscal year 2018, and
9 to section 251(b) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 ELECTRICITY

12 For an additional amount for “Electricity”,
13 \$8,100,000,000, to remain available until expended: *Pro-*
14 *vided*, That of the amount provided under this heading
15 in this Act, \$5,000,000,000 shall be for grants under sec-
16 tion 40101 of division D of this Act: *Provided further*,
17 That of the funds in the preceding proviso,
18 \$1,000,000,000, to remain available until expended, shall
19 be made available for fiscal year 2022, \$1,000,000,000,
20 to remain available until expended, shall be made available
21 for fiscal year 2023, \$1,000,000,000, to remain available
22 until expended, shall be made available for fiscal year
23 2024, \$1,000,000,000, to remain available until expended,
24 shall be made available for fiscal year 2025, and
25 \$1,000,000,000, to remain available until expended, shall

2517

1 be made available for fiscal year 2026: *Provided further*,
2 That of the amount provided under this heading in this
3 Act, \$50,000,000 shall be to carry out the Transmission
4 Facilitation Program, including for any administrative ex-
5 penses of carrying out the program, as authorized in sec-
6 tion 40106(d)(3) of division D of this Act: *Provided fur-*
7 *ther*, That of the funds in the preceding proviso,
8 \$10,000,000, to remain available until expended, shall be
9 made available for fiscal year 2022, \$10,000,000, to re-
10 main available until expended, shall be made available for
11 fiscal year 2023, \$10,000,000, to remain available until
12 expended, shall be made available for fiscal year 2024,
13 \$10,000,000, to remain available until expended, shall be
14 made available for fiscal year 2025, and \$10,000,000, to
15 remain available until expended, shall be made available
16 for fiscal year 2026: *Provided further*, That of the amount
17 provided under this heading in this Act and in addition
18 to amounts otherwise made available for this purpose,
19 \$3,000,000,000, to remain available until expended, shall
20 be to carry out activities under the Smart Grid Investment
21 Matching Grant Program, as authorized in section 1306
22 of the Energy Independence and Security Act of 2007 (42
23 U.S.C. 17386), as amended by section 40107 of division
24 D of this Act: *Provided further*, That of the funds in the
25 preceding proviso, \$600,000,000, to remain available until

2518

1 expended, shall be made available for fiscal year 2022,
2 \$600,000,000, to remain available until expended, shall be
3 made available for fiscal year 2023, \$600,000,000, to re-
4 main available until expended, shall be made available for
5 fiscal year 2024, \$600,000,000, to remain available until
6 expended, shall be made available for fiscal year 2025, and
7 \$600,000,000, to remain available until expended, shall be
8 made available for fiscal year 2026: *Provided further*, That
9 of the amount provided under this heading in this Act,
10 \$50,000,000 shall be to carry out an advanced energy se-
11 curity program to secure energy networks, as authorized
12 under section 40125(d) of division D of this Act: *Provided*
13 *further*, That not later than 90 days after the date of en-
14 actment of this Act, the Secretary of Energy shall submit
15 to the House and Senate Committees on Appropriations
16 and the Senate Committee on Energy and Natural Re-
17 sources and the House Committee on Energy and Com-
18 merce a detailed spend plan for fiscal year 2022: *Provided*
19 *further*, That for each fiscal year through 2026, as part
20 of the annual budget submission of the President under
21 section 1105(a) of title 31, United States Code, the Sec-
22 retary of Energy shall submit a detailed spend plan for
23 that fiscal year: *Provided further*, That up to three percent
24 of the amounts made available under this heading in this
25 Act in each of fiscal years 2022 through 2026 shall be

2519

1 for program direction: *Provided further*, That such amount
2 is designated by the Congress as being for an emergency
3 requirement pursuant to section 4112(a) of H. Con. Res.
4 71 (115th Congress), the concurrent resolution on the
5 budget for fiscal year 2018, and to section 251(b) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 NUCLEAR ENERGY

9 For an additional amount for “Nuclear Energy”,
10 \$6,000,000,000, to remain available until expended, to
11 carry out activities under the Civil Nuclear Credit Pro-
12 gram, as authorized in section 40323 of division D of this
13 Act: *Provided*, That \$1,200,000,000, to remain available
14 until expended, shall be made available for fiscal year
15 2022, \$1,200,000,000, to remain available until expended,
16 shall be made available for fiscal year 2023,
17 \$1,200,000,000, to remain available until expended, shall
18 be made available for fiscal year 2024, \$1,200,000,000,
19 to remain available until expended, shall be made available
20 for fiscal year 2025, and \$1,200,000,000, to remain avail-
21 able until expended, shall be made available for fiscal year
22 2026: *Provided further*, That not later than 90 days after
23 the date of enactment of this Act, the Secretary of Energy
24 shall submit to the House and Senate Committees on Ap-
25 propriations a detailed spend plan for fiscal year 2022:

2520

1 *Provided further*, That for each fiscal year through 2026,
2 as part of the annual budget submission of the President
3 under section 1105(a) of title 31, United States Code, the
4 Secretary of Energy shall submit a detailed spend plan
5 for that fiscal year: *Provided further*, That up to
6 \$36,000,000 of the amount provided under this heading
7 in this Act shall be made available in each of fiscal years
8 2022 through 2026 for program direction: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
12 rent resolution on the budget for fiscal year 2018, and
13 to section 251(b) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 FOSSIL ENERGY AND CARBON MANAGEMENT

16 For an additional amount for “Fossil Energy and
17 Carbon Management”, \$7,497,140,781, to remain avail-
18 able until expended: *Provided*, That of the amount pro-
19 vided under this heading in this Act, \$310,140,781 shall
20 be to carry out activities under the Carbon Utilization
21 Program, as authorized in section 969A of the Energy
22 Policy Act of 2005 (42 U.S.C. 16298a), as amended by
23 section 40302 of division D of this Act: *Provided further*,
24 That of the funds in the preceding proviso, \$41,000,000,
25 to remain available until expended, shall be made available

2521

1 for fiscal year 2022, \$65,250,000, to remain available
2 until expended, shall be made available for fiscal year
3 2023, \$66,562,500, to remain available until expended,
4 shall be made available for fiscal year 2024, \$67,940,625,
5 to remain available until expended, shall be made available
6 for fiscal year 2025, and \$69,387,656, to remain available
7 until expended, shall be made available for fiscal year
8 2026: *Provided further*, That of the amount provided
9 under this heading in this Act, \$100,000,000 shall be used
10 to carry out the front-end engineering and design program
11 out activities under the Carbon Capture Technology Pro-
12 gram, as authorized in section 962 of the Energy Policy
13 Act of 2005 (42 U.S.C. 16292), as amended by section
14 40303 of division D of this Act: *Provided further*, That
15 of the funds in the preceding proviso, \$20,000,000, to re-
16 main available until expended, shall be made available for
17 fiscal year 2022, \$20,000,000, to remain available until
18 expended, shall be made available for fiscal year 2023,
19 \$20,000,000, to remain available until expended, shall be
20 made available for fiscal year 2024, \$20,000,000, to re-
21 main available until expended, shall be made available for
22 fiscal year 2025, and \$20,000,000, to remain available
23 until expended, shall be made available for fiscal year
24 2026: *Provided further*, That of the amount provided
25 under this heading in this Act, \$2,500,000,000 shall be

2522

1 to carry out activities for the Carbon Storage Validation
2 and Testing, as authorized section 963 of the Energy Pol-
3 icy Act of 2005 (42 U.S.C. 16293), as amended by section
4 40305 of division D of this Act: *Provided further*, That
5 of the funds in the preceding proviso, \$500,000,000, to
6 remain available until expended, shall be made available
7 for fiscal year 2022, \$500,000,000, to remain available
8 until expended, shall be made available for fiscal year
9 2023, \$500,000,000, to remain available until expended,
10 shall be made available for fiscal year 2024,
11 \$500,000,000, to remain available until expended, shall be
12 made available for fiscal year 2025, and \$500,000,000,
13 to remain available until expended, shall be made available
14 for fiscal year 2026: *Provided further*, That of the amount
15 provided under this heading in this Act, \$3,500,000,000
16 shall be to carry out a program to develop four regional
17 clean direct air capture hubs, as authorized under section
18 969D of the Energy Policy Act of 2005 (42 U.S.C.
19 16298d), as amended by section 40308 of division D of
20 this Act: *Provided further*, That of the funds in the pre-
21 ceding proviso, \$700,000,000, to remain available until ex-
22 pended, shall be made available for fiscal year 2022,
23 \$700,000,000, to remain available until expended, shall be
24 made available for fiscal year 2023, \$700,000,000, to re-
25 main available until expended, shall be made available for

2523

1 fiscal year 2024, \$700,000,000, to remain available until
2 expended, shall be made available for fiscal year 2025, and
3 \$700,000,000, to remain available until expended, shall be
4 made available for fiscal year 2026: *Provided further*, That
5 of the amount provided under this heading in this Act and
6 in addition to amounts otherwise made available for this
7 purpose, \$15,000,000 shall be for precommercial direct air
8 capture technology prize competitions, as authorized
9 under section 969D(e)(2)(A) of the Energy Policy Act of
10 2005 (42 U.S.C. 16298d(e)(2)(A)): *Provided further*, That
11 of the amount provided under this heading in this Act and
12 in addition to amounts otherwise made available for this
13 purpose, \$100,000,000 shall be for commercial direct air
14 capture technology prize competitions, as authorized
15 under section 969D(e)(2)(B) of the Energy Policy Act of
16 2005 (42 U.S.C. 16298d(e)(2)(B)): *Provided further*, That
17 for amounts identified in the preceding proviso, the Sec-
18 retary shall enter pre-construction commitments with se-
19 lected projects for future awards for qualified carbon diox-
20 ide capture: *Provided further*, That of the amount provided
21 under this heading in this Act, \$140,000,000 shall be for
22 a Rare Earth Elements Demonstration Facility, as au-
23 thorized under section 7001 of the Energy Act of 2020
24 (42 U.S.C. 13344), as amended by section 40205 of divi-
25 sion D of this Act: *Provided further*, That of the amount

2524

1 provided under this heading in this Act and in addition
2 to amounts otherwise made available for this purpose,
3 \$127,000,000 shall be to carry out rare earth mineral se-
4 curity activities, as authorized under section 7001(a) of
5 the Energy Act of 2020 (42 U.S.C. 13344(a)): *Provided*
6 *further*, That of the funds in the preceding proviso,
7 \$23,000,000, to remain available until expended, shall be
8 made available for fiscal year 2022, \$24,200,000, to re-
9 main available until expended, shall be made available for
10 fiscal year 2023, \$25,400,000, to remain available until
11 expended, shall be made available for fiscal year 2024,
12 \$26,600,000, to remain available until expended, shall be
13 made available for fiscal year 2025, and \$27,800,000, to
14 remain available until expended, shall be made available
15 for fiscal year 2026: *Provided further*, That of the amount
16 provided under this heading in this Act and in addition
17 to amounts otherwise made available for this purpose,
18 \$600,000,000 shall be to carry out critical material inno-
19 vation, efficiency, and alternatives activities under section
20 7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g)):
21 *Provided further*, That of the funds in the preceding pro-
22 viso, \$230,000,000, to remain available until expended,
23 shall be made available for fiscal year 2022,
24 \$100,000,000, to remain available until expended, shall be
25 made available for fiscal year 2023, \$135,000,000, to re-

2525

1 main available until expended, shall be made available for
2 fiscal year 2024, \$135,000,000, to remain available until
3 expended, shall be made available for fiscal year 2025:
4 *Provided further*, That of the amount provided under this
5 heading in this Act and in addition to amounts otherwise
6 made available for this purpose, \$75,000,000 shall be for
7 the Critical Material Supply Chain Research Facility, as
8 authorized under section 7002(h) of the Energy Act of
9 2020 (30 U.S.C. 1606(h)): *Provided further*, That of the
10 funds in the preceding proviso, \$40,000,000, to remain
11 available until expended, shall be made available for fiscal
12 year 2022, and \$35,000,000, to remain available until ex-
13 pended, shall be made available for fiscal year 2023: *Pro-*
14 *vided further*, That of the amount provided under this
15 heading in this Act, \$30,000,000 shall be to carry out ac-
16 tivities authorized in section 349(b)(2) of the Energy Pol-
17 icy Act of 2005 (42 U.S.C.15907(b)(2)), as amended by
18 section 40601 of division D of this Act: *Provided further*,
19 That not later than 90 days after the date of enactment
20 of this Act, the Secretary of Energy shall submit to the
21 House and Senate Committees on Appropriations a de-
22 tailed spend plan for fiscal year 2022: *Provided further*,
23 That for each fiscal year through 2026, as part of the
24 annual budget submission of the President under section
25 1105(a) of title 31, United States Code, the Secretary of

2526

1 Energy shall submit a detailed spend plan for that fiscal
2 year: *Provided further*, That up to three percent of the
3 amounts made available under this heading in this Act in
4 each of fiscal years 2022 through 2026 shall be for pro-
5 gram direction: *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 4112(a) of H. Con. Res.
8 71 (115th Congress), the concurrent resolution on the
9 budget for fiscal year 2018, and to section 251(b) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE

13 FINANCE AND INNOVATION PROGRAM ACCOUNT

14 For an additional amount for “Carbon Dioxide
15 Transportation Infrastructure Finance and Innovation
16 Program Account”, \$2,100,000,000, to remain available
17 until expended, to carry out activities for the Carbon Diox-
18 ide Transportation Infrastructure Finance and Innovation
19 Program, as authorized by subtitle J of title IX of the
20 Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.), as
21 amended by section 40304(a) of division D of this Act:
22 *Provided*, That such costs, including the cost of modifying
23 such loans, shall be as defined in section 502 of the Con-
24 gressional Budget Act of 1974: *Provided further*, That
25 \$3,000,000, to remain available until expended, shall be

2527

1 made available for fiscal year 2022 and \$2,097,000,000,
2 to remain available until expended, shall be made available
3 for fiscal year 2023: *Provided further*, That the amount
4 made available under this heading in this Act for fiscal
5 year 2022 shall be for administrative expenses to carry
6 out the loan program: *Provided further*, That the Office
7 of Fossil Energy and Carbon Management shall oversee
8 the Carbon Dioxide Transportation Infrastructure Fi-
9 nance and Innovation program, in consultation and coordi-
10 nation with the Department of Energy's Loan Program
11 Office: *Provided further*, That not later than 270 days
12 after the date of enactment of this Act, the Secretary of
13 Energy shall submit to the House and Senate Committees
14 on Appropriations an analysis of how subsidy rates will
15 be determined for loans financed by appropriations pro-
16 vided under this heading in this Act and an analysis of
17 the process for developing draft regulations for the pro-
18 gram, including a crosswalk from the statutory require-
19 ments for such program, and a timetable for publishing
20 such regulations: *Provided further*, That for each fiscal
21 year through 2027, the annual budget submission of the
22 President under section 1105(a) of title 31, United States
23 Code, shall include a detailed request for the amount rec-
24 ommended for allocation for the Carbon Dioxide Trans-
25 portation Finance and Innovation program from amounts

1 provided under this heading in this Act and such detailed
2 request shall include any information required pursuant
3 to the Federal Credit Reform Act of 1990, such as credit
4 subsidy rates, a loan limitation, and necessary administra-
5 tive expenses to carry out the loan program: *Provided fur-*
6 *ther*, That such amount is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
9 rent resolution on the budget for fiscal year 2018, and
10 to section 251(b) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF CLEAN ENERGY DEMONSTRATIONS

13 For an additional amount for “Office of Clean En-
14 ergy Demonstrations”, \$21,456,000,000, to remain avail-
15 able until expended: *Provided*, That the Office of Clean
16 Energy Demonstrations, as authorized by section 41201
17 of division D of this Act, shall conduct administrative and
18 project management responsibilities for the demonstration
19 projects provided for under this heading in this Act: *Pro-*
20 *vided further*, That the Office of Clean Energy Demonstra-
21 tions shall consult and coordinate with technology-specific
22 program offices to ensure alignment of technology goals
23 and avoid unnecessary duplication: *Provided further*, That
24 of the amount provided under this heading in this Act and
25 in addition to amounts otherwise made available for this

1 purpose, \$355,000,000 shall be to carry out the Energy
2 Storage Demonstration Pilot Grant Program, as author-
3 ized under section 3201(c) of the Energy Act of 2020 (42
4 U.S.C. 17232(c)): *Provided further*, That of the funds in
5 the preceding proviso, \$88,750,000, to remain available
6 until expended, shall be made available for fiscal year
7 2022, \$88,750,000, to remain available until expended,
8 shall be made available for fiscal year 2023, \$88,750,000,
9 to remain available until expended, shall be made available
10 for fiscal year 2024, \$88,750,000, to remain available
11 until expended, shall be made available for fiscal year
12 2025: *Provided further*, That of the amount provided
13 under this heading in this Act and in addition to amounts
14 otherwise made available for this purpose, \$150,000,000
15 to carry out the Long-duration Demonstration Initiative
16 and Joint Program, as authorized under section 3201(d)
17 of the Energy Act of 2020 (42 U.S.C. 17232(d)): *Provided*
18 *further*, That of the funds in the preceding proviso,
19 \$37,500,000, to remain available until expended, shall be
20 made available for fiscal year 2022, \$37,500,000, to re-
21 main available until expended, shall be made available for
22 fiscal year 2023, \$37,500,000, to remain available until
23 expended, shall be made available for fiscal year 2024,
24 \$37,500,000, to remain available until expended, shall be
25 made available for fiscal year 2025: *Provided further*, That

2530

1 of the amount provided under this heading in this Act and
2 in addition to amounts otherwise made available for this
3 purpose, \$2,477,000,000 shall be to carry out the Ad-
4 vanced Reactor Demonstration Program, as authorized
5 under section 959A of the Energy Policy Act of 2005 (42
6 U.S.C. 16279a): *Provided further*, That of the funds in
7 the preceding proviso, \$677,000,000, to remain available
8 until expended, shall be made available for fiscal year
9 2022, \$600,000,000, to remain available until expended,
10 shall be made available for fiscal year 2023,
11 \$600,000,000, to remain available until expended, shall be
12 made available for fiscal year 2024, \$600,000,000, to re-
13 main available until expended, shall be made available for
14 fiscal year 2025: *Provided further*, That funds in the pre-
15 ceding proviso shall be for projects selected prior to the
16 date of enactment of this Act: *Provided further*, That of
17 the amount provided under this heading in this Act and
18 in addition to amounts otherwise made available for this
19 purpose, \$937,000,000 shall be to carry out the Carbon
20 Capture Large-scale Pilot Projects, as authorized under
21 section 962(b)(2)(B) of the Energy Policy Act of 2005 (42
22 U.S.C. 16292(b)(2)(B)): *Provided further*, That of the
23 funds in the preceding proviso, \$387,000,000, to remain
24 available until expended, shall be made available for fiscal
25 year 2022, \$200,000,000, to remain available until ex-

2531

1 pending, shall be made available for fiscal year 2023,
2 \$200,000,000, to remain available until expended, shall be
3 made available for fiscal year 2024, \$150,000,000, to re-
4 main available until expended, shall be made available for
5 fiscal year 2025: *Provided further*, That of the amount
6 provided under this heading in this Act and in addition
7 to amounts otherwise made available for this purpose,
8 \$2,537,000,000 shall be for the Carbon Capture Dem-
9 onstration Projects Program, as authorized under section
10 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C.
11 16292(b)(2)(C)): *Provided further*, That of the funds in
12 the preceding proviso, \$937,000,000, to remain available
13 until expended, shall be made available for fiscal year
14 2022, \$500,000,000, to remain available until expended,
15 shall be made available for fiscal year 2023,
16 \$500,000,000, to remain available until expended, shall be
17 made available for fiscal year 2024, \$600,000,000, to re-
18 main available until expended, shall be made available for
19 fiscal year 2025: *Provided further*, That of the amount
20 provided under this heading in this Act and in addition
21 to amounts otherwise made available for this purpose,
22 \$500,000,000 shall be to carry out Industrial Emission
23 Demonstration Projects, as authorized under section
24 454(d)(3) of the Energy Independence and Security Act
25 of 2007 (42 U.S.C. 17113(d)(3)): *Provided further*, That

2532

1 of the funds in the preceding proviso, \$100,000,000, to
2 remain available until expended, shall be made available
3 for fiscal year 2022, \$100,000,000, to remain available
4 until expended, shall be made available for fiscal year
5 2023, \$150,000,000, to remain available until expended,
6 shall be made available for fiscal year 2024,
7 \$150,000,000, to remain available until expended, shall be
8 made available for fiscal year 2025: *Provided further*, That
9 of the amount provided under this heading in this Act and
10 in addition to amounts otherwise made available for this
11 purpose, \$500,000,000 shall be to carry out the Clean En-
12 ergy Demonstration Program on Current and Former
13 Mine Land, as authorized under section 40342 of division
14 D of this Act: *Provided further*, That of the funds in the
15 preceding proviso, \$100,000,000, to remain available until
16 expended, shall be made available for fiscal year 2022,
17 \$100,000,000, to remain available until expended, shall be
18 made available for fiscal year 2023, \$100,000,000, to re-
19 main available until expended, shall be made available for
20 fiscal year 2024, \$100,000,000, to remain available until
21 expended, shall be made available for fiscal year 2025, and
22 \$100,000,000, to remain available until expended, shall be
23 made available for fiscal year 2026: *Provided further*, That
24 of the amount provided under this heading in this Act,
25 \$8,000,000,000 shall be made for Regional Clean Hydro-

2533

1 gen Hubs, as authorized under section 813 of the Energy
2 Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended
3 by section 40314 of division D of this Act: *Provided fur-*
4 *ther*, That of the funds in the preceding proviso,
5 \$1,600,000,000, to remain available until expended, shall
6 be made available for fiscal year 2022, \$1,600,000,000,
7 to remain available until expended, shall be made available
8 for fiscal year 2023, \$1,600,000,000, to remain available
9 until expended, shall be made available for fiscal year
10 2024, \$1,600,000,000, to remain available until expended,
11 shall be made available for fiscal year 2025, and
12 \$1,600,000,000, to remain available until expended, shall
13 be made available for fiscal year 2026: *Provided further*,
14 That of the amount provided under this heading in this
15 Act, \$5,000,000,000 shall be for grants for the Program
16 Upgrading Our Electric Grid and Ensuring Reliability and
17 Resiliency, as authorized under section 40103(b) of divi-
18 sion D of this Act: *Provided further*, That of the funds
19 in the preceding proviso, \$1,000,000,000, to remain avail-
20 able until expended, shall be made available for fiscal year
21 2022, \$1,000,000,000, to remain available until expended,
22 shall be made available for fiscal year 2023,
23 \$1,000,000,000, to remain available until expended, shall
24 be made available for fiscal year 2024, \$1,000,000,000,
25 to remain available until expended, shall be made available

2534

1 for fiscal year 2025, and \$1,000,000,000, to remain avail-
2 able until expended, shall be made available for fiscal year
3 2026: *Provided further*, That of the amount provided
4 under this heading in this Act, \$1,000,000,000 shall be
5 to carry out activities for energy improvement in rural and
6 remote areas, as authorized under section 40103(c) of di-
7 vision D of this Act: *Provided further*, That of the funds
8 in the preceding proviso, \$200,000,000, to remain avail-
9 able until expended, shall be made available for fiscal year
10 2022, \$200,000,000, to remain available until expended,
11 shall be made available for fiscal year 2023,
12 \$200,000,000, to remain available until expended, shall be
13 made available for fiscal year 2024, \$200,000,000, to re-
14 main available until expended, shall be made available for
15 fiscal year 2025, and \$200,000,000, to remain available
16 until expended, shall be made available for fiscal year
17 2026: *Provided further*, That not later than 90 days after
18 the date of enactment of this Act, the Secretary of Energy
19 shall submit to the House and Senate Committees on Ap-
20 propriations a detailed spend plan for fiscal year 2022:
21 *Provided further*, That for each fiscal year through 2026,
22 as part of the annual budget submission of the President
23 under section 1105(a) of title 31, United States Code, the
24 Secretary of Energy shall submit a detailed spend plan
25 for that fiscal year: *Provided further*, That up to three per-

2535

1 cent of the amounts made available under this heading
2 in this Act in each of fiscal years 2022 through 2026 shall
3 be for program direction: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section 4112(a) of H.
6 Con. Res. 71 (115th Congress), the concurrent resolution
7 on the budget for fiscal year 2018, and to section 251(b)
8 of the Balanced Budget and Emergency Deficit Control
9 Act of 1985.

10 POWER MARKETING ADMINISTRATIONS
11 CONSTRUCTION, REHABILITATION, OPERATION AND
12 MAINTENANCE, WESTERN AREA POWER ADMINIS-
13 TRATION
14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Construction, Reha-
16 bilitation, Operation and Maintenance, Western Area
17 Power Administration”, \$500,000,000, to remain avail-
18 able until expended, for the purchase of power and trans-
19 mission services: *Provided*, That the amount made avail-
20 able under this heading in this Act shall be derived from
21 the general fund of the Treasury and shall be reimbursable
22 from amounts collected by the Western Area Power Ad-
23 ministration pursuant to the Flood Control Act of 1944
24 and the Reclamation Project Act of 1939 to recover pur-
25 chase power and wheeling expenses: *Provided further*, That

2536

1 such amounts as the Administrator, Western Area Power
2 Administration, deems necessary for the same purposes as
3 outlined above may be transferred to Western Area Power
4 Administration's Colorado River Basins Power Marketing
5 Fund account: *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 4112(a) of H. Con. Res.
8 71 (115th Congress), the concurrent resolution on the
9 budget for fiscal year 2018, and to section 251(b) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—DEPARTMENT OF
13 ENERGY

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. Notwithstanding section 3304 of title 5,
16 United States Code, and without regard to the provisions
17 of sections 3309 through 3318 of such title 5, the Sec-
18 retary of Energy, upon a determination that there is a
19 severe shortage of candidates or a critical hiring need for
20 particular positions to carry out the Department of En-
21 ergy activities funded under this title, may, from within
22 the funds provided to the Department of Energy under
23 this title, recruit and directly appoint highly qualified indi-
24 viduals into the competitive service: *Provided*, That such
25 authority shall not apply to positions in the Excepted

1 Service or the Senior Executive Service: *Provided further,*
2 That any action authorized herein shall be consistent with
3 the merit principles of section 2301 of such title 5, and
4 the Department shall comply with the public notice re-
5 quirements of section 3327 of such title 5: *Provided fur-*
6 *ther,* That the authority under this section shall terminate
7 on September 30, 2027: *Provided further,* That 180 days
8 after the date of enactment of this Act, the Secretary of
9 Energy shall submit to the House and Senate Committees
10 on Appropriations an estimate of the number of highly
11 qualified individuals it expects to hire under the authority
12 provided in this section.

13 SEC. 302. Up to one-tenth of one percent of each
14 amount appropriated to the Department of Energy in this
15 title may be transferred to “Departmental Administra-
16 tion” to be used for additional management and mission
17 support for funds made available to the Department of
18 Energy in this title in this Act.

19 SEC. 303. One-tenth of one percent of the amounts
20 made available to the Department of Energy under each
21 heading in this title in this Act in each of fiscal years 2022
22 through 2026 shall be transferred to the Office of the In-
23 spector General of the Department of Energy to oversee
24 the funds made available to the Department of Energy
25 in this title in this Act.

2538

1 INDEPENDENT AGENCIES

2 APPALACHIAN REGIONAL COMMISSION

3 For an additional amount for “Appalachian Regional
4 Commission”, \$1,000,000,000, to remain available until
5 expended, notwithstanding 40 U.S.C. 14704: *Provided*,
6 That of the funds in the preceding proviso, \$200,000,000,
7 to remain available until expended, shall be made available
8 for fiscal year 2022, \$200,000,000, to remain available
9 until expended, shall be made available for fiscal year
10 2023, \$200,000,000, to remain available until expended,
11 shall be made available for fiscal year 2024,
12 \$200,000,000, to remain available until expended, shall be
13 made available for fiscal year 2025, and \$200,000,000,
14 to remain available until expended, shall be made available
15 for fiscal year 2026: *Provided further*, That such amount
16 is designated by the Congress as being for an emergency
17 requirement pursuant to section 4112(a) of H. Con. Res.
18 71 (115th Congress), the concurrent resolution on the
19 budget for fiscal year 2018, and to section 251(b) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 DELTA REGIONAL AUTHORITY

23 For an additional amount for “Delta Regional Au-
24 thority”, \$150,000,000 to remain available until ex-
25 pended: *Provided*, That such amount is designated by the

2539

1 Congress as being for an emergency requirement pursuant
2 to section 4112(a) of H. Con. Res. 71 (115th Congress),
3 the concurrent resolution on the budget for fiscal year
4 2018, and to section 251(b) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 DENALI COMMISSION

7 For an additional amount for “Denali Commission”,
8 \$75,000,000 to remain available until expended: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
12 concurrent resolution on the budget for fiscal year 2018,
13 and to section 251(b) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 NORTHERN BORDER REGIONAL COMMISSION

16 For an additional amount for “Northern Border Re-
17 gional Commission”, \$150,000,000 to remain available
18 until expended: *Provided*, That such amount is designated
19 by the Congress as being for an emergency requirement
20 pursuant to section 4112(a) of H. Con. Res. 71 (115th
21 Congress), the concurrent resolution on the budget for fis-
22 cal year 2018, and to section 251(b) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985.

2540

1 SOUTHEAST CRESCENT REGIONAL COMMISSION

2 For an additional amount for “Southeast Crescent
3 Regional Commission”, \$5,000,000 to remain available
4 until expended: *Provided*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 4112(a) of H. Con. Res. 71 (115th
7 Congress), the concurrent resolution on the budget for fis-
8 cal year 2018, and to section 251(b) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 SOUTHWEST BORDER REGIONAL COMMISSION

11 For an additional amount for “Southwest Border Re-
12 gional Commission”, \$1,250,000 to remain available until
13 expended: *Provided*, That such amount is designated by
14 the Congress as being for an emergency requirement pur-
15 suant to section 4112(a) of H. Con. Res. 71 (115th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2018, and to section 251(b) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

2541

1 TITLE IV—FINANCIAL SERVICES AND GENERAL
2 GOVERNMENT
3 EXECUTIVE OFFICE OF THE PRESIDENT AND
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OFFICE OF THE NATIONAL CYBER DIRECTOR
6 SALARIES AND EXPENSES

7 For an additional amount for “Office of the National
8 Cyber Director”, \$21,000,000, to remain available until
9 September 30, 2022, to carry out the purposes of section
10 1752 of the National Defense Authorization Act for Fiscal
11 Year 2021 (Public Law 116–283): *Provided*, That such
12 amount is designated by the Congress as being for an
13 emergency requirement pursuant to section 4112(a) of H.
14 Con. Res. 71 (115th Congress), the concurrent resolution
15 on the budget for fiscal year 2018, and to section 251(b)
16 of the Balanced Budget and Emergency Deficit Control
17 Act of 1985.

18 FEDERAL COMMUNICATIONS COMMISSION
19 AFFORDABLE CONNECTIVITY FUND

20 For an additional amount for the “Affordable
21 Connectivity Fund”, \$14,200,000,000, to remain available
22 until expended, for the Affordable Connectivity Program,
23 as authorized under section 904(b)(1) of division N of the
24 Consolidated Appropriations Act, 2021 (Public Law 116–
25 260), as amended by section 60502 of division F of this

2542

1 Act: *Provided*, That such amount is designated by the
2 Congress as being for an emergency requirement pursuant
3 to section 4112(a) of H. Con. Res. 71 (115th Congress),
4 the concurrent resolution on the budget for fiscal year
5 2018, and to section 251(b) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

7 FEDERAL PERMITTING IMPROVEMENT STEERING

8 COUNCIL

9 ENVIRONMENTAL REVIEW IMPROVEMENT FUND

10 For an additional amount for the “Environmental
11 Review Improvement Fund”, \$3,000,000 to remain avail-
12 able until September 30, 2026: *Provided*, That \$650,000,
13 to remain available until September 30, 2022, shall be
14 made available for fiscal year 2022, \$650,000, to remain
15 available until September 30, 2023, shall be made avail-
16 able for fiscal year 2023, \$650,000, to remain available
17 until September 30, 2024, shall be made available for fis-
18 cal year 2024, \$650,000, to remain available until Sep-
19 tember 30, 2025, shall be made available for fiscal year
20 2025, and \$400,000, to remain available until September
21 30, 2026, shall be made available for fiscal year 2026:
22 *Provided further*, That such amount is designated by the
23 Congress as being for an emergency requirement pursuant
24 to section 4112(a) of H. Con. Res. 71 (115th Congress),
25 the concurrent resolution on the budget for fiscal year

2543

1 2018, and to section 251(b) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL SERVICES ADMINISTRATION

4 REAL PROPERTY ACTIVITIES

5 FEDERAL BUILDINGS FUND

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount to be deposited in the
8 “Federal Buildings Fund”, \$3,418,008,000, to remain
9 available until expended, for construction and acquisition,
10 and repairs and alterations of border stations and land
11 ports of entry, of which no more than \$250,000,000 shall
12 be for Program Contingency and Operational Support for
13 necessary expenses for projects funded under this heading,
14 including, moving governmental agencies (including space
15 alterations and adjustments, and telecommunications relo-
16 cation expenses) in connection with the assignment, alloca-
17 tion and transfer of space, leasing of temporary space, and
18 building operations, of which—

19 (1) \$2,527,808,000 shall be for projects on the
20 U.S. Customs and Border Protection five-year plan;

21 (2) \$430,200,000 shall be for projects with
22 completed U.S. Customs and Border Protection/Gen-
23 eral Services Administration feasibility studies as
24 prioritized in the “American Jobs Plan Project List”

2544

1 submitted to the House and Senate Committees on
2 Appropriations on May 28, 2021; and

3 (3) \$210,000,000 shall be for land ports of
4 entry (LPOE) infrastructure paving; acquisition of
5 leased LPOEs; and additional Federal Motor Carrier
6 Safety Administration requirements at the Southern
7 Border:

8 *Provided*, That the General Services Administration shall
9 submit a plan, by project, regarding the use of funds made
10 available to the Administrator under this heading in this
11 Act to the Committees on Appropriations of the House
12 of Representatives and the Senate within 90 days of enact-
13 ment of this Act: *Provided further*, That the Administrator
14 of General Services shall notify the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 quarterly on the obligations and expenditures of the funds
17 provided under this heading in this Act by account of the
18 Federal Buildings Fund: *Provided further*, That funds
19 made available under this heading in this Act for Federal
20 Buildings Fund activities may be transferred to, and
21 merged with, other accounts within the Federal Buildings
22 Fund only to the extent necessary to meet program re-
23 quirements for such activities: *Provided further*, That the
24 General Services Administration will provide notice in ad-
25 vance to the Committees on Appropriations of the House

2545

1 of Representatives and the Senate of any proposed trans-
2 fers: *Provided further*, That funds made available to the
3 Administrator under this heading in this Act shall not be
4 subject to section 3307 of title 40, United States Code:
5 *Provided further*, That amounts made available under this
6 heading in this Act shall be in addition to any other
7 amounts made available for such purposes, including for
8 construction and acquisition or repairs and alterations:
9 *Provided further*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 4112(a) of H. Con. Res. 71 (115th Congress),
12 the concurrent resolution on the budget for fiscal year
13 2018, and to section 251(b) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 TITLE V—DEPARTMENT OF HOMELAND

16 SECURITY

17 SECURITY, ENFORCEMENT, AND

18 INVESTIGATIONS

19 U.S. CUSTOMS AND BORDER PROTECTION

20 OPERATIONS AND SUPPORT

21 For an additional amount for “Operations and Sup-
22 port”, \$330,000,000, to remain available until September
23 30, 2026, for furniture, fixtures, and equipment for the
24 land ports of entry modernized with funding provided to
25 the General Services Administration in this Act: *Provided*,

2546

1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section 4112(a)
3 of H. Con. Res. 71 (115th Congress), the concurrent reso-
4 lution on the budget for fiscal year 2018, and to section
5 251(b) of the Balanced Budget and Emergency Deficit
6 Control Act of 1985.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For an additional amount for “Procurement, Con-
9 struction, and Improvements”, \$100,000,000, to remain
10 available until September 30, 2026, for land port of entry
11 construction, modernization, and sustainment: *Provided*,
12 That not later than 90 days after the date of enactment
13 of this Act, the Department shall submit to the House
14 and Senate Committees on Appropriations a detailed
15 spend plan for the amount made available under this head-
16 ing in this Act: *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 4112(a) of H. Con. Res.
19 71 (115th Congress), the concurrent resolution on the
20 budget for fiscal year 2018, and to section 251(b) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

2547

1 COAST GUARD

2 OPERATIONS AND SUPPORT

3 For an additional amount for “Operations and Sup-
4 port”, \$5,000,000, to remain available until September
5 30, 2026, for personnel and administrative expenses: *Pro-*
6 *vided*, That such amount is designated by the Congress
7 as being for an emergency requirement pursuant to sec-
8 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
9 concurrent resolution on the budget for fiscal year 2018,
10 and to section 251(b) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For an additional amount for “Procurement, Con-
14 struction, and Improvements”, \$429,000,000, to remain
15 available until September 30, 2026: *Provided*, That of the
16 funds made available under this heading in this Act—

17 (1) \$131,500,000 shall be for housing, family
18 support, safety, and training facilities, as described
19 in the Coast Guard Fiscal Year 2022 Unfunded Pri-
20 orities List submitted to Congress on June 29,
21 2021;

22 (2) \$158,000,000 shall be for shore construc-
23 tion addressing facility deficiencies, as described in
24 the Coast Guard Fiscal Year 2022 Unfunded Prior-
25 ities List submitted to Congress on June 29, 2021;

2548

1 (3) \$19,500,000 shall be for shore construction
2 supporting operational assets and maritime com-
3 merce, as described in the Coast Guard Fiscal Year
4 2022 Unfunded Priorities List submitted to Con-
5 gress on June 29, 2021; and

6 (4) \$120,000,000 shall be for construction and
7 improvement of childcare development centers:

8 *Provided further*, That not later than 90 days after the
9 date of enactment of this Act, the Department shall sub-
10 mit to the Committees on Appropriations and Commerce,
11 Science, and Transportation of the Senate and the Com-
12 mittees on Appropriations and Transportation and Infra-
13 structure in the House of Representatives a detailed ex-
14 penditure plan, including a list of project locations under
15 each paragraph in the preceding proviso: *Provided further*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section 4112(a)
18 of H. Con. Res. 71 (115th Congress), the concurrent reso-
19 lution on the budget for fiscal year 2018, and to section
20 251(b) of the Balanced Budget and Emergency Deficit
21 Control Act of 1985.

2549

1 PROTECTION, PREPAREDNESS, RESPONSE, AND
2 RECOVERY
3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY
5 OPERATIONS AND SUPPORT

6 For an additional amount for “Operations and Sup-
7 port”, \$35,000,000, to remain available until September
8 30, 2026, for risk management operations and stakeholder
9 engagement and requirements: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section 4112(a) of H.
12 Con. Res. 71 (115th Congress), the concurrent resolution
13 on the budget for fiscal year 2018, and to section 251(b)
14 of the Balanced Budget and Emergency Deficit Control
15 Act of 1985.

16 CYBERSECURITY RESPONSE AND RECOVERY FUND

17 For an additional amount for “Cybersecurity Re-
18 sponse and Recovery Fund”, \$100,000,000, to remain
19 available until September 30, 2028, for cyber response and
20 recovery, as authorized by subtitle C of the Homeland Se-
21 curity Act of 2002, as amended by this Act: *Provided*,
22 That \$20,000,000, to remain available until September
23 30, 2028, shall be made available for fiscal year 2022,
24 \$20,000,000, to remain available until September 30,
25 2028, shall be made available for fiscal year 2023,

2550

1 \$20,000,000, to remain available until September 30,
2 2028, shall be made available for fiscal year 2024,
3 \$20,000,000, to remain available until September 30,
4 2028, shall be made available for fiscal year 2025, and
5 \$20,000,000, to remain available until September 30,
6 2028, shall be made available for fiscal year 2026: *Pro-*
7 *vided further*, That amounts provided under this heading
8 in this Act shall be available only upon a declaration of
9 a significant incident by the Secretary of Homeland Secu-
10 rity pursuant to section 2233 of the Homeland Security
11 Act of 2002, as amended by this Act: *Provided further*,
12 That the Cybersecurity and Infrastructure Security Agen-
13 cy shall provide to the Committees on Appropriations and
14 Homeland Security and Governmental Affairs of the Sen-
15 ate and the Committees on Appropriations and Oversight
16 and Reform of the House of Representatives monthly re-
17 ports, to be submitted not later than the tenth business
18 day following the end of each month, on the status of
19 funds made available under this heading in this Act, in-
20 cluding an accounting of the most recent funding alloca-
21 tion estimates, obligations, expenditures, and unobligated
22 funds, delineated by significant incident, as defined in sec-
23 tion 2232 of the Homeland Security Act of 2002, as
24 amended by this Act: *Provided further*, That such amount
25 is designated by the Congress as being for an emergency

2551

1 requirement pursuant to section 4112(a) of H. Con. Res.
2 71 (115th Congress), the concurrent resolution on the
3 budget for fiscal year 2018, and to section 251(b) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 FEDERAL EMERGENCY MANAGEMENT AGENCY

7 OPERATIONS AND SUPPORT

8 For an additional amount for “Operations and Sup-
9 port”, \$67,000,000, to remain available until September
10 30, 2026, for Federal agency dam safety activities and as-
11 sistance to States under sections 7 through 12 of the Na-
12 tional Dam Safety Program Act (33 U.S.C. 467e through
13 467h): *Provided*, That such amount is designated by the
14 Congress as being for an emergency requirement pursuant
15 to section 4112(a) of H. Con. Res. 71 (115th Congress),
16 the concurrent resolution on the budget for fiscal year
17 2018, and to section 251(b) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 FEDERAL ASSISTANCE

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Federal Assistance”,
22 \$2,233,000,000, which shall be allocated as follows:

23 (1) \$500,000,000, to remain available until ex-
24 pended, for grants pursuant to section 205 of the
25 Robert T. Stafford Disaster Relief and Emergency

2552

1 Assistance Act (42 U.S.C. 5135): *Provided*, That
2 \$100,000,000, to remain available until expended,
3 shall be made available for fiscal year 2022,
4 \$100,000,000, to remain available until expended,
5 shall be made available for fiscal year 2023,
6 \$100,000,000, to remain available until expended,
7 shall be made available for fiscal year 2024,
8 \$100,000,000, to remain available until expended,
9 shall be made available for fiscal year 2025, and
10 \$100,000,000, to remain available until expended,
11 shall be made available for fiscal year 2026: *Pro-*
12 *vided further*, That in addition to amounts made
13 available for administrative expenses under section
14 205(d)(2) of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C.
16 5135(d)(2)), no more than 3 percent of the amounts
17 made available in fiscal year 2022, 3 percent of the
18 amounts made available in fiscal year 2023, and 3
19 percent of the amounts made available in each of fis-
20 cal years 2024 through 2026 under this paragraph
21 in this Act may be transferred to “Federal Emer-
22 gency Management Agency—Operations and Sup-
23 port” for salaries and expenses.

24 (2) \$733,000,000, to remain available until ex-
25 pended: *Provided*, That \$148,000,000 of the

1 amounts made available under this paragraph in this
2 Act shall be for grants to States pursuant to section
3 8(e) of the National Dam Safety Program Act (33
4 U.S.C. 467f(e)): *Provided further*, That
5 \$585,000,000 of the amounts made available under
6 this paragraph in this Act shall be for grants to
7 States pursuant to section 8A of the National Dam
8 Safety Program Act (33 U.S.C. 467f-2), of which
9 no less than \$75,000,000 shall be for the removal of
10 dams: *Provided further*, That dam removal projects
11 shall include written consent of the dam owner, if
12 ownership is established: *Provided further*, That in
13 addition to amounts made available for administra-
14 tive expenses, no more than 3 percent of the
15 amounts made available under this paragraph in this
16 Act may be transferred to “Federal Emergency
17 Management Agency—Operations and Support” for
18 salaries and expenses.

19 (3) \$1,000,000,000 to remain available until ex-
20 pended, for grants to states, local, tribal, and terri-
21 torial governments for improvement to cybersecurity
22 and critical infrastructure, as authorized by section
23 2218 of the Homeland Security Act of 2002, as
24 amended by this Act: *Provided*, That \$200,000,000,
25 to remain available until expended, shall be made

2554

1 available for fiscal year 2022, \$400,000,000, to re-
2 main available until expended, shall be made avail-
3 able for fiscal year 2023, \$300,000,000, to remain
4 available until expended, shall be made available for
5 fiscal year 2024, and \$100,000,000, to remain avail-
6 able until expended, shall be made available for fis-
7 cal year 2025: *Provided further*, That no more than
8 3 percent of the amounts made available in each of
9 fiscal years 2022 through 2025 under this para-
10 graph in this Act may be transferred to “Federal
11 Emergency Management Agency—Operations and
12 Support” for salaries and expenses:

13 *Provided*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
16 concurrent resolution on the budget for fiscal year 2018,
17 and to section 251(b) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 DISASTER RELIEF FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Disaster Relief
22 Fund”, \$1,000,000,000, to remain available until ex-
23 pended, in addition to any amounts set aside pursuant to
24 section 203(i) of the Robert T. Stafford Disaster Relief
25 and Emergency Assistance Act (42 U.S.C. 5133), for

2555

1 grants pursuant to such section: *Provided*, That
2 \$200,000,000, to remain available until expended, shall be
3 made available for fiscal year 2022, \$200,000,000, to re-
4 main available until expended, shall be made available for
5 fiscal year 2023, \$200,000,000, to remain available until
6 expended, shall be made available for fiscal year 2024,
7 \$200,000,000, to remain available until expended, shall be
8 made available for fiscal year 2025, and \$200,000,000,
9 to remain available until expended, shall be made available
10 for fiscal year 2026: *Provided further*, That no more than
11 \$16,500,000 of the amounts made available in each of fis-
12 cal years 2022 through 2026 under this heading in this
13 Act may be transferred to “Federal Emergency Manage-
14 ment Agency—Operations and Support” for salaries and
15 expenses: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 4112(a) of H. Con. Res.
18 71 (115th Congress), the concurrent resolution on the
19 budget for fiscal year 2018, and to section 251(b) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 NATIONAL FLOOD INSURANCE FUND

23 For an additional amount for “National Flood Insur-
24 ance Fund”, \$3,500,000,000, to be derived from the Gen-
25 eral Fund of the Treasury, to remain available until ex-

2556

1 pending, for flood mitigation actions and for flood mitiga-
2 tion assistance under section 1366 of the National Flood
3 Insurance Act of 1968 (42 U.S.C. 4104c), notwith-
4 standing sections 1366(e), 1310(a)(7), and 1367 of such
5 Act (42 U.S.C.4104c(e), 4017(a)(7), 4104d), in addition
6 to any other funds available for this purpose: *Provided*,
7 That \$700,000,000, to remain available until expended,
8 shall be made available for fiscal year 2022,
9 \$700,000,000, to remain available until expended, shall be
10 made available for fiscal year 2023, \$700,000,000, to re-
11 main available until expended, shall be made available for
12 fiscal year 2024, \$700,000,000, to remain available until
13 expended, shall be made available for fiscal year 2025, and
14 \$700,000,000, to remain available until expended, shall be
15 made available for fiscal year 2026: *Provided further*, That
16 notwithstanding section 1366(d) of the National Flood In-
17 surance Act of 1968 (42 U.S.C. 4104c(d)), the Adminis-
18 trator of the Federal Emergency Management Agency
19 may also use amounts made available under subsection (a)
20 to provide flood mitigation assistance under section 1366
21 of that Act (42 U.S.C. 4104c) for mitigation activities in
22 an amount up to 90 percent of all eligible costs for a prop-
23 erty—

2557

1 (1) located within a census tract with a Centers
2 for Disease Control and Prevention Social Vulner-
3 ability Index score of not less than 0.5001; or

4 (2) that serves as a primary residence for indi-
5 viduals with a household income of not more than
6 100 percent of the applicable area median income:

7 *Provided further*, That such amount is designated by the
8 Congress as being for an emergency requirement pursuant
9 to section 4112(a) of H. Con. Res. 71 (115th Congress),
10 the concurrent resolution on the budget for fiscal year
11 2018, and to section 251(b) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 SCIENCE AND TECHNOLOGY DIRECTORATE

14 RESEARCH AND DEVELOPMENT

15 For an additional amount for “Research and Devel-
16 opment”, \$157,500,000, to remain available until Sep-
17 tember 30, 2026, for critical infrastructure security and
18 resilience research, development, test, and evaluation: *Pro-*
19 *vided*, That the funds made available under this heading
20 in this Act may be used for—

21 (1) special event risk assessments rating plan-
22 ning tools;

23 (2) electromagnetic pulse and geo-magnetic dis-
24 turbance resilience capabilities;

1 (3) positioning, navigation, and timing capabili-
2 ties;

3 (4) public safety and violence prevention to
4 evaluate soft target security, including countering
5 improvised explosive device events and protection of
6 U.S. critical infrastructure; and

7 (5) research supporting security testing capa-
8 bilities relating to telecommunications equipment, in-
9 dustrial control systems, and open source software:

10 *Provided further*, That not later than 90 days after the
11 date of enactment of this Act, the Department shall sub-
12 mit to the House and Senate Committees on Appropria-
13 tions a detailed spend plan for the amount made available
14 under this heading in this Act: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section 4112(a) of H.
17 Con. Res. 71 (115th Congress), the concurrent resolution
18 on the budget for fiscal year 2018, and to section 251(b)
19 of the Balanced Budget and Emergency Deficit Control
20 Act of 1985.

21 GENERAL PROVISION—THIS TITLE

22 SEC. 501. One-quarter of one percent of the amounts
23 made available under each heading in this title in this Act
24 in each of fiscal years 2022 through 2026 shall be trans-
25 ferred to the Office of the Inspector General of the De-

2559

1 partment of the Homeland Security for oversight of fund-
2 ing provided to the Department of Homeland Security in
3 this title in this Act.

4 TITLE VI—DEPARTMENT OF THE INTERIOR,
5 ENVIRONMENT, AND RELATED AGENCIES
6 DEPARTMENT OF THE INTERIOR
7 UNITED STATES FISH AND WILDLIFE SERVICE
8 RESOURCE MANAGEMENT
9 (INCLUDING TRANSFERS OF FUNDS)

10 For an additional amount for “Resource Manage-
11 ment”, \$455,000,000, to remain available until expended:
12 *Provided*, That \$91,000,000, to remain available until ex-
13 pended, shall be made available for fiscal year 2022,
14 \$91,000,000, to remain available until expended, shall be
15 made available for fiscal year 2023, \$91,000,000, to re-
16 main available until expended, shall be made available for
17 fiscal year 2024, \$91,000,000, to remain available until
18 expended, shall be made available for fiscal year 2025, and
19 \$91,000,000, to remain available until expended, shall be
20 made available for fiscal year 2026: *Provided further*, That
21 of the funds made available under this heading in this Act,
22 the following amounts shall be for the following purposes
23 in equal amounts for each of fiscal years 2022 through
24 2026, and shall be in addition to amounts otherwise made
25 available for such purpose—

2560

1 (1) \$255,000,000 shall be for the following re-
2 gional ecosystem restoration purposes—

3 (A) \$26,000,000 shall be for Delaware
4 River Basin Conservation Act;

5 (B) \$162,000,000 shall be for Klamath
6 Basin restoration activities, including habitat
7 restoration, planning, design, engineering, envi-
8 ronmental compliance, fee acquisition, infra-
9 structure development, construction, operations
10 and maintenance, improvements, and expan-
11 sion, as necessary, on lands currently leased by
12 the U.S. Fish and Wildlife Service for conserva-
13 tion and recovery of endangered species;

14 (C) \$17,000,000 shall be for implementing
15 section 5(d)(2) of the Lake Tahoe Restoration
16 Act; and

17 (D) \$50,000,000 shall be for sagebrush
18 steppe ecosystem;

19 (2) \$200,000,000 shall be for restoring fish and
20 wildlife passage by removing in-stream barriers and
21 providing technical assistance under the National
22 Fish Passage Program:

23 *Provided further*, That one-half of one percent of the
24 amounts made available under this heading in this Act in
25 each of fiscal years 2022 through 2026 shall be trans-

2561

1 ferred to the Office of Inspector General of the Depart-
2 ment of the Interior for oversight of funding provided to
3 the Department of the Interior in this title in this Act:
4 *Provided further*, That nothing under this heading in this
5 Act shall be construed as providing any new authority to
6 remove, breach, or otherwise alter the operations of a Fed-
7 eral hydropower dam and dam removal projects shall in-
8 clude written consent of the dam owner, if ownership is
9 established: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 4112(a) of H. Con. Res.
12 71 (115th Congress), the concurrent resolution on the
13 budget for fiscal year 2018, and to section 251(b) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 UNITED STATES GEOLOGICAL SURVEY
17 SURVEYS, INVESTIGATIONS, AND RESEARCH
18 (INCLUDING TRANSFERS OF FUNDS)

19 For an additional amount for “Surveys, Investiga-
20 tions, and Research”, \$510,668,000, to remain available
21 until expended, for the Secretary of the Interior to carry
22 out activities authorized in sections 40201, 40204, and
23 41003(a) of division D of this Act: *Provided*, That
24 amounts made available under this heading in this Act
25 shall be allocated as follows:

2562

1 (1) \$320,000,000 to carry out section 40201 of
2 division D of this Act: *Provided*, That \$64,000,000,
3 to remain available until September 30, 2024, shall
4 be made available for fiscal year 2022, \$64,000,000,
5 to remain available until September 30, 2025, shall
6 be made available for fiscal year 2023, \$64,000,000,
7 to remain available until September 30, 2026, shall
8 be made available for fiscal year 2024, \$64,000,000,
9 to remain available until September 30, 2027, shall
10 be made available for fiscal year 2025, and
11 \$64,000,000, to remain available until September
12 30, 2028, shall be made available for fiscal year
13 2026;

14 (2) \$167,000,000, to remain available until ex-
15 pended, for fiscal year 2022 to carry out section
16 40204 of division D of this Act;

17 (3) \$23,668,000 to carry out section 41003(a)
18 of division D of this Act: *Provided*, That \$8,668,000,
19 to remain available until September 30, 2024, shall
20 be made available for fiscal year 2022, \$5,000,000,
21 to remain available until September 30, 2025, shall
22 be made available for fiscal year 2023, \$5,000,000,
23 to remain available until September 30, 2026, shall
24 be made available for fiscal year 2024, and

2563

1 \$5,000,000, to remain available until September 30,
2 2027, shall be made available for fiscal year 2025:
3 *Provided further*, That amounts provided under this head-
4 ing in this Act shall be in addition to amounts otherwise
5 available for such purposes: *Provided further*, That one-
6 half of one percent of the amounts made available under
7 this heading in this Act in each of fiscal years 2022
8 through 2026 shall be transferred to the Office of Inspec-
9 tor General of the Department of the Interior for oversight
10 of funding provided to the Department of the Interior in
11 this title in this Act: *Provided further*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 4112(a) of H. Con. Res.
14 71 (115th Congress), the concurrent resolution on the
15 budget for fiscal year 2018, and to section 251(b) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985.

18 OFFICE OF SURFACE MINING RECLAMATION AND
19 ENFORCEMENT
20 ABANDONED MINE RECLAMATION FUND
21 (INCLUDING TRANSFERS OF FUNDS)

22 For an additional amount to be deposited in the
23 “Abandoned Mine Reclamation Fund”, \$11,293,000,000,
24 to remain available until expended, to carry out section
25 40701 of division D of this Act: *Provided*, That of the

2564

1 amount provided under this heading in this Act,
2 \$25,000,000, to remain available until expended, shall be
3 to carry out activities as authorized in section 40701(g)
4 of division D of this Act: *Provided further*, That up to 3
5 percent of the amounts made available under this heading
6 in this Act shall be for salaries, expenses, and administra-
7 tion: *Provided further*, That one-half of one percent of the
8 amounts made available under this heading in this Act
9 shall be transferred to the Office of Inspector General of
10 the Department of the Interior for oversight of funding
11 provided to the Department of the Interior in this title
12 in this Act: *Provided further*, That such amount is des-
13 ignated by the Congress as being for an emergency re-
14 quirement pursuant to section 4112(a) of H. Con. Res.
15 71 (115th Congress), the concurrent resolution on the
16 budget for fiscal year 2018, and to section 251(b) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

23 For an additional amount for “Operation of Indian
24 Programs”, \$216,000,000, to remain available until ex-
25 pended for tribal climate resilience, adaptation, and com-

2565

1 munity relocation planning, design, and implementation of
2 projects which address the varying climate challenges fac-
3 ing tribal communities across the country: *Provided*, That
4 of the funds in the preceding proviso, \$43,200,000, to re-
5 main available until expended, shall be made available for
6 fiscal year 2022, \$43,200,000, to remain available until
7 expended, shall be made available for fiscal year 2023,
8 \$43,200,000, to remain available until expended shall be
9 made available for fiscal year 2024, \$43,200,000, to re-
10 main available until expended, shall be made available for
11 fiscal year 2025, and \$43,200,000, to remain available
12 until expended, shall be made available for fiscal year
13 2026: *Provided further*, That of the funds made available
14 under the preceding proviso for fiscal years 2022 through
15 2026, \$130,000,000 shall be for community relocation,
16 and \$86,000,000 shall be for tribal climate resilience and
17 adaptation projects: *Provided further*, That up to 3 per-
18 cent of the amounts made available under this heading
19 in this Act in each of fiscal years 2022 through 2026 shall
20 be for salaries, expenses, and administration: *Provided fur-*
21 *ther*, That one-half of one percent of the amounts made
22 available under this heading in this Act in each of fiscal
23 years 2022 through 2026 shall be transferred to the Office
24 of Inspector General of the Department of the Interior
25 for oversight of funding provided to the Department of

2566

1 the Interior in this title in this Act: *Provided further*, That
2 awards made under subsection (d) to Tribes and Tribal
3 organizations under the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C. 5301 et seq.) shall
5 be considered non-recurring and shall not be part of the
6 amount required by section 106 of the Indian Self-Deter-
7 mination and Education Assistance Act (25 U.S.C. 5325),
8 and such funds shall only be used for the purposes identi-
9 fied in this section: *Provided further*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 4112(a) of H. Con. Res.
12 71 (115th Congress), the concurrent resolution on the
13 budget for fiscal year 2018, and to section 251(b) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

16
17
18 For an additional amount for “Construction”,
19 \$250,000,000, to remain available until expended, for con-
20 struction, repair, improvement, and maintenance of irriga-
21 tion and power systems, safety of dams, water sanitation,
22 and other facilities: *Provided*, That any funds provided for
23 the Safety of Dams program pursuant to the Act of No-
24 vember 2, 1921 (25 U.S.C. 13), shall be made available
25 on a nonreimbursable basis: *Provided further*, That

2567

1 \$50,000,000, to remain available until expended, shall be
2 made available for fiscal year 2022, \$50,000,000, to re-
3 main available until expended, shall be made available for
4 fiscal year 2023, \$50,000,000, to remain available until
5 expended, shall be made available for fiscal year 2024,
6 \$50,000,000, to remain available until expended, shall be
7 made available for fiscal year 2025, and \$50,000,000, to
8 remain available until expended, shall be made available
9 for fiscal year 2026: *Provided further*, That of the funds
10 made available under this heading in this Act for fiscal
11 years 2022 through 2026—

12 (1) Not less than \$50,000,000 shall be for ad-
13 dressing irrigation and power systems; and

14 (2) \$200,000,000 shall be for safety of dams,
15 water sanitation, and other facilities:

16 *Provided further*, That up to 3 percent of the amounts
17 made available under this heading in this Act in each of
18 fiscal years 2022 through 2026 shall be for salaries, ex-
19 penses, and administration: *Provided further*, That one-
20 half of one percent of the amounts made available under
21 this heading in this Act in each of fiscal years 2022
22 through 2026 shall be transferred to the Office of Inspec-
23 tor General of the Department of the Interior for oversight
24 of funding provided to the Department of the Interior in
25 this title in this Act: *Provided further*, That such amount

2568

1 is designated by the Congress as being for an emergency
2 requirement pursuant to section 4112(a) of H. Con. Res.
3 71 (115th Congress), the concurrent resolution on the
4 budget for fiscal year 2018, and to section 251(b) of the
5 Balanced Budget and Emergency Deficit Control Act of
6 1985.

7 DEPARTMENTAL OFFICES

8 OFFICE OF THE SECRETARY

9 DEPARTMENTAL OPERATIONS

10 (INCLUDING TRANSFERS OF FUNDS)

11 For an additional amount for “Departmental Oper-
12 ations”, \$905,000,000, to remain available until expended,
13 for the Secretary of the Interior to carry out activities,
14 as authorized in section 40804 of division D of this Act:
15 *Provided*, That \$337,000,000, to remain available until
16 expended, shall be made available for fiscal year 2022,
17 \$142,000,000, to remain available until expended, shall be
18 made available for fiscal year 2023, \$142,000,000, to re-
19 main available until expended, shall be made available for
20 fiscal year 2024, \$142,000,000, to remain available until
21 expended, shall be made available for fiscal year 2025, and
22 \$142,000,000, to remain available until expended, shall be
23 made available for fiscal year 2026: *Provided further*, That
24 the Secretary may transfer the funds provided under this
25 heading in this Act to any other account in the Depart-

2569

1 ment of the Interior to carry out such purposes: *Provided*
2 *further*, That the Secretary of the Interior and the Sec-
3 retary of Agriculture, acting through the Chief of the For-
4 est Service, may authorize the transfer of funds provided
5 under this heading in this Act between the Departments
6 for the purpose of carrying out activities as authorized in
7 section 40804(b)(1) of division D of this Act: *Provided*
8 *further*, That up to 3 percent of the amounts made avail-
9 able under this heading in this Act in each of fiscal years
10 2022 through 2026 shall be for salaries, expenses, and ad-
11 ministration: *Provided further*, That one-half of one per-
12 cent of the amounts made available under this heading
13 in this Act in each of fiscal years 2022 through 2026 shall
14 be transferred to the Office of Inspector General of the
15 Department of the Interior for oversight of funding pro-
16 vided to the Department of the Interior in this title in
17 this Act: *Provided further*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 4112(a) of H. Con. Res. 71 (115th
20 Congress), the concurrent resolution on the budget for fis-
21 cal year 2018, and to section 251(b) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

2570

1 DEPARTMENT-WIDE PROGRAMS
2 WILDLAND FIRE MANAGEMENT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For an additional amount for “Wildland Fire Man-
5 agement”, \$1,458,000,000, to remain available until ex-
6 pended: *Provided*, That \$407,600,000, to remain available
7 until expended, shall be made available for fiscal year
8 2022, \$262,600,000, to remain available until expended,
9 shall be made available for fiscal year 2023,
10 \$262,600,000, to remain available until expended, shall be
11 made available for fiscal year 2024, \$262,600,000, to re-
12 main available until expended, shall be made available for
13 fiscal year 2025, and \$262,600,000, to remain available
14 until expended, shall be made available for fiscal year
15 2026: *Provided further*, That of the funds made available
16 under this heading in this Act, the following amounts shall
17 be for the following purposes for the following fiscal
18 years—

19 (1) \$1,055,000,000 for the Secretary of the In-
20 terior to carry out activities for the Department of
21 the Interior, as authorized in section 40803 of divi-
22 sion D of this Act, including fuels management ac-
23 tivities, of which \$327,000,000, to remain available
24 until expended, shall be made available for fiscal
25 year 2022 and \$182,000,000, to remain available

2571

1 until expended, shall be made available for each of
2 fiscal years 2023 through 2026;

3 (2) In addition to amounts made available in
4 paragraph (1) for fuels management activities,
5 \$35,600,000 for each of fiscal years 2022 through
6 2026 for such purpose; and

7 (3) In addition to amounts made available in
8 paragraph (1) for burned area rehabilitation,
9 \$45,000,000 for each of fiscal years 2022 through
10 2026 for such purpose:

11 *Provided further*, That up to \$2,000,000 for each of fiscal
12 years 2022 through 2026 from funds made available in
13 paragraphs (2) and (3) of the preceding proviso shall be
14 for implementation of the Tribal Forestry Protection Act,
15 as amended (Public Law 108–278): *Provided further*, That
16 the Secretary may transfer the funds provided under this
17 heading in this Act to any other account in the Depart-
18 ment of the Interior to carry out such purposes: *Provided*
19 *further*, That funds appropriated under this heading in
20 this Act may be transferred to the United States Fish and
21 Wildlife Service and the National Marine Fisheries Service
22 for the costs of carrying out their responsibilities under
23 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
24 seq.) to consult and conference, as required by section 7
25 of such Act, in connection with wildland fire management

2572

1 activities: *Provided further*, That up to 3 percent of the
2 amounts made available under this heading in this Act in
3 each of fiscal years 2022 through 2026 shall be for sala-
4 ries, expenses, and administration: *Provided further*, That
5 one-half of one percent of the amounts made available
6 under this heading in this Act in each of fiscal years 2022
7 through 2026 shall be transferred to the Office of Inspec-
8 tor General of the Department of the Interior for oversight
9 of funding provided to the Department of the Interior in
10 this title in this Act: *Provided further*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 4112(a) of H. Con. Res.
13 71 (115th Congress), the concurrent resolution on the
14 budget for fiscal year 2018, and to section 251(b) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 ENERGY COMMUNITY REVITALIZATION PROGRAM
18 (INCLUDING TRANSFERS OF FUNDS)

19 For an additional amount for Department-Wide Pro-
20 grams, \$4,677,000,000, to remain available until ex-
21 pended, for an Energy Community Revitalization program
22 to carry out orphaned well site plugging, remediation, and
23 restoration activities authorized in section 349 of the En-
24 ergy Policy Act of 2005 (42 U.S.C. 15907), as amended
25 by section 40601 of division D of this Act: *Provided*, That

2573

1 of the funds made available under this heading in this Act,
2 the following amounts shall be for the following pur-
3 poses—

4 (1) \$250,000,000, to remain available until
5 September 30, 2030, shall be to carry out activities
6 authorized in section 349(b) of the Energy Policy
7 Act of 2005 (42 U.S.C. 15907(b)), as amended by
8 section 40601 of division D of this Act;

9 (2) \$775,000,000, to remain available until
10 September 30, 2030, shall be to carry out activities
11 authorized in section 349(c)(3) of the Energy Policy
12 Act of 2005 (42 U.S.C. 15907(c)(3)), as amended
13 by section 40601 of division D of this Act;

14 (3) \$2,000,000,000, to remain available until
15 September 30, 2030, shall be to carry out activities
16 authorized in section 349(c)(4) of the Energy Policy
17 Act of 2005 (42 U.S.C. 15907(c)(4)), as amended
18 by section 40601 of division D of this Act;

19 (4) \$1,500,000,000, to remain available until
20 September 30, 2030, shall be to carry out activities
21 authorized in section 349(c)(5) of the Energy Policy
22 Act of 2005 (42 U.S.C. 15907(c)(5)), as amended
23 by section 40601 of division D of this Act;

24 (5) \$150,000,000, to remain available until
25 September 30, 2030, shall be to carry out activities

2574

1 authorized in section 349(d) of the Energy Policy
2 Act of 2005 (42 U.S.C.15907(d)), as amended by
3 section 40601 of division D of this Act;

4 *Provided further*, That of the amount provided under this
5 heading in this Act, \$2,000,000 shall be provided by the
6 Secretary through a cooperative agreement with the Inter-
7 state Oil and Gas Compact Commission to carry out the
8 consultations authorized in section 349 of the Energy Pol-
9 icy Act of 2005 (42 U.S.C. 15907), as amended by section
10 40601 of division D of this Act: *Provided further*, That
11 amounts provided under this heading in this Act shall be
12 in addition to amounts otherwise available for such pur-
13 poses: *Provided further*, That amounts provided under this
14 heading in this Act are not available to fulfill Comprehen-
15 sive Environmental Response, Compensation, and Liabil-
16 ity Act (CERCLA) obligations agreed to in settlement or
17 imposed by a court, whether for payment of funds or for
18 work to be performed: *Provided further*, That the Sec-
19 retary may transfer the funds provided under this heading
20 in this Act to any other account in the Department of the
21 Interior to carry out such purposes: *Provided further*, That
22 the Secretary may transfer funds made available in para-
23 graph (1) of the first proviso under this heading to the
24 Secretary of Agriculture, acting through the Chief of the
25 Forest Service, to carry out such purposes: *Provided fur-*

2575

1 *ther*, That up to 3 percent of the amounts made available
2 under this heading in this Act shall be for salaries, ex-
3 penses, and administration: *Provided further*, That one-
4 half of one percent of the amounts made available under
5 this heading in this Act shall be transferred to the Office
6 of Inspector General of the Department of the Interior
7 for oversight of funding provided to the Department of
8 the Interior in this title in this Act: *Provided further*, That
9 such amount is designated by the Congress as being for
10 an emergency requirement pursuant to section 4112(a) of
11 H. Con. Res. 71 (115th Congress), the concurrent resolu-
12 tion on the budget for fiscal year 2018, and to section
13 251(b) of the Balanced Budget and Emergency Deficit
14 Control Act of 1985.

15 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

16 SEC. 601. Not later than 90 days after the date of
17 enactment of this Act, the Secretary of the Interior shall
18 submit to the House and Senate Committees on Appro-
19 priations a detailed spend plan for the funds provided to
20 the Department of the Interior in this title in this Act
21 for fiscal year 2022, and for each fiscal year through
22 2026, as part of the annual budget submission of the
23 President under section 1105(a) of title 31, United States
24 Code, the Secretary of the Interior shall submit a detailed

2576

1 spend plan for the funds provided to the Department of
2 the Interior in this title in this Act for that fiscal year.

3 ENVIRONMENTAL PROTECTION AGENCY

4 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for “Environmental Pro-
7 grams and Management”, \$1,959,000,000, which shall be
8 allocated as follows:

9 (1) \$1,717,000,000, to remain available until
10 expended, for Geographic Programs as specified in
11 the explanatory statement described in section 4 of
12 the matter preceding division A of Public Law 116–
13 260: *Provided*, That \$343,400,000, to remain avail-
14 able until expended, shall be made available for fis-
15 cal year 2022, \$343,400,000, to remain available
16 until expended, shall be made available for fiscal
17 year 2023, \$343,400,000, to remain available until
18 expended, shall be made available for fiscal year
19 2024, \$343,400,000, to remain available until ex-
20 pended, shall be made available for fiscal year 2025,
21 and \$343,400,000, to remain available until ex-
22 pended, shall be made available for fiscal year 2026:
23 *Provided further*, That of the funds made available
24 in this paragraph in this Act, the following amounts

2577

1 shall be for the following purposes in equal amounts
2 for each of fiscal years 2022 through 2026—

3 (A) \$1,000,000,000 shall be for Great
4 Lakes Restoration Initiative;

5 (B) \$238,000,000 shall be for Chesapeake
6 Bay;

7 (C) \$24,000,000 shall be for San Fran-
8 cisco Bay;

9 (D) \$89,000,000 shall be for Puget Sound;

10 (E) \$106,000,000 shall be for Long Island
11 Sound;

12 (F) \$53,000,000 shall be for Gulf of Mex-
13 ico;

14 (G) \$16,000,000 shall be for South Flor-
15 ida;

16 (H) \$40,000,000 shall be for Lake Cham-
17 plain;

18 (I) \$53,000,000 shall be for Lake Pont-
19 chartrain;

20 (J) \$15,000,000 shall be for Southern New
21 England Estuaries;

22 (K) \$79,000,000 shall be for Columbia
23 River Basin; and

2578

1 (L) \$4,000,000 shall be for other geo-
2 graphic activities which includes Pacific North-
3 west:

4 *Provided further*, That the Administrator may waive
5 or reduce the required non-Federal share for
6 amounts made available under this paragraph in this
7 Act for the purposes described in the preceding pro-
8 viso;

9 (2) \$132,000,000, to remain available until ex-
10 pended, for the National Estuary Program grants
11 under section 320(g)(2) of the Federal Water Pollu-
12 tion Control Act, notwithstanding the funding limi-
13 tation in section 320(i)(2)(B) of the Act: *Provided*,
14 That \$26,400,000, to remain available until ex-
15 pended, shall be made available for fiscal year 2022,
16 \$26,400,000, to remain available until expended,
17 shall be made available for fiscal year 2023,
18 \$26,400,000, to remain available until expended,
19 shall be made available for fiscal year 2024,
20 \$26,400,000, to remain available until expended,
21 shall be made available for fiscal year 2025, and
22 \$26,400,000, to remain available until expended,
23 shall be made available for fiscal year 2026: *Pro-*
24 *vided further*, That the Administrator may waive or
25 reduce the required non-Federal share for amounts

2579

1 made available under this paragraph in this Act:
2 *Provided further*, That up to three percent of the
3 amounts made available under this paragraph in this
4 Act shall be for salaries, expenses, and administra-
5 tion;

6 (3) \$60,000,000, to remain available until ex-
7 pended, for actions under the Gulf Hypoxia Action
8 Plan: *Provided*, That \$12,000,000, to remain avail-
9 able until expended, shall be made available for fis-
10 cal year 2022, \$12,000,000, to remain available
11 until expended, shall be made available for fiscal
12 year 2023, \$12,000,000, to remain available until
13 expended, shall be made available for fiscal year
14 2024, \$12,000,000, to remain available until ex-
15 pended, shall be made available for fiscal year 2025,
16 and \$12,000,000, to remain available until ex-
17 pended, shall be made available for fiscal year 2026:
18 *Provided further*, That funds shall be provided annu-
19 ally to the twelve states serving as members of the
20 Mississippi River/Gulf of Mexico Watershed Nutrient
21 Task Force (Arkansas, Iowa, Illinois, Indiana, Ken-
22 tucky, Louisiana, Minnesota, Missouri, Mississippi,
23 Ohio, Tennessee, and Wisconsin) in equal amounts
24 for each state for the period of fiscal year 2022 to
25 fiscal year 2026: *Provided further*, That up to three

2580

1 percent of the amounts made available under this
2 paragraph in this Act shall be for salaries, expenses,
3 and administration;

4 (4) \$25,000,000, to remain available until ex-
5 pended, to support permitting of Class VI wells as
6 authorized under section 40306 of division D of this
7 Act, to be carried out by Drinking Water Programs:
8 *Provided*, That \$5,000,000, to remain available until
9 expended, shall be made available for fiscal year
10 2022, \$5,000,000, to remain available until ex-
11 pended, shall be made available for fiscal year 2023,
12 \$5,000,000, to remain available until expended, shall
13 be made available for fiscal year 2024, \$5,000,000,
14 to remain available until expended, shall be made
15 available for fiscal year 2025, and \$5,000,000, to re-
16 main available until expended, shall be made avail-
17 able for fiscal year 2026;

18 (5) \$10,000,000, to remain available until Sep-
19 tember 30, 2026, for developing battery recycling
20 best practices, as authorized under section 70401(b)
21 of division G of this Act, to be carried out by the
22 Resource Conservation and Recovery Act program;

23 (6) \$15,000,000, to remain available until Sep-
24 tember 30, 2026, for developing voluntary battery
25 labeling guidelines, as authorized under section

1 70401(c) of division G of this Act, to be carried out
2 by the Resource Conservation and Recovery Act pro-
3 gram;

4 *Provided*, That funds provided for the purposes described
5 in paragraphs (1), (2), and (3) under this heading in this
6 Act may be transferred to the United States Fish and
7 Wildlife Service and the National Marine Fisheries Service
8 for the costs of carrying out their responsibilities under
9 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
10 seq.) to consult and conference, as required by section 7
11 of such Act, in connection with Geographic programs, the
12 National Estuary Program, and the Gulf Hypoxia Action
13 Plan: *Provided further*, That amounts provided under this
14 heading in this Act shall be in addition to amounts other-
15 wise available for such purposes: *Provided further*, That
16 one-half of one percent of the amounts made available
17 under this heading in this Act in each of fiscal years 2022
18 through 2026 shall be transferred to the Office of Inspec-
19 tor General of the Environmental Protection Agency for
20 oversight of funding provided to the Environmental Pro-
21 tection Agency in this title in this Act: *Provided further*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section 4112(a)
24 of H. Con. Res. 71 (115th Congress), the concurrent reso-
25 lution on the budget for fiscal year 2018, and to section

2582

1 251(b) of the Balanced Budget and Emergency Deficit
2 Control Act of 1985.

3 HAZARDOUS SUBSTANCE SUPERFUND
4 (INCLUDING TRANSFERS OF FUNDS)

5 For an additional amount for “Hazardous Substance
6 Superfund”, \$3,500,000,000, to remain available until ex-
7 pended, consisting of such sums as are available in the
8 Trust Fund on September 30, 2021, as authorized by sec-
9 tion 517(a) of the Superfund Amendments and Reauthor-
10 ization Act of 1986 (SARA) and up to \$3,500,000,000
11 as a payment from general revenues to the Hazardous
12 Substance Superfund for purposes as authorized by sec-
13 tion 517(b) of SARA, for all costs associated with Super-
14 fund: Remedial activities: *Provided*, That in providing
15 technical and project implementation assistance for
16 amounts made available under this heading in this Act,
17 the Administrator shall consider the unique needs of Trib-
18 al communities with contaminated sites where the poten-
19 tially responsible parties cannot pay or cannot be identi-
20 fied, but shall not alter the process for prioritizing site
21 cleanups: *Provided further*, That amounts provided under
22 this heading in this Act shall be in addition to amounts
23 otherwise available for such purposes: *Provided further*,
24 That amounts provided under this heading in this Act
25 shall not be subject to cost share requirements under sec-

2583

1 tion 104(c)(3) of the Comprehensive Environmental Re-
2 sponse, Compensation, and Liability Act of 1980
3 (CERCLA) (42 U.S.C. 9604(c)(3)): *Provided further*,
4 That the Administrator of the Environmental Protection
5 Agency shall annually report to Congress on the status
6 of funded projects: *Provided further*, That one-half of one
7 percent of the amounts made available under this heading
8 in this Act in each of fiscal years 2022 through 2026 shall
9 be transferred to the Office of Inspector General of the
10 Environmental Protection Agency for oversight of funding
11 provided to the Environmental Protection Agency in this
12 title in this Act: *Provided further*, That such amount is
13 designated by the Congress as being for an emergency re-
14 quirement pursuant to section 4112(a) of H. Con. Res.
15 71 (115th Congress), the concurrent resolution on the
16 budget for fiscal year 2018, and to section 251(b) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 STATE AND TRIBAL ASSISTANCE GRANTS

20 (INCLUDING TRANSFERS OF FUNDS)

21 For an additional amount for “State and Tribal As-
22 sistance Grants”, \$55,426,000,000, to remain available
23 until expended: *Provided*, That amounts made available
24 under this heading in this Act shall be allocated as follows:

2584

1 (1) \$11,713,000,000 for capitalization grants
2 for the Clean Water State Revolving Funds under
3 title VI of the Federal Water Pollution Control Act:
4 *Provided*, That \$1,902,000,000, to remain available
5 until expended, shall be made available for fiscal
6 year 2022, \$2,202,000,000, to remain available until
7 expended, shall be made available for fiscal year
8 2023, \$2,403,000,000, to remain available until ex-
9 pended, shall be made available for fiscal year 2024,
10 \$2,603,000,000, to remain available until expended,
11 shall be made available for fiscal year 2025, and
12 \$2,603,000,000, to remain available until expended,
13 shall be made available for fiscal year 2026: *Pro-*
14 *vided further*, That for the funds provided under this
15 paragraph in this Act in fiscal year 2022 and fiscal
16 year 2023, the State shall deposit in the State loan
17 fund from State moneys an amount equal to at least
18 10 percent of the total amount of the grant to be
19 made to the State, notwithstanding sections
20 602(b)(2), 602(b)(3) or 202 of the Federal Water
21 Pollution Control Act: *Provided further*, That for the
22 funds made available under this paragraph in this
23 Act, forty-nine percent of the funds made available
24 to each State for Clean Water State Revolving Fund
25 capitalization grants shall be used by the State to

2585

1 provide subsidy to eligible recipients in the form of
2 assistance agreements with 100 percent forgiveness
3 of principal or grants (or any combination of these),
4 notwithstanding section 603(i)(3)(B) of the Federal
5 Water Pollution Control Act (33 U.S.C. 1383): *Pro-*
6 *vided further*, That up to three percent of the
7 amounts made available under this paragraph in this
8 Act in fiscal year 2022 and up to two percent in
9 each of fiscal years 2023 through 2026 shall be for
10 salaries, expenses, and administration: *Provided fur-*
11 *ther*, That not less than 80 percent of the amounts
12 the Administrator uses in each fiscal year for sala-
13 ries, expenses, and administration from amounts
14 made available under this paragraph in this Act for
15 such purposes shall be used for purposes other than
16 hiring full-time employees: *Provided further*, That
17 0.35 percent of the amounts made available under
18 this paragraph in this Act in each of fiscal years
19 2022 through 2026 shall be transferred to the Office
20 of Inspector General of the Environmental Protec-
21 tion Agency for oversight of funding provided to the
22 Environmental Protection Agency in this title in this
23 Act;

24 (2) \$11,713,000,000 for capitalization grants
25 for the Drinking Water State Revolving Funds

2586

1 under section 1452 of the Safe Drinking Water Act:
2 *Provided*, That \$1,902,000,000, to remain available
3 until expended, shall be made available for fiscal
4 year 2022, \$2,202,000,000, to remain available until
5 expended, shall be made available for fiscal year
6 2023, \$2,403,000,000, to remain available until ex-
7 pended, shall be made available for fiscal year 2024,
8 \$2,603,000,000, to remain available until expended,
9 shall be made available for fiscal year 2025, and
10 \$2,603,000,000, to remain available until expended,
11 shall be made available for fiscal year 2026: *Pro-*
12 *vided further*, That for the funds provided under this
13 paragraph in this Act in fiscal year 2022 and fiscal
14 year 2023, the State shall deposit in the State loan
15 fund from State moneys an amount equal to at least
16 10 percent of the total amount of the grant to be
17 made to the State, notwithstanding section 1452(e)
18 of the Safe Drinking Water Act: *Provided further*,
19 That for the funds made available under this para-
20 graph in this Act, forty-nine percent of the funds
21 made available to each State for Drinking Water
22 State Revolving Fund capitalization grants shall be
23 used by the State to provide subsidy to eligible re-
24 cipients in the form of assistance agreements with
25 100 percent forgiveness of principal or grants (or

2587

1 any combination of these), notwithstanding section
2 1452(d)(2) of the Safe Drinking Water Act (42
3 U.S.C. 300j-12): *Provided further*, That up to three
4 percent of the amounts made available under this
5 paragraph in this Act in fiscal year 2022 and up to
6 two percent in each of fiscal years 2023 through
7 2026 shall be for salaries, expenses, and administra-
8 tion: *Provided further*, That not less than 80 percent
9 of the amounts the Administrator uses in each fiscal
10 year for salaries, expenses, and administration from
11 amounts made available under this paragraph in this
12 Act for such purposes shall be used for purposes
13 other than hiring full-time employees: *Provided fur-*
14 *ther*, That 0.35 percent of the amounts made avail-
15 able under this paragraph in this Act in each of fis-
16 cal years 2022 through 2026 shall be transferred to
17 the Office of Inspector General of the Environmental
18 Protection Agency for oversight of funding provided
19 to the Environmental Protection Agency in this title
20 in this Act;

21 (3) \$15,000,000,000 for capitalization grants
22 for the Drinking Water State Revolving Funds
23 under section 1452 of the Safe Drinking Water Act:
24 *Provided*, That \$3,000,000,000, to remain available
25 until expended, shall be made available for fiscal

2588

1 year 2022, \$3,000,000,000, to remain available until
2 expended, shall be made available for fiscal year
3 2023, \$3,000,000,000, to remain available until ex-
4 pended, shall be made available for fiscal year 2024,
5 \$3,000,000,000, to remain available until expended,
6 shall be made available for fiscal year 2025, and
7 \$3,000,000,000, to remain available until expended,
8 shall be made available for fiscal year 2026: *Pro-*
9 *vided further*, That the funds provided under this
10 paragraph in this Act shall be for lead service line
11 replacement projects and associated activities di-
12 rectly connected to the identification, planning, de-
13 sign, and replacement of lead service lines: *Provided*
14 *further*, That for the funds made available under
15 this paragraph in this Act, forty-nine percent of the
16 funds made available to each State for Drinking
17 Water State Revolving Fund capitalization grants
18 shall be used by the State to provide subsidy to eligi-
19 ble recipients in the form of assistance agreements
20 with 100 percent forgiveness of principal or grants
21 (or any combination of these), notwithstanding sec-
22 tion 1452(d)(2) of the Safe Drinking Water Act (42
23 U.S.C. 300j-12): *Provided further*, That the funds
24 provided under this paragraph in this Act shall not
25 be subject to the matching or cost share require-

1 ments of section 1452(e) of the Safe Drinking
2 Water Act: *Provided further*, That up to three per-
3 cent of the amounts made available under this para-
4 graph in this Act in fiscal year 2022 and up to two
5 percent in each of fiscal years 2023 through 2026
6 shall be for salaries, expenses, and administration:
7 *Provided further*, That one-half of one percent of the
8 amounts made available under this paragraph in this
9 Act in each of fiscal years 2022 through 2026 shall
10 be transferred to the Office of Inspector General of
11 the Environmental Protection Agency for oversight
12 of funding provided to the Environmental Protection
13 Agency in this title in this Act;

14 (4) \$1,000,000,000 for capitalization grants for
15 the Clean Water State Revolving Funds under title
16 VI of the Federal Water Pollution Control Act: *Pro-*
17 *vided*, That \$100,000,000, to remain available until
18 expended, shall be made available for fiscal year
19 2022, \$225,000,000, to remain available until ex-
20 pended, shall be made available for fiscal year 2023,
21 \$225,000,000, to remain available until expended,
22 shall be made available for fiscal year 2024,
23 \$225,000,000, to remain available until expended,
24 shall be made available for fiscal year 2025, and
25 \$225,000,000, to remain available until expended,

2590

1 shall be made available for fiscal year 2026: *Pro-*
2 *vided further*, That funds provided under this para-
3 graph in this Act shall be for eligible uses under sec-
4 tion 603(c) of the Federal Water Pollution Control
5 Act that address emerging contaminants: *Provided*
6 *further*, That funds provided under this paragraph in
7 this Act shall not be subject to the matching or cost
8 share requirements of sections 602(b)(2), 602(b)(3),
9 or 202 of the Federal Water Pollution Control Act:
10 *Provided further*, That funds provided under this
11 paragraph in this Act deposited into the state revolv-
12 ing fund shall be provided to eligible recipients as
13 assistance agreements with 100 percent principal
14 forgiveness or as grants (or a combination of these):
15 *Provided further*, That up to three percent of the
16 amounts made available under this paragraph in this
17 Act in fiscal year 2022 and up to two percent in
18 each of fiscal years 2023 through 2026 shall be for
19 salaries, expenses, and administration: *Provided fur-*
20 *ther*, That one-half of one percent of the amounts
21 made available under this paragraph in this Act in
22 each of fiscal years 2022 through 2026 shall be
23 transferred to the Office of Inspector General of the
24 Environmental Protection Agency for oversight of

2591

1 funding provided to the Environmental Protection
2 Agency in this title in this Act;

3 (5) \$4,000,000,000 for capitalization grants for
4 the Drinking Water State Revolving Funds under
5 section 1452 of the Safe Drinking Water Act: *Pro-*
6 *vided*, That \$800,000,000, to remain available until
7 expended, shall be made available for fiscal year
8 2022, \$800,000,000, to remain available until ex-
9 pended, shall be made available for fiscal year 2023,
10 \$800,000,000, to remain available until expended,
11 shall be made available for fiscal year 2024,
12 \$800,000,000, to remain available until expended,
13 shall be made available for fiscal year 2025, and
14 \$800,000,000, to remain available until expended,
15 shall be made available for fiscal year 2026: *Pro-*
16 *vided further*, That funds provided under this para-
17 graph in this Act shall be to address emerging con-
18 taminants in drinking water with a focus on
19 perfluoroalkyl and polyfluoroalkyl substances
20 through capitalization grants under section 1452(t)
21 of the Safe Drinking Water Act for the purposes de-
22 scribed in section 1452(a)(2)(G) of such Act: *Pro-*
23 *vided further*, That funds provided under this para-
24 graph in this Act deposited into the State revolving
25 fund shall be provided to eligible recipients as loans

2592

1 with 100 percent principal forgiveness or as grants
2 (or a combination of these): *Provided further*, That
3 funds provided under this paragraph in this Act
4 shall not be subject to the matching or cost share re-
5 quirements of section 1452(e) of the Safe Drinking
6 Water Act: *Provided further*, That up to three per-
7 cent of the amounts made available under this para-
8 graph in this Act in fiscal year 2022 and up to two
9 percent in each of fiscal years 2023 through 2026
10 shall be for salaries, expenses, and administration:
11 *Provided further*, That one-half of one percent of the
12 amounts made available under this paragraph in this
13 Act in each of fiscal years 2022 through 2026 shall
14 be transferred to the Office of Inspector General of
15 the Environmental Protection Agency for oversight
16 of funding provided to the Environmental Protection
17 Agency in this title in this Act;

18 (6) \$5,000,000,000 for grants for addressing
19 emerging contaminants under subsections (a)
20 through (j) of section 1459A of the Safe Drinking
21 Water Act (42 U.S.C. 300j-19a): *Provided*, That
22 \$1,000,000,000, to remain available until expended,
23 shall be made available for fiscal year 2022,
24 \$1,000,000,000, to remain available until expended,
25 shall be made available for fiscal year 2023,

2593

1 \$1,000,000,000, to remain available until expended,
2 shall be made available for fiscal year 2024,
3 \$1,000,000,000, to remain available until expended,
4 shall be made available for fiscal year 2025, and
5 \$1,000,000,000, to remain available until expended,
6 shall be made available for fiscal year 2026: *Pro-*
7 *vided further,* That funds provided to States under
8 this paragraph may be used for projects that ad-
9 dress emerging contaminants supporting a commu-
10 nity described in section 1459A, subsection (c)(2), of
11 the Safe Drinking Water Act, notwithstanding the
12 definition of underserved communities in section
13 1459A, subsection (a)(2), of the Safe Drinking
14 Water Act: *Provided further,* That funds provided
15 under this paragraph in this Act shall not be subject
16 to the matching or cost share requirements of sec-
17 tion 1459A of the Safe Drinking Water Act: *Pro-*
18 *vided further,* That up to three percent of the
19 amounts made available under this paragraph in this
20 Act in each of fiscal years 2022 through 2026 shall
21 be for salaries, expenses, and administration: *Pro-*
22 *vided further,* That one-half of one percent of the
23 amounts made available under this paragraph in this
24 Act in each of fiscal years 2022 through 2026 shall
25 be transferred to the Office of Inspector General of

2594

1 the Environmental Protection Agency for oversight
2 of funding provided to the Environmental Protection
3 Agency in this title in this Act;

4 (7) \$50,000,000, to remain available until ex-
5 pended, to award Underground Injection Control
6 grants, as authorized under section 40306 of divi-
7 sion D of this Act, and for activities to support
8 states' efforts to develop programs leading to pri-
9 macy: *Provided*, That up to three percent of the
10 amounts made available under this paragraph in this
11 Act shall be for salaries, expenses, and administra-
12 tion: *Provided further*, That one-half of one percent
13 of the amounts made available under this paragraph
14 in this Act shall be transferred to the Office of In-
15 spector General of the Environmental Protection
16 Agency for oversight of funding provided to the En-
17 vironmental Protection Agency in this title in this
18 Act;

19 (8) \$1,500,000,000 for brownfields activities:
20 *Provided*, That \$300,000,000, to remain available
21 until expended, shall be made available for fiscal
22 year 2022, \$300,000,000, to remain available until
23 expended, shall be made available for fiscal year
24 2023, \$300,000,000, to remain available until ex-
25 pended, shall be made available for fiscal year 2024,

2596

1 (iii) grants under sections
2 104(k)(2)(B) and 104(k)(5)(A)(i) of
3 CERCLA for site characterization and as-
4 sessment activities on a community-wide or
5 site-by-site basis in amounts not to exceed
6 \$10,000,000 per grant and without further
7 limitation on the amount that may be ex-
8 pended for any individual brownfield site;

9 (iv) grants under sections
10 104(k)(3)(A)(i) and 104(k)(5)(A)(ii) of
11 CERCLA for capitalization of revolving
12 loan funds in amounts not to exceed
13 \$10,000,000 per grant; and

14 (v) grants under section 104(k)(7) of
15 CERCLA for job training in amounts not
16 to exceed \$1,000,000 per grant; and

17 (B) \$300,000,000 shall be to carry out
18 section 128 of the Comprehensive Environ-
19 mental Response, Compensation, and Liability
20 Act of 1980:

21 *Provided further*, That funds provided under this
22 paragraph in this Act shall not be subject to cost
23 share requirements under section 104(k)(10)(B)(iii)
24 of the Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980: *Provided*

1 *further*, That the Administrator of the Environ-
2 mental Protection Agency shall annually report to
3 Congress on the status of funded projects: *Provided*
4 *further*, That up to three percent of the amounts
5 made available under this paragraph in this Act in
6 each of fiscal years 2022 through 2026 shall be for
7 salaries, expenses, and administration: *Provided fur-*
8 *ther*, That one-half of one percent of the amounts
9 made available under this paragraph in this Act in
10 each of fiscal years 2022 through 2026 shall be
11 transferred to the Office of Inspector General of the
12 Environmental Protection Agency for oversight of
13 funding provided to the Environmental Protection
14 Agency in this title in this Act;

15 (9) \$100,000,000 for all costs for carrying out
16 section 6605 of the Pollution Prevention Act: *Pro-*
17 *vided*, That \$20,000,000, to remain available until
18 expended, shall be made available for fiscal year
19 2022, \$20,000,000, to remain available until ex-
20 pended, shall be made available for fiscal year 2023,
21 \$20,000,000, to remain available until expended,
22 shall be made available for fiscal year 2024,
23 \$20,000,000, to remain available until expended,
24 shall be made available for fiscal year 2025, and
25 \$20,000,000, to remain available until expended,

2598

1 shall be made available for fiscal year 2026: *Pro-*
2 *vided further*, That funds provided under this para-
3 graph in this Act shall not be subject to cost share
4 requirements under section 6605(c) of the Pollution
5 Prevention Act: *Provided further*, That one-half of
6 one percent of the amounts made available under
7 this paragraph in this Act in each of fiscal years
8 2022 through 2026 shall be transferred to the Office
9 of Inspector General of the Environmental Protec-
10 tion Agency for oversight of funding provided to the
11 Environmental Protection Agency in this title in this
12 Act;

13 (10) \$275,000,000 for grants under section
14 302(a) of the Save Our Seas 2.0 Act (Public Law
15 116–224): *Provided*, That \$55,000,000, to remain
16 available until expended, shall be made available for
17 fiscal year 2022, \$55,000,000, to remain available
18 until expended, shall be made available for fiscal
19 year 2023, \$55,000,000, to remain available until
20 expended, shall be made available for fiscal year
21 2024, \$55,000,000, to remain available until ex-
22 pended, shall be made available for fiscal year 2025,
23 and \$55,000,000, to remain available until ex-
24 pended, shall be made available for fiscal year 2026:
25 *Provided further*, That notwithstanding section

1 302(a) of such Act, the Administrator may also pro-
2 vide grants pursuant to such authority to tribes,
3 intertribal consortia consistent with the require-
4 ments in 40 CFR 35.504(a), former Indian reserva-
5 tions in Oklahoma (as determined by the Secretary
6 of the Interior), and Alaskan Native Villages as de-
7 fined in Public Law 92–203: *Provided further*, That
8 up to three percent of the amounts made available
9 under this paragraph in this Act in each of fiscal
10 years 2022 through 2026 shall be for salaries, ex-
11 penses, and administration: *Provided further*, That
12 one-half of one percent of the amounts made avail-
13 able under this paragraph in this Act in each of fis-
14 cal years 2022 through 2026 shall be transferred to
15 the Office of Inspector General of the Environmental
16 Protection Agency for oversight of funding provided
17 to the Environmental Protection Agency in this title
18 in this Act;

19 (11) \$75,000,000 to award grants focused on
20 improving material recycling, recovery, management,
21 and reduction, as authorized under section 70402 of
22 division G of this Act: *Provided*, That \$15,000,000,
23 to remain available until expended, shall be made
24 available for fiscal year 2022, \$15,000,000, to re-
25 main available until expended, shall be made avail-

2600

1 able for fiscal year 2023, \$15,000,000, to remain
2 available until expended, shall be made available for
3 fiscal year 2024, \$15,000,000, to remain available
4 until expended, shall be made available for fiscal
5 year 2025, and \$15,000,000, to remain available
6 until expended, shall be made available for fiscal
7 year 2026: *Provided further*, That up to three per-
8 cent of the amounts made available under this para-
9 graph in this Act in each of fiscal years 2022
10 through 2026 shall be for salaries, expenses, and ad-
11 ministration: *Provided further*, That one-half of one
12 percent of the amounts made available under this
13 paragraph in this Act in each of fiscal years 2022
14 through 2026 shall be transferred to the Office of
15 Inspector General of the Environmental Protection
16 Agency for oversight of funding provided to the En-
17 vironmental Protection Agency in this title in this
18 Act;

19 (12) \$5,000,000,000 for the Clean School Bus
20 Program as authorized under section 741 of the En-
21 ergy Policy Act of 2005 (42 U.S.C. 16091), as
22 amended by section 71101 of division G of this Act:
23 *Provided*, That \$1,000,000,000, to remain available
24 until expended, shall be made available for fiscal
25 year 2022, \$1,000,000,000, to remain available until

2601

1 expended, shall be made available for fiscal year
2 2023, \$1,000,000,000, to remain available until ex-
3 pended, shall be made available for fiscal year 2024,
4 \$1,000,000,000, to remain available until expended,
5 shall be made available for fiscal year 2025, and
6 \$1,000,000,000, to remain available until expended,
7 shall be made available for fiscal year 2026: *Pro-*
8 *vided further,* That of the funds provided,
9 \$500,000,000 shall be provided annually for zero-
10 emission school buses, as defined in section
11 741(a)(8) of the Energy Policy Act of 2005 (42
12 U.S.C. 16091(a)(8)), as amended by section 71101
13 of division G of this Act, and \$500,000,000 shall be
14 provided annually for clean school buses and zero-
15 emission school buses, as defined in section
16 741(a)(3) of the Energy Policy Act of 2005 (42
17 U.S.C. 16091(a)(3)), as amended by section 71101
18 of division G of this Act: *Provided further,* That up
19 to three percent of the amounts made available
20 under this paragraph in this Act in each of fiscal
21 years 2022 through 2026 shall be for salaries, ex-
22 penses, and administration: *Provided further,* That
23 up to one-half of one percent of the of the amounts
24 made available under this heading in this Act in
25 each of fiscal years 2022 through 2026 shall be

2602

1 transferred to the Office of Inspector General of the
2 Environmental Protection Agency for oversight of
3 funding provided to the Environmental Protection
4 Agency in this title in this Act: *Provided further*,
5 That if there are unobligated funds in any of fiscal
6 years 2022 through 2026 after the Administrator of
7 the Environmental Protection Agency issues awards
8 for that fiscal year, States may compete for those
9 funds, notwithstanding the 10 percent limitation
10 under section 741(b)(7)(B) of the Energy Policy Act
11 of 2005 (42 U.S.C. 16091(b)(7)(B)), as amended by
12 section 71101 of division G of this Act:

13 *Provided further*, That amounts provided under this head-
14 ing in this Act shall be in addition to amounts otherwise
15 available for such purposes: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section 4112(a) of H.
18 Con. Res. 71 (115th Congress), the concurrent resolution
19 on the budget for fiscal year 2018, and to section 251(b)
20 of the Balanced Budget and Emergency Deficit Control
21 Act of 1985.

2603

1 GENERAL PROVISIONS—ENVIRONMENTAL PROTECTION
2 AGENCY
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 611. Funds made available to the Environ-
5 mental Protection Agency by this Act for salaries, ex-
6 penses, and administration purposes may be transferred
7 to the “Environmental Programs and Management” ac-
8 count or the “Science and Technology” account as needed
9 for such purposes.

10 SEC. 612. Not later than 90 days after the date of
11 enactment of this Act, the Administrator of the Environ-
12 mental Protection Agency shall submit to the House and
13 Senate Committees on Appropriations a detailed spend
14 plan for the funds provided to the Environmental Protec-
15 tion Agency in this title for fiscal year 2022, and for each
16 fiscal year through 2026, as part of the annual budget
17 submission of the President under section 1105(a) of title
18 31, United States Code, the Administrator of the Environ-
19 mental Protection Agency shall submit a detailed spend
20 plan for the funds provided to the Environmental Protec-
21 tion Agency in this title for that fiscal year.

22 SEC. 613. For this fiscal year and each fiscal year
23 thereafter, such sums as are available in the Hazardous
24 Substance Superfund established under section 9507 of
25 the Internal Revenue Code of 1986 at the end of the pre-

2604

1 ceding fiscal year from taxes received in the Treasury
2 under subsection (b)(1) of such section shall be available,
3 without further appropriation, to be used to carry out the
4 Comprehensive Environmental Response, Compensation,
5 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

6 SEC. 614. (a) DRINKING WATER.—There is author-
7 ized to be appropriated to carry out the purposes of sec-
8 tion 1452 of the Safe Drinking Water Act (42 U.S.C.
9 300j–12), in addition to amounts otherwise authorized to
10 be appropriated for those purposes, an additional
11 \$1,126,000,000 for each of fiscal years 2022 through
12 2026.

13 (b) CLEAN WATER.—There is authorized to be ap-
14 propriated to carry out the purposes of title VI of the Fed-
15 eral Water Pollution Control Act (33 U.S.C. 1381 et seq.),
16 in addition to amounts otherwise authorized to be appro-
17 priated for those purposes, an additional \$1,639,000,000
18 for each of fiscal years 2022 through 2026.

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for “Forest and Rangeland
23 Research”, \$10,000,000, to remain available until Sep-
24 tember 30, 2029, for the Secretary of Agriculture, acting
25 through the Chief of the Forest Service, to carry out ac-

2605

1 tivities of the Joint Fire Science Program, as authorized
2 in section 40803 of division D of this Act: *Provided*, That
3 \$2,000,000, to remain available until September 30, 2025,
4 shall be made available for fiscal year 2022, \$2,000,000,
5 to remain available until September 30, 2026, shall be
6 made available for fiscal year 2023, \$2,000,000, to remain
7 available until September 30, 2027, shall be made avail-
8 able for fiscal year 2024, \$2,000,000, to remain available
9 until September 30, 2028, shall be made available for fis-
10 cal year 2025, and \$2,000,000, to remain available until
11 September 30, 2029, shall be made available for fiscal
12 year 2026: *Provided further*, That such amount is des-
13 ignated by the Congress as being for an emergency re-
14 quirement pursuant to section 4112(a) of H. Con. Res.
15 71 (115th Congress), the concurrent resolution on the
16 budget for fiscal year 2018, and to section 251(b) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 STATE AND PRIVATE FORESTRY

20 (INCLUDING TRANSFERS OF FUNDS)

21 For an additional amount for “State and Private
22 Forestry”, \$1,526,800,000, to remain available until Sep-
23 tember 30, 2029: *Provided*, That \$305,360,000, to remain
24 available until September 30, 2025, shall be made avail-
25 able for fiscal year 2022, \$305,360,000, to remain avail-

2606

1 able until September 30, 2026, shall be made available
2 for fiscal year 2023, \$305,360,000, to remain available
3 until September 30, 2027, shall be made available for fis-
4 cal year 2024, \$305,360,000, to remain available until
5 September 30, 2028, shall be made available for fiscal
6 year 2025, and \$305,360,000, to remain available until
7 September 30, 2029, shall be made available for fiscal
8 year 2026: *Provided further*, That of the funds made avail-
9 able under this heading in this Act, the following amounts
10 shall be for the following purposes in equal amounts for
11 each of fiscal years 2022 through 2026—

12 (1) \$718,000,000 for the Secretary of Agri-
13 culture, acting through the Chief of the Forest Serv-
14 ice, to carry out activities for the Department of Ag-
15 riculture, as authorized in sections 40803 and 40804
16 of division D of this Act;

17 (2) In addition to amounts made available in
18 paragraph (1) for grants to at-risk communities for
19 wildfire mitigation activities, not less than
20 \$500,000,000 for such purposes;

21 (3) Not less than \$88,000,000 for State Fire
22 Assistance; and

23 (4) Not less than \$20,000,000 for Volunteer
24 Fire Assistance:

2607

1 *Provided further*, That amounts made available under this
2 heading in this Act for each of fiscal years 2022 through
3 2026 may be transferred between accounts affected by the
4 Forest Service budget restructure outlined in section 435
5 of division D of the Further Consolidated Appropriations
6 Act, 2020 (Public Law 116–94) to carry out the activities
7 in support of this heading: *Provided further*, That up to
8 3 percent of the amounts made available under this head-
9 ing in this Act in each of fiscal years 2022 through 2026
10 shall be for salaries, expenses, and administration: *Pro-*
11 *vided further*, That one-half of one percent of the amounts
12 made available under this heading in this Act in each of
13 fiscal years 2022 through 2026 shall be transferred to the
14 Office of Inspector General of the Department of Agri-
15 culture for oversight of funding provided to the Forest
16 Service in this title in this Act: *Provided further*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section 4112(a) of
19 H. Con. Res. 71 (115th Congress), the concurrent resolu-
20 tion on the budget for fiscal year 2018, and to section
21 251(b) of the Balanced Budget and Emergency Deficit
22 Control Act of 1985.

2608

1 NATIONAL FOREST SYSTEM
2 (INCLUDING TRANSFERS OF FUNDS)

3 For an additional amount for “National Forest Sys-
4 tem”, \$2,854,000,000, to remain available until expended:
5 *Provided*, That \$734,800,000, to remain available until
6 expended, shall be made available for fiscal year 2022,
7 \$529,800,000, to remain available until expended, shall be
8 made available for fiscal year 2023, \$529,800,000, to re-
9 main available until expended, shall be made available for
10 fiscal year 2024, \$529,800,000, to remain available until
11 expended, shall be made available for fiscal year 2025, and
12 \$529,800,000, to remain available until expended, shall be
13 made available for fiscal year 2026: *Provided further*, That
14 of the funds made available under this heading in this Act,
15 the following amounts shall be for the following pur-
16 poses—

17 (1) \$2,115,000,000 for the Secretary of Agri-
18 culture, acting through the Chief of the Forest Serv-
19 ice, to carry out activities for the Department of Ag-
20 riculture as authorized in sections 40803 and 40804
21 of division D of this Act, of which \$587,000,000, to
22 remain available until expended, shall be made avail-
23 able for fiscal year 2022 and \$382,000,000, to re-
24 main available until expended, shall be made avail-
25 able for each of fiscal years 2023 through 2026;

2609

1 (2) In addition to amounts made available in
2 paragraph (1) for hazardous fuels management ac-
3 tivities, \$102,800,000 for each of fiscal years 2022
4 through 2026 for such purposes; and

5 (3) In addition to amounts made available in
6 paragraph (1) for burned area recovery,
7 \$45,000,000 for each of fiscal years 2022 through
8 2026 for such purposes:

9 *Provided further*, That up to \$12,000,000 for each of fiscal
10 years 2022 through 2026 from funds made available in
11 paragraph (2) of the preceding proviso may be used to
12 make grants, using any authorities available for the Forest
13 Service under the “State and Private Forestry” appropria-
14 tion for the purposes of creating incentives for increased
15 use of biomass from National Forest System lands, includ-
16 ing the Community Wood Energy Program and the Wood
17 Innovation Grants Program: *Provided further*, That up to
18 \$8,000,000 for each of fiscal years 2022 through 2026
19 from funds made available in paragraph (2) of the pre-
20 ceding proviso shall be for implementation of the Tribal
21 Forestry Protection Act, as amended (Public Law 108–
22 278): *Provided further*, That funds appropriated under
23 this heading in this Act may be transferred to the United
24 States Fish and Wildlife Service and the National Marine
25 Fisheries Service for the costs of carrying out their re-

2610

1 sponsibilities under the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.) to consult and conference, as
3 required by section 7 of such Act, in connection with
4 wildland fire management activities: *Provided further,*
5 That the Secretary of the Interior and the Secretary of
6 Agriculture, acting through the Chief of the Forest Serv-
7 ice, may authorize the transfer of funds provided under
8 this heading in this Act between the Departments for the
9 purpose of carrying out activities as authorized in section
10 40804(b)(1) of division D of this Act: *Provided further,*
11 That amounts made available under this heading in this
12 Act for each of fiscal years 2022 through 2026 may be
13 transferred between accounts affected by the Forest Serv-
14 ice budget restructure outlined in section 435 of division
15 D of the Further Consolidated Appropriations Act, 2020
16 (Public Law 116–94) to carry out the activities in support
17 of this heading: *Provided further,* That amounts made
18 available under this heading in this Act in each of fiscal
19 years 2022 through 2026 shall be available for salaries
20 and expenses: *Provided further,* That one-half of one per-
21 cent of the amounts made available under this heading
22 in this Act in each of fiscal years 2022 through 2026 shall
23 be transferred to the Office of Inspector General of the
24 Department of Agriculture for oversight of funding pro-
25 vided to the Forest Service in this title in this Act: *Pro-*

1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 4112(a) of H. Con. Res. 71 (115th Congress), the
4 concurrent resolution on the budget for fiscal year 2018,
5 and to section 251(b) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 CAPITAL IMPROVEMENT AND MAINTENANCE

8 (INCLUDING TRANSFERS OF FUNDS)

9 For an additional amount for “Capital Improvement
10 and Maintenance”, \$360,000,000, to remain available
11 until September 30, 2029: *Provided*, That \$72,000,000,
12 to remain available until September 30, 2025, shall be
13 made available for fiscal year 2022, \$72,000,000, to re-
14 main available until September 30, 2026, shall be made
15 available for fiscal year 2023, \$72,000,000, to remain
16 available until September 30, 2027, shall be made avail-
17 able for fiscal year 2024, \$72,000,000, to remain available
18 until September 30, 2028, shall be made available for fis-
19 cal year 2025, and \$72,000,000, to remain available until
20 September 30, 2029, shall be made available for fiscal
21 year 2026: *Provided further*, That of the funds made avail-
22 able under this heading in this Act, the following amounts
23 shall be for the following purposes in equal amounts for
24 each of fiscal years 2022 through 2026—

2612

1 (1) \$250,000,000 to carry out activities of the
2 Legacy Road and Trail Remediation Program, as
3 authorized in Public Law 88–657 (16 U.S.C. 532 et
4 seq.) (commonly known as the “Forest Roads and
5 Trails Act”), as amended by section 40801 of divi-
6 sion D of this Act;

7 (2) \$100,000,000 for construction of temporary
8 roads or reconstruction and maintenance of roads to
9 facilitate forest restoration and management projects
10 that reduce wildfire risk; and

11 (3) \$10,000,000 for the removal of non-hydro-
12 power Federal dams and for providing dam removal
13 technical assistance:

14 *Provided further*, That funds appropriated under this
15 heading in this Act may be transferred to the United
16 States Fish and Wildlife Service and the National Marine
17 Fisheries Service for the costs of carrying out their re-
18 sponsibilities under the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) to consult and conference, as
20 required by section 7 of such Act, in connection with
21 wildland fire management activities: *Provided further*,
22 That amounts made available under this heading in this
23 Act for each of fiscal years 2022 through 2026 may be
24 transferred between accounts affected by the Forest Serv-
25 ice budget restructure outlined in section 435 of division

2613

1 D of the Further Consolidated Appropriations Act, 2020
2 (Public Law 116–94) to carry out the activities in support
3 of this heading: *Provided further*, That one-half of one per-
4 cent of the amounts made available under this heading
5 in this Act in each of fiscal years 2022 through 2026 shall
6 be transferred to the Office of Inspector General of the
7 Department of Agriculture for oversight of funding pro-
8 vided to the Forest Service in this title in this Act: *Pro-*
9 *vided further*, That such amount is designated by the Con-
10 gress as being for an emergency requirement pursuant to
11 section 4112(a) of H. Con. Res. 71 (115th Congress), the
12 concurrent resolution on the budget for fiscal year 2018,
13 and to section 251(b) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 WILDLAND FIRE MANAGEMENT

16 (INCLUDING TRANSFERS OF FUNDS)

17 For an additional amount for “Wildland Fire Man-
18 agement”, \$696,200,000 to remain available until ex-
19 pended, for the Secretary of Agriculture, acting through
20 the Chief of the Forest Service, to carry out activities for
21 the Department of Agriculture as authorized in section
22 40803 of division D of this Act: *Provided*, That
23 \$552,200,000, to remain available until expended, shall be
24 made available for fiscal year 2022, \$36,000,000, to re-
25 main available until expended, shall be made available for

2614

1 fiscal year 2023, \$36,000,000, to remain available until
2 expended, shall be made available for fiscal year 2024,
3 \$36,000,000, to remain available until expended, shall be
4 made available for fiscal year 2025, and \$36,000,000, to
5 remain available until expended, shall be made available
6 for fiscal year 2026: *Provided further*, That funds appro-
7 priated under this heading in this Act may be transferred
8 to the United States Fish and Wildlife Service and the
9 National Marine Fisheries Service for the costs of carrying
10 out their responsibilities under the Endangered Species
11 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
12 ference, as required by section 7 of such Act, in connection
13 with wildland fire management activities: *Provided further*,
14 That amounts made available under this heading in this
15 Act for each of fiscal years 2022 through 2026 may be
16 transferred between accounts affected by the Forest Serv-
17 ice budget restructure outlined in section 435 of division
18 D of the Further Consolidated Appropriations Act, 2020
19 (Public Law 116– 94) to carry out the activities in support
20 of this heading: *Provided further*, That amounts made
21 available under this heading in this Act in each of fiscal
22 years 2022 through 2026, shall be available for salaries
23 and expenses to carry out such purposes: *Provided further*,
24 That one-half of one percent of the amounts made avail-
25 able under this heading in this Act in each of fiscal years

2615

1 2022 through 2026 shall be transferred to the Office of
2 Inspector General of the Department of Agriculture for
3 oversight of funding provided to the Forest Service in this
4 title in this Act: *Provided further*, That such amount is
5 designated by the Congress as being for an emergency re-
6 quirement pursuant to section 4112(a) of H. Con. Res.
7 71 (115th Congress), the concurrent resolution on the
8 budget for fiscal year 2018, and to section 251(b) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 ADMINISTRATIVE PROVISION—FOREST SERVICE

12 Not later than 90 days after the date of enactment
13 of this Act, the Secretary of Agriculture, acting through
14 the Chief of the Forest Service, shall submit to the House
15 and Senate Committees on Appropriations a detailed
16 spend plan for the funds provided to the Forest Service
17 in this title in this Act for fiscal year 2022, and for each
18 fiscal year through 2026, as part of the annual budget
19 submission of the President under section 1105(a) of title
20 31, United States Code, the Secretary shall submit a de-
21 tailed spend plan for the funds provided to the Forest
22 Service in this title in this Act for that fiscal year.

2616

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH FACILITIES
5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for “Indian Health Facili-
7 ties”, \$3,500,000,000, to remain available until expended,
8 for the provision of domestic and community sanitation
9 facilities for Indians, as authorized by section 7 of the Act
10 of August 5, 1954 (68 Stat. 674): *Provided*, That
11 \$700,000,000, to remain available until expended, shall be
12 made available for fiscal year 2022, \$700,000,000, to re-
13 main available until expended, shall be made available for
14 fiscal year 2023, \$700,000,000, to remain available until
15 expended, shall be made available for fiscal year 2024,
16 \$700,000,000, to remain available until expended, shall be
17 made available for fiscal year 2025, and \$700,000,000,
18 to remain available until expended, shall be made available
19 for fiscal year 2026: *Provided further*, That of the amounts
20 made available under this heading, up to \$2,200,000,000
21 shall be for projects that exceed the economical unit cost
22 and shall be available until expended: *Provided further*,
23 That up to three percent of the amounts made available
24 in each fiscal year shall be for salaries, expenses, and ad-
25 ministration: *Provided further*, That one-half of one per-

2617

1 cent of the amounts made available under this heading
2 in this Act in each fiscal years 2022 through 2026 shall
3 be transferred to the Office of Inspector General of the
4 Department of Health and Human Services for oversight
5 of funding provided to the Department of Health and
6 Human Services in this title in this Act: *Provided further*,
7 That no funds available to the Indian Health Service for
8 salaries, expenses, administration, and oversight shall be
9 available for contracts, grants, compacts, or cooperative
10 agreements under the provisions of the Indian Self-Deter-
11 mination and Education Assistance Act as amended: *Pro-*
12 *vided further*, That funds under this heading made avail-
13 able to Tribes and Tribal organizations under the Indian
14 Self-Determination and Education Assistance Act (25
15 U.S.C. 5301 et seq.) shall be available on a one-time basis,
16 are nonrecurring, and shall not be part of the amount re-
17 quired by section 106 of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C. 5325), and shall
19 only be used for the purposes identified in this heading:
20 *Provided further*, That not later than 90 days after the
21 date of enactment of this Act, the Secretary of Health and
22 Human Services shall submit to the House and Senate
23 Committees on Appropriations a detailed spend plan for
24 fiscal year 2022: *Provided further*, That for each fiscal
25 year through 2026, as part of the annual budget submis-

2618

1 sion of the President under section 1105(a) of title 31,
2 United States Code, the Secretary of Health and Human
3 Services shall submit a detailed spend plan for that fiscal
4 year: *Provided further*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 4112(a) of H. Con. Res. 71 (115th
7 Congress), the concurrent resolution on the budget for fis-
8 cal year 2018, and to section 251(b) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 TITLE VII—LABOR, HEALTH AND HUMAN SERV-

11 ICES, AND EDUCATION, AND RELATED

12 AGENCIES

13 DEPARTMENT OF HEALTH AND HUMAN

14 SERVICES

15 ADMINISTRATION FOR CHILDREN AND FAMILIES

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For an additional amount for “Low Income Home
18 Energy Assistance”, \$500,000,000, to remain available
19 through September 30, 2026, for making payments under
20 subsection (b) of section 2602 of the Low-Income Home
21 Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.):
22 *Provided*, That \$100,000,000, to remain available until
23 September 30, 2026, shall be made available in fiscal year
24 2022, \$100,000,000, to remain available until September
25 30, 2026, shall be made available in fiscal year 2023,

2619

1 \$100,000,000, to remain available until September 30,
2 2026, shall be made available in fiscal year 2024,
3 \$100,000,000, to remain available until September 30,
4 2026, shall be made available in fiscal year 2025, and
5 \$100,000,000, to remain available until September 30,
6 2026, shall be made available in fiscal year 2026: *Provided*
7 *further*, That, of the amount available for obligation in a
8 fiscal year under this heading in this Act, \$50,000,000
9 shall be allocated as though the total appropriation for
10 such payments for such fiscal year was less than
11 \$1,975,000,000: *Provided further*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 4112(a) of H. Con. Res.
14 71 (115th Congress), the concurrent resolution on the
15 budget for fiscal year 2018, and to section 251(b) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985.

18 TITLE VIII—TRANSPORTATION, HOUSING AND
19 URBAN DEVELOPMENT, AND RELATED
20 AGENCIES

21 DEPARTMENT OF TRANSPORTATION

22 OFFICE OF THE SECRETARY

23 NATIONAL INFRASTRUCTURE INVESTMENTS

24 For an additional amount for “National Infrastruc-
25 ture Investments”, \$12,500,000,000, to remain available

2620

1 until expended, for necessary expenses to carry out chap-
2 ter 67 of title 49, United States Code, of which
3 \$5,000,000,000 shall be to carry out section 6701 of such
4 title and \$7,500,000,000 shall be to carry out section
5 6702 of such title: *Provided*, That, of the amount made
6 available under this heading in this Act to carry out sec-
7 tion 6701 of title 49, United States Code, \$1,000,000,000,
8 to remain available until expended, shall be made available
9 for fiscal year 2022, \$1,000,000,000, to remain available
10 until expended, shall be made available for fiscal year
11 2023, \$1,000,000,000, to remain available until expended,
12 shall be made available for fiscal year 2024,
13 \$1,000,000,000, to remain available until expended, shall
14 be made available for fiscal year 2025, and
15 \$1,000,000,000, to remain available until expended, shall
16 be made available for fiscal year 2026: *Provided further*,
17 That, of the amount made available under this heading
18 in this Act to carry out section 6702 of title 49, United
19 States Code, \$1,500,000,000, to remain available until
20 September 30, 2026, shall be made available for fiscal
21 year 2022, \$1,500,000,000, to remain until September 30,
22 2027, shall be made available for fiscal year 2023,
23 \$1,500,000,000, to remain available until September 30,
24 2028, shall be made available for fiscal year 2024,
25 \$1,500,000,000, to remain available until September 30,

2621

1 2029, shall be made available for fiscal year 2025, and
2 \$1,500,000,000, to remain available September 30, 2030,
3 shall be made available for fiscal year 2026: *Provided fur-*
4 *ther*, That such amount is designated by the Congress as
5 being for an emergency requirement pursuant to section
6 4112(a) of H. Con. Res. 71 (115th Congress), the concur-
7 rent resolution on the budget for fiscal year 2018, and
8 pursuant to section 251(b) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 SAFE STREETS AND ROADS FOR ALL GRANTS

11 For an additional amount for “Safe Streets and
12 Roads for All Grants”, \$5,000,000,000, to remain avail-
13 able until expended, for competitive grants, as authorized
14 under section 24112 of division B of this Act: *Provided*,
15 That \$1,000,000,000, to remain available until expended,
16 shall be made available for fiscal year 2022,
17 \$1,000,000,000, to remain available until expended, shall
18 be made available for fiscal year 2023, \$1,000,000,000,
19 to remain available until expended, shall be made available
20 for fiscal year 2024, \$1,000,000,000, to remain available
21 until expended, shall be made available for fiscal year
22 2025, and \$1,000,000,000, to remain available until ex-
23 pended, shall be made available for fiscal year 2026: *Pro-*
24 *vided further*, That the Secretary shall issue a notice of
25 funding opportunity not later than 180 days after each

2622

1 date upon which funds are made available under the pre-
2 ceding proviso: *Provided further*, That the Secretary shall
3 make awards not later than 270 days after issuing the
4 notices of funding opportunity required under the pre-
5 ceding proviso: *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 4112(a) of H. Con. Res.
8 71 (115th Congress), the concurrent resolution on the
9 budget for fiscal year 2018, and to section 251(b) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 NATIONAL CULVERT REMOVAL, REPLACEMENT, AND
13 RESTORATION GRANTS

14 For an additional amount for “National Culvert Re-
15 moval, Replacement, and Restoration Grants”,
16 \$1,000,000,000, to remain available until expended, as au-
17 thorized by section 6203 of title 49, United States Code:
18 *Provided*, That \$200,000,000, to remain available until
19 expended, shall be made available for fiscal year 2022,
20 \$200,000,000, to remain available until expended, shall be
21 made available for fiscal year 2023, \$200,000,000, to re-
22 main available until expended, shall be made available for
23 fiscal year 2024, \$200,000,000, to remain available until
24 expended, shall be made available for fiscal year 2025, and
25 \$200,000,000, to remain available until expended, shall be

2623

1 made available for fiscal year 2026: *Provided further*, That
2 such amount is designated by the Congress as being for
3 an emergency requirement pursuant to section 4112(a) of
4 H. Con. Res. 71 (115th Congress), the concurrent resolu-
5 tion on the budget for fiscal year 2018, and to section
6 251(b) of the Balanced Budget and Emergency Deficit
7 Control Act of 1985.

8 STRENGTHENING MOBILITY AND REVOLUTIONIZING
9 TRANSPORTATION GRANT PROGRAM

10 For an additional amount for “Strengthening Mobil-
11 ity and Revolutionizing Transportation Grant Program”,
12 \$500,000,000, to remain available until expended, as au-
13 thorized by section 25005 of division B of this Act: *Pro-*
14 *vided*, That \$100,000,000, to remain available until ex-
15 pended, shall be made available for fiscal year 2022,
16 \$100,000,000, to remain available until expended, shall be
17 made available for fiscal year 2023, \$100,000,000, to re-
18 main available until expended, shall be made available for
19 fiscal year 2024, \$100,000,000, to remain available until
20 expended, shall be made available for fiscal year 2025, and
21 \$100,000,000, to remain available until expended, shall be
22 made available for fiscal year 2026: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section 4112(a) of
25 H. Con. Res. 71 (115th Congress), the concurrent resolu-

1 tion on the budget for fiscal year 2018, and to section
2 251(b) of the Balanced Budget and Emergency Deficit
3 Control Act of 1985.

4 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
5 SECRETARY OF TRANSPORTATION
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 801. (a) Amounts made available to the Sec-
8 retary of Transportation or the Department of Transpor-
9 tation’s Operating Administrations in this title in this Act
10 and in section 117 of title 23, United States Code, for
11 fiscal years 2022 through 2026 for the costs of award,
12 administration, or oversight of financial assistance under
13 the programs administered by the Office of Multimodal
14 Infrastructure and Freight may be transferred to an “Of-
15 fice of Multimodal Infrastructure and Freight” account,
16 to remain available until expended, for the necessary ex-
17 penses of award, administration, or oversight of any dis-
18 cretionary financial assistance programs funded under this
19 title in this Act or division A of this Act: *Provided*, That
20 one-half of one percent of the amounts transferred pursu-
21 ant to the authority in this section in each of fiscal years
22 2022 through 2026 shall be transferred to the Office of
23 Inspector General of the Department of Transportation
24 for oversight of funding provided to the Department of
25 Transportation in this title in this Act: *Provided further*,

1 That the amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 4112(a) of H. Con. Res. 71 (115th
4 Congress), the concurrent resolution on the budget for fis-
5 cal year 2018, and to section 251(b) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985.

7 (b) In addition to programs identified in section
8 118(d) of title 49, United States Code, the Office of
9 Multimodal Infrastructure and Freight shall administer,
10 with support from the Department's Operating Adminis-
11 trations, the following financial assistance programs—

12 (1) the national infrastructure projects program
13 under section 6701 of title 49, United States Code;

14 (2) the local and regional projects program
15 under section 6702 of title 49, United States Code;

16 (3) the strengthening mobility and revolution-
17 izing transportation grant program under section
18 25005 of division B of this Act;

19 (4) the nationally significant freight and high-
20 ways projects under section 117 of title 23, United
21 States Code;

22 (5) the national culvert removal, replacement,
23 and restoration grant program under section 6203
24 of title 49, United States Code; and

2626

1 (6) other discretionary financial assistance pro-
2 grams that the Secretary determines should be ad-
3 ministered by the Office of Multimodal Infrastruc-
4 ture and Freight, subject to the approval of the
5 House and Senate Committees on Appropriations as
6 required under section 405 of Division L of the Con-
7 solidated Appropriations Act, 2021.

8 FEDERAL AVIATION ADMINISTRATION

9 FACILITIES AND EQUIPMENT

10 For an additional amount for “Facilities and Equip-
11 ment”, \$5,000,000,000, to remain available until ex-
12 pended: *Provided*, That \$1,000,000,000, to remain avail-
13 able until expended, shall be made available for fiscal year
14 2022, \$1,000,000,000, to remain available until expended,
15 shall be made available for fiscal year 2023,
16 \$1,000,000,000, to remain available until expended, shall
17 be made available for fiscal year 2024, \$1,000,000,000,
18 to remain available until expended, shall be made available
19 for fiscal year 2025, and \$1,000,000,000, to remain avail-
20 able until expended, shall be made available for fiscal year
21 2026: *Provided further*, That amounts made available
22 under this heading in this Act shall be derived from the
23 general fund of the Treasury: *Provided further*, That funds
24 provided under this heading in this Act shall be for: (1)
25 replacing terminal and en route air traffic control facili-

2627

1 ties; (2) improving air route traffic control center and
2 combined control facility buildings; (3) improving air traf-
3 fic control en route radar facilities; (4) improving air traf-
4 fic control tower and terminal radar approach control fa-
5 cilities; (5) national airspace system facilities OSHA and
6 environmental standards compliance; (6) landing and
7 navigational aids; (7) fuel storage tank replacement and
8 management; (8) unstaffed infrastructure sustainment;
9 (9) real property disposition; (10) electrical power system
10 sustain and support; (11) energy maintenance and compli-
11 ance; (12) hazardous materials management and environ-
12 mental cleanup; (13) facility security risk management;
13 (14) mobile asset management program; and (15) admin-
14 istrative expenses, including salaries and expenses, admin-
15 istration, and oversight: *Provided further*, That not less
16 than \$200,000,000 of the funds made available under this
17 heading in this Act shall be for air traffic control towers
18 that are owned by the Federal Aviation Administration
19 and staffed through the contract tower program: *Provided*
20 *further*, That not later than 90 days after the date of en-
21 actment of this Act, the Secretary of Transportation shall
22 submit to the House and Senate Committees on Appro-
23 priations a detailed spend plan, including a list of project
24 locations of air traffic control towers and contract towers,
25 to be funded for fiscal year 2022: *Provided further*, That

2628

1 for each fiscal year through 2026, as part of the annual
2 budget submission of the President under section 1105(a)
3 of title 31, United States Code, the Secretary of Transpor-
4 tation shall submit a detailed spend plan for funding that
5 will be made available under this heading in the upcoming
6 fiscal year, including a list of projects for replacing facili-
7 ties that are owned by the Federal Aviation Administra-
8 tion, including air traffic control towers that are staffed
9 through the contract tower program: *Provided further*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section 4112(a)
12 of H. Con. Res. 71 (115th Congress), the concurrent reso-
13 lution on the budget for fiscal year 2018, and to section
14 251(b) of the Balanced Budget and Emergency Deficit
15 Control Act of 1985.

16 AIRPORT INFRASTRUCTURE GRANTS
17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Airport Infrastructure
19 Grants”, \$15,000,000,000, to remain available until Sep-
20 tember 30, 2030: *Provided*, That \$3,000,000,000, to re-
21 main available until September 30, 2026, shall be made
22 available for fiscal year 2022, \$3,000,000,000, to remain
23 available until September 30, 2027, shall be made avail-
24 able for fiscal year 2023, \$3,000,000,000, to remain avail-
25 able until September 30, 2028, shall be made available

1 for fiscal year 2024, \$3,000,000,000, to remain available
2 until September 30, 2029, shall be made available for fis-
3 cal year 2025, and \$3,000,000,000, to remain available
4 until September 30, 2030, shall be made available for fis-
5 cal year 2026: *Provided further*, That amounts made avail-
6 able under this heading in this Act shall be derived from
7 the general fund of the Treasury: *Provided further*, That
8 amounts made available under this heading in this Act
9 shall be made available to sponsors of any airport eligible
10 to receive grants under section 47115 of title 49, United
11 States Code, for airport-related projects defined under sec-
12 tion 40117(a)(3) of title 49, United States Code: *Provided*
13 *further*, That of the funds made available under this head-
14 ing in this Act, in each of fiscal years 2022 through
15 2026—

16 (1) Not more than \$2,480,000,000 shall be
17 available for primary airports as defined in section
18 47102(16) of title 49, United States Code, and cer-
19 tain cargo airports: *Provided*, That such funds shall
20 not be subject to the reduced apportionments of sec-
21 tion 47114(f) of title 49, United States Code: *Pro-*
22 *vided further*, That such funds shall first be appor-
23 tioned as set forth in sections 47114(c)(1)(A),
24 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii),
25 47114(c)(2)(A), 47114(c)(2)(B), and

2630

1 47114(c)(2)(E), 47114(c)(1)(J) of title 49, United
2 States Code: *Provided further*, That there shall be no
3 maximum apportionment limit: *Provided further*,
4 That any remaining funds after such apportionment
5 shall be distributed to all sponsors of primary air-
6 ports (as defined in section 47102(16) of title 49,
7 United States Code) based on each such airport's
8 passenger enplanements compared to total passenger
9 enplanements of all airports defined in section
10 47102(16) of title 49, United States Code, for cal-
11 endar year 2019 in fiscal years 2022 and 2023 and
12 thereafter for the most recent calendar year
13 enplanements upon which the Secretary has appor-
14 tioned funds pursuant to section 47114(c) of title
15 49, United States Code;

16 (2) Not more than \$500,000,000 shall be for
17 general aviation and commercial service airports that
18 are not primary airports as defined in paragraphs
19 (7), (8), and (16) of section 47102 of title 49,
20 United States Code: *Provided*, That the Secretary of
21 Transportation shall apportion the remaining funds
22 to each non-primary airport based on the categories
23 published in the most current National Plan of Inte-
24 grated Airport Systems, reflecting the percentage of
25 the aggregate published eligible development costs

2631

1 for each such category, and then dividing the allo-
2 cated funds evenly among the eligible airports in
3 each category, rounding up to the nearest thousand
4 dollars: *Provided further*, That any remaining funds
5 under this paragraph in this Act shall be distributed
6 as described in paragraph (3) in this proviso under
7 this heading in this Act; and

8 (3) \$20,000,000 for the Secretary of Transpor-
9 tation to make competitive grants to sponsors of air-
10 ports participating in the contract tower program
11 and the contract tower cost share program under
12 section 47124 of title 49, United States Code to: (1)
13 sustain, construct, repair, improve, rehabilitate,
14 modernize, replace or relocate nonapproach control
15 towers; (2) acquire and install air traffic control,
16 communications, and related equipment to be used
17 in those towers; and (3) construct a remote tower
18 certified by the Federal Aviation Administration, in-
19 cluding acquisition and installation of air traffic con-
20 trol, communications, or related equipment: *Pro-*
21 *vided*, That the Federal Aviation Administration
22 shall give priority consideration to projects that en-
23 hance aviation safety and improve air traffic effi-
24 ciency: *Provided further*, That the Federal share of

1 the costs for which a grant is made under this para-
2 graph shall be 100 percent:

3 *Provided further*, That any funds made available in a given
4 fiscal year that remain unobligated at the end of the
5 fourth fiscal year after which they were first made avail-
6 able for obligation shall be made available in the fifth fis-
7 cal year after which they were first made available for obli-
8 gation to the Secretary for competitive grants: *Provided*
9 *further*, That of the amounts made available to the Sec-
10 retary for competitive grants under the preceding proviso,
11 the Secretary shall first provide up to \$100,000,000, as
12 described in paragraph (3) of the fourth proviso, and any
13 remaining unobligated balances in excess of that amount
14 shall be available to the Secretary for competitive grants
15 otherwise eligible under the third proviso that reduce air-
16 port emissions, reduce noise impact to the surrounding
17 community, reduce dependence on the electrical grid, or
18 provide general benefits to the surrounding community:
19 *Provided further*, That none of the amounts made available
20 under this heading in this Act may be used to pay for
21 airport debt service: *Provided further*, That a grant made
22 from funds made available under this heading in this Act
23 shall be treated as having been made pursuant to the Sec-
24 retary's authority under section 47104(a) of title 49,
25 United States Code: *Provided further*, That up to 3 per-

2633

1 cent of the amounts made available under this heading
2 in this Act in each of fiscal years 2022 through 2026 shall
3 be for personnel, contracting, and other costs to admin-
4 ister and oversee grants, of which \$1,000,000 in each fis-
5 cal year shall be transferred to the Office of Inspector
6 General of the Department of Transportation for oversight
7 of funding provided to the Department of Transportation
8 in this title in this Act: *Provided further*, That the Federal
9 share of the costs of a project under paragraphs (1) and
10 (2) of the fourth proviso under this heading shall be the
11 percent for which a project for airport development would
12 be eligible under section 47109 of title 49, United States
13 Code: *Provided further*, That obligations of funds under
14 this heading in this Act shall not be subject to any limita-
15 tions on obligations provided in any Act making annual
16 appropriations: *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 4112(a) of H. Con. Res.
19 71 (115th Congress), the concurrent resolution on the
20 budget for fiscal year 2018, and to section 251(b) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

2634

1 AIRPORT TERMINAL PROGRAM
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Airport Terminal Pro-
4 gram”, \$5,000,000,000, to remain available until Sep-
5 tember 30, 2030, for the Secretary of Transportation to
6 provide competitive grants for airport terminal develop-
7 ment projects that address the aging infrastructure of the
8 nation’s airports: *Provided*, That \$1,000,000,000, to re-
9 main available until September 30, 2026, shall be made
10 available for fiscal year 2022, \$1,000,000,000, to remain
11 available until September 30, 2027, shall be made avail-
12 able for fiscal year 2023, \$1,000,000,000, to remain avail-
13 able until September 30, 2028, shall be made available
14 for fiscal year 2024, \$1,000,000,000, to remain available
15 until September 30, 2029, shall be made available for fis-
16 cal year 2025, and \$1,000,000,000, to remain available
17 until September 30, 2030, shall be made available for fis-
18 cal year 2026: *Provided further*, That amounts made avail-
19 able under this heading in this Act shall be derived from
20 the general fund of the Treasury: *Provided further*, That
21 the Secretary shall issue a notice of funding opportunity
22 not later than 60 days after the date of enactment of this
23 Act: *Provided further*, That of the funds made available
24 under this heading in this Act, not more than 55 percent
25 shall be for large hub airports, not more than 15 percent

2635

1 shall be for medium hub airports, not more than 20 per-
2 cent shall be for small hub airports, and not less than 10
3 percent shall be for nonhub and nonprimary airports: *Pro-*
4 *vided further*, That in awarding grants for terminal devel-
5 opment projects from funds made available under this
6 heading in this Act, the Secretary may consider projects
7 that qualify as “terminal development” (including
8 multimodal terminal development), as that term is defined
9 in 49 U.S.C. §47102(28), projects for on-airport rail ac-
10 cess projects as set forth in Passenger Facility Charge
11 (PFC) Update 75–21, and projects for relocating, recon-
12 structing, repairing, or improving an airport-owned air
13 traffic control tower: *Provided further*, That in awarding
14 grants for terminal development projects from funds made
15 available under this heading in this Act, the Secretary
16 shall give consideration to projects that increase capacity
17 and passenger access; projects that replace aging infra-
18 structure; projects that achieve compliance with the Amer-
19 icans with Disabilities Act and expand accessibility for
20 persons with disabilities; projects that improve airport ac-
21 cess for historically disadvantaged populations; projects
22 that improve energy efficiency, including upgrading envi-
23 ronmental systems, upgrading plant facilities, and achiev-
24 ing Leadership in Energy and Environmental Design
25 (LEED) accreditation standards; projects that improve

2636

1 airfield safety through terminal relocation; and projects
2 that encourage actual and potential competition: *Provided*
3 *further*, That the Federal share of the cost of a project
4 carried out from funds made available under this heading
5 in this Act shall be 80 percent for large and medium hub
6 airports and 95 percent for small hub, nonhub, and non-
7 primary airports: *Provided further*, That a grant made
8 from funds made available under this heading in this Act
9 shall be treated as having been made pursuant to the Sec-
10 retary's authority under section 47104(a) of title 49,
11 United States Code: *Provided further*, That the Secretary
12 may provide grants from funds made available under this
13 heading in this Act for a project at any airport that is
14 eligible to receive a grant from the discretionary fund
15 under section 47115(a) of title 49, United States Code:
16 *Provided further*, That in making awards from funds made
17 available under this heading in this Act, the Secretary
18 shall provide a preference to projects that achieve a com-
19 plete development objective, even if awards for the project
20 must be phased, and the Secretary shall prioritize projects
21 that have received partial awards: *Provided further*, That
22 up to 3 percent of the amounts made available under this
23 heading in this Act in each fiscal year shall be for per-
24 sonnel, contracting and other costs to administer and over-
25 see grants, of which \$1,000,000 in each fiscal year shall

2637

1 be transferred to the Office of Inspector General of the
2 Department of Transportation for oversight of funding
3 provided to the Department of Transportation in this title
4 in this Act: *Provided further*, That such amount is des-
5 ignated by the Congress as being for an emergency re-
6 quirement pursuant to section 4112(a) of H. Con. Res.
7 71 (115th Congress), the concurrent resolution on the
8 budget for fiscal year 2018, and to section 251(b) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 FEDERAL HIGHWAY ADMINISTRATION
12 HIGHWAY INFRASTRUCTURE PROGRAM
13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Highway Infrastruc-
15 ture Programs”, \$47,272,000,000, to remain available
16 until expended except as otherwise provided under this
17 heading: *Provided*, That of the amount provided under
18 this heading in this Act, \$9,454,400,000, to remain avail-
19 able until September 30, 2025, shall be made available
20 for fiscal year 2022, \$9,454,400,000, to remain available
21 until September 30, 2026, shall be made available for fis-
22 cal year 2023, \$9,454,400,000, to remain available until
23 September 30, 2027, shall be made available for fiscal
24 year 2024, \$9,454,400,000, to remain available until Sep-
25 tember 30, 2028, shall be made available for fiscal year

2638

1 2025, and \$9,454,400,000, to remain available until Sep-
2 tember 30, 2029, shall be made available for fiscal year
3 2026: *Provided further*, That the funds made available
4 under this heading in this Act shall be derived from the
5 general fund of the Treasury, shall be in addition to any
6 other amounts made available for such purpose, and shall
7 not affect the distribution or amount of funds provided
8 in any Act making annual appropriations: *Provided fur-*
9 *ther*, That, except for funds provided in paragraph (1)
10 under this heading in this Act, up to 1.5 percent of the
11 amounts made available under this heading in this Act in
12 each of fiscal years 2022 through 2026 shall be for oper-
13 ations and administrations of the Federal Highway Ad-
14 ministration, of which \$1,000,000 in each fiscal year shall
15 be transferred to the Office of the Inspector General of
16 the Department of Transportation for oversight of funding
17 provided to the Department of Transportation in this title
18 in this Act: *Provided further*, That the amounts made
19 available in the preceding proviso may be combined with
20 the funds made available in paragraph (1) under this
21 heading in this Act for the same purposes in the same
22 account: *Provided further*, That the funds made available
23 under this heading in this Act shall not be subject to any
24 limitation on obligations for Federal-aid highways or high-
25 way safety construction programs set forth in any Act

1 making annual appropriations: *Provided further*, That, of
2 the amount provided under this heading in this Act, the
3 following amounts shall be for the following purposes in
4 equal amounts for each of fiscal years 2022 through
5 2026—

6 (1) \$27,500,000,000 shall be for a bridge re-
7 placement, rehabilitation, preservation, protection,
8 and construction program: *Provided further*, That,
9 except as otherwise provided under this paragraph in
10 this Act, the funds made available under this para-
11 graph in this Act shall be administered as if appor-
12 tioned under chapter 1 of title 23, United States
13 Code: *Provided further*, That a project funded with
14 funds made available under this paragraph in this
15 Act shall be treated as a project on a Federal-aid
16 highway: *Provided further*, That, of the funds made
17 available under this paragraph in this Act for a fis-
18 cal year, 3 percent shall be set aside to carry out
19 section 202(d) of title 23, United States Code: *Pro-*
20 *vided further*, That funds set aside under the pre-
21 ceding proviso to carry out section 202(d) of such
22 title shall be in addition to funds otherwise made
23 available to carry out such section and shall be ad-
24 ministered as if made available under such section:
25 *Provided further*, That for funds set aside under the

1 third proviso of this paragraph in this Act to carry
2 out section 202(d) of title 23, United States Code,
3 the Federal share of the costs shall be 100 percent:
4 *Provided further*, That, for the purposes of funds
5 made available under this paragraph in this Act: (1)
6 the term “State” has the meaning given such term
7 in section 101 of title 23, United States Code; (2)
8 the term “off-system bridge” means a highway
9 bridge located on a public road, other than a bridge
10 on a Federal-aid highway; and (3) the term “Fed-
11 eral-aid highway” means a public highway eligible
12 for assistance under chapter 1 of title 23, United
13 States Code, other than a highway functionally clas-
14 sified as a local road or rural minor collector: *Pro-*
15 *vided further*, That up to one-half of one percent of
16 the amounts made available under this paragraph in
17 this Act in each fiscal year shall be for the adminis-
18 tration and operations of the Federal Highway Ad-
19 ministration: *Provided further*, That, after setting
20 aside funds under the third proviso of this para-
21 graph in this Act the Secretary shall distribute the
22 remaining funds made available under this para-
23 graph in this Act among States as follows—
24 (A) 75 percent by the proportion that the
25 total cost of replacing all bridges classified in

2641

1 poor condition in such State bears to the sum
2 of the total cost to replace all bridges classified
3 in poor condition in all States; and

4 (B) 25 percent by the proportion that the
5 total cost of rehabilitating all bridges classified
6 in fair condition in such State bears to the sum
7 of the total cost to rehabilitate all bridges clas-
8 sified in fair condition in all States:

9 *Provided further*, That the amounts calculated under the
10 preceding proviso shall be adjusted such that each State
11 receives, for each of fiscal years 2022 through 2026, no
12 less than \$45,000,000 under such proviso: *Provided fur-*
13 *ther*, That for purposes of the preceding 2 provisos, the
14 Secretary shall determine replacement and rehabilitation
15 costs based on the average unit costs of bridges from 2016
16 through 2020, as submitted by States to the Federal
17 Highway Administration, as required by section 144(b)(5)
18 of title 23, United States Code: *Provided further*, That for
19 purposes of determining the distribution of funds to States
20 under this paragraph in this Act, the Secretary shall cal-
21 culate the total deck area of bridges classified as in poor
22 or fair condition based on the National Bridge Inventory
23 as of December 31, 2020: *Provided further*, That, subject
24 to the following proviso, funds made available under this
25 paragraph in this Act that are distributed to States shall

1 be used for highway bridge replacement, rehabilitation,
2 preservation, protection, or construction projects on public
3 roads: *Provided further*, That of the funds made available
4 under this paragraph in this Act that are distributed to
5 a State, 15 percent shall be set aside for use on off-system
6 bridges for the same purposes as described in the pre-
7 ceding proviso: *Provided further*, That, except as provided
8 in the following proviso, for funds made available under
9 this paragraph in this Act that are distributed to States,
10 the Federal share shall be determined in accordance with
11 section 120 of title 23, United States Code: *Provided fur-*
12 *ther*, That for funds made available under this paragraph
13 in this Act that are distributed to States and used on an
14 off-system bridge that is owned by a county, town, town-
15 ship, city, municipality or other local agency, or federally-
16 recognized Tribe the Federal share shall be 100 percent;
17 (2) \$5,000,000,000, to remain available until
18 expended for amounts made available for each of fis-
19 cal years 2022 through 2026, shall be to carry out
20 a National Electric Vehicle Formula Program (re-
21 ferred to in this paragraph in this Act as the “Pro-
22 gram”) to provide funding to States to strategically
23 deploy electric vehicle charging infrastructure and to
24 establish an interconnected network to facilitate data
25 collection, access, and reliability: *Provided*, That

2643

1 funds made available under this paragraph in this
2 Act shall be used for: (1) the acquisition and instal-
3 lation of electric vehicle charging infrastructure to
4 serve as a catalyst for the deployment of such infra-
5 structure and to connect it to a network to facilitate
6 data collection, access, and reliability; (2) proper op-
7 eration and maintenance of electric vehicle charging
8 infrastructure; and (3) data sharing about electric
9 vehicle charging infrastructure to ensure the long-
10 term success of investments made under this para-
11 graph in this Act: *Provided further*, That for each of
12 fiscal years 2022 through 2026, the Secretary shall
13 distribute among the States the funds made avail-
14 able under this paragraph in this Act so that each
15 State receives an amount equal to the proportion
16 that the total base apportionment or allocation de-
17 termined for the State under subsection (c) of sec-
18 tion 104 or under section 165 of title 23, United
19 States Code, bears to the total base apportionments
20 or allocations for all States under subsection (c) of
21 section 104 and section 165 of title 23, United
22 States Code: *Provided further*, That the Federal
23 share payable for the cost of a project funded under
24 this paragraph in this Act shall be 80 percent: *Pro-*
25 *vided further*, That the Secretary shall establish a

1 deadline by which a State shall provide a plan to the
2 Secretary, in such form and such manner that the
3 Secretary requires (to be made available on the De-
4 partment's website), describing how such State in-
5 tends to use funds distributed to the State under
6 this paragraph in this Act to carry out the Program
7 for each fiscal year in which funds are made avail-
8 able: *Provided further*, That, not later than 120 days
9 after the deadline established in the preceding pro-
10 viso, the Secretary shall make publicly available on
11 the Department's website and submit to the House
12 Committee on Transportation and Infrastructure,
13 the Senate Committee on Environment and Public
14 Works, and the House and Senate Committees on
15 Appropriations, a report summarizing each plan sub-
16 mitted by a State to the Department of Transpor-
17 tation and an assessment of how such plans make
18 progress towards the establishment of a national
19 network of electric vehicle charging infrastructure:
20 *Provided further*, That if a State fails to submit the
21 plan required under the fourth proviso of this para-
22 graph in this Act to the Secretary by the date speci-
23 fied in such proviso, or if the Secretary determines
24 a State has not taken action to carry out its plan,
25 the Secretary may withhold or withdraw, as applica-

1 ble, funds made available under this paragraph in
2 this Act for the fiscal year from the State and award
3 such funds on a competitive basis to local jurisdic-
4 tions within the State for use on projects that meet
5 the eligibility requirements under this paragraph in
6 this Act: *Provided further*, That, prior to the Sec-
7 retary making a determination that a State has not
8 taken actions to carry out its plan, the Secretary
9 shall notify the State, consult with the State, and
10 identify actions that can be taken to rectify con-
11 cerns, and provide at least 90 days for the State to
12 rectify concerns and take action to carry out its
13 plan: *Provided further*, That the Secretary shall pro-
14 vide notice to a State on the intent to withhold or
15 withdraw funds not less than 60 days before with-
16 holding or withdrawing any funds, during which
17 time the States shall have an opportunity to appeal
18 a decision to withhold or withdraw funds directly to
19 the Secretary: *Provided further*, That if the Sec-
20 retary determines that any funds withheld or with-
21 drawn from a State under the preceding proviso can-
22 not be fully awarded to local jurisdictions within the
23 State under the preceding proviso in a manner con-
24 sistent with the purpose of this paragraph in this
25 Act, any such funds remaining shall be distributed

1 among other States (except States for which funds
2 for that fiscal year have been withheld or withdrawn
3 under the preceding proviso) in the same manner as
4 funds distributed for that fiscal year under the sec-
5 ond proviso under this paragraph in this Act, except
6 that the ratio shall be adjusted to exclude States for
7 which funds for that fiscal year have been withheld
8 or withdrawn under the preceding proviso: *Provided*
9 *further*, That funds distributed under the preceding
10 proviso shall only be available to carry out this para-
11 graph in this Act: *Provided further*, That funds
12 made available under this paragraph in this Act may
13 be used to contract with a private entity for acquisi-
14 tion and installation of publicly accessible electric ve-
15 hicle charging infrastructure and the private entity
16 may pay the non-Federal share of the cost of a
17 project funded under this paragraph: *Provided fur-*
18 *ther*, That funds made available under this para-
19 graph in this Act shall be for projects directly re-
20 lated to the charging of a vehicle and only for elec-
21 tric vehicle charging infrastructure that is open to
22 the general public or to authorized commercial
23 motor vehicle operators from more than one com-
24 pany: *Provided further*, That any electric vehicle
25 charging infrastructure acquired or installed with

2647

1 funds made available under this paragraph in this
2 Act shall be located along a designated alternative
3 fuel corridor: *Provided further*, That no later than
4 90 days after the date of enactment of this Act, the
5 Secretary of Transportation, in coordination with
6 the Secretary of Energy, shall develop guidance for
7 States and localities to strategically deploy electric
8 vehicle charging infrastructure, consistent with this
9 paragraph in this Act: *Provided further*, That the
10 Secretary of Transportation, in coordination with
11 the Secretary of Energy, shall consider the following
12 in developing the guidance described in the pre-
13 ceding proviso: (1) the distance between publicly
14 available electric vehicle charging infrastructure; (2)
15 connections to the electric grid, including electric
16 distribution upgrades; vehicle-to-grid integration, in-
17 cluding smart charge management or other protocols
18 that can minimize impacts to the grid; alignment
19 with electric distribution interconnection processes,
20 and plans for the use of renewable energy sources to
21 power charging and energy storage; (3) the prox-
22 imity of existing off-highway travel centers, fuel re-
23 tailers, and small businesses to electric vehicle
24 charging infrastructure acquired or funded under
25 this paragraph in this Act; (4) the need for publicly

2648

1 available electric vehicle charging infrastructure in
2 rural corridors and underserved or disadvantaged
3 communities; (5) the long-term operation and main-
4 tenance of publicly available electric vehicle charging
5 infrastructure to avoid stranded assets and protect
6 the investment of public funds in that infrastruc-
7 ture; (6) existing private, national, State, local, Trib-
8 al, and territorial government electric vehicle charg-
9 ing infrastructure programs and incentives; (7) fos-
10 tering enhanced, coordinated, public-private or pri-
11 vate investment in electric vehicle charging infra-
12 structure; (8) meeting current and anticipated mar-
13 ket demands for electric vehicle charging infrastruc-
14 ture, including with regard to power levels and
15 charging speed, and minimizing the time to charge
16 current and anticipated vehicles; and (9) any other
17 factors, as determined by the Secretary: *Provided*
18 *further*, That if a State determines, and the Sec-
19 retary certifies, that the designated alternative fuel
20 corridors in the States are fully built out, then the
21 State may use funds provided under this paragraph
22 for electric vehicle charging infrastructure on any
23 public road or in other publically accessible loca-
24 tions, such as parking facilities at public buildings,
25 public schools, and public parks, or in publically ac-

1 cessible parking facilities owned or managed by a
2 private entity: *Provided further*, That subject to the
3 minimum standards and requirements established
4 under the following proviso, funds made available
5 under this paragraph in this Act may be used for:
6 (1) the acquisition or installation of electric vehicle
7 charging infrastructure; (2) operating assistance for
8 costs allocable to operating and maintaining electric
9 vehicle charging infrastructure acquired or installed
10 under this paragraph in this Act, for a period not
11 to exceed five years; (3) the acquisition or installa-
12 tion of traffic control devices located in the right-of-
13 way to provide directional information to electric ve-
14 hicle charging infrastructure acquired, installed, or
15 operated under this paragraph in this Act; (4) on-
16 premises signs to provide information about electric
17 vehicle charging infrastructure acquired, installed, or
18 operated under this paragraph in this Act; (5) devel-
19 opment phase activities relating to the acquisition or
20 installation of electric vehicle charging infrastruc-
21 ture, as determined by the Secretary; or (6) map-
22 ping and analysis activities to evaluate, in an area
23 in the United States designated by the eligible enti-
24 ty, the locations of current and future electric vehi-
25 cle owners, to forecast commuting and travel pat-

2650

1 terms of electric vehicles and the quantity of elec-
2 tricity required to serve electric vehicle charging sta-
3 tions, to estimate the concentrations of electric vehi-
4 cle charging stations to meet the needs of current
5 and future electric vehicle drivers, to estimate future
6 needs for electric vehicle charging stations to sup-
7 port the adoption and use of electric vehicles in
8 shared mobility solutions, such as micro-transit and
9 transportation network companies, and to develop an
10 analytical model to allow a city, county, or other po-
11 litical subdivision of a State or a local agency to
12 compare and evaluate different adoption and use
13 scenarios for electric vehicles and electric vehicle
14 charging stations: *Provided further*, That not later
15 than 180 days after the date of enactment of this
16 Act, the Secretary of Transportation, in coordination
17 with the Secretary of Energy and in consultation
18 with relevant stakeholders, shall, as appropriate, de-
19 velop minimum standards and requirements related
20 to: (1) the installation, operation, or maintenance by
21 qualified technicians of electric vehicle charging in-
22 frastructure under this paragraph in this Act; (2)
23 the interoperability of electric vehicle charging infra-
24 structure under this paragraph in this Act; (3) any
25 traffic control device or on-premises sign acquired,

2651

1 installed, or operated under this paragraph in this
2 Act; (4) any data requested by the Secretary related
3 to a project funded under this paragraph in this Act,
4 including the format and schedule for the submis-
5 sion of such data; (5) network connectivity of elec-
6 tric vehicle charging infrastructure; and (6) informa-
7 tion on publicly available electric vehicle charging in-
8 frastructure locations, pricing, real-time availability,
9 and accessibility through mapping applications: *Pro-*
10 *vided further*, That not later than 1 year after the
11 date of enactment of this Act, the Secretary shall
12 designate national electric vehicle charging corridors
13 that identify the near- and long-term need for, and
14 the location of, electric vehicle charging infrastruc-
15 ture to support freight and goods movement at stra-
16 tegic locations along major national highways, the
17 National Highway Freight Network established
18 under section 167 of title 23, United States Code,
19 and goods movement locations including ports, inter-
20 modal centers, and warehousing locations: *Provided*
21 *further*, That the report issued under section 151(e)
22 of title 23, United States Code, shall include a de-
23 scription of efforts to achieve strategic deployment
24 of electric vehicle charging infrastructure in electric
25 vehicle charging corridors, including progress on the

2652

1 implementation of the Program under this para-
2 graph in this Act: *Provided further*, That, for fiscal
3 year 2022, before distributing funds made available
4 under this paragraph in this Act to States, the Sec-
5 retary shall set aside from funds made available
6 under this paragraph in this Act to carry out this
7 paragraph in this Act not more than \$300,000,000,
8 which may be transferred to the Joint Office de-
9 scribed in the twenty-fourth proviso of this para-
10 graph in this Act, to establish such Joint Office and
11 carry out its duties under this paragraph in this Act:
12 *Provided further*, That, for each of fiscal years 2022
13 through 2026, after setting aside funds under the
14 preceding proviso, and before distributing funds
15 made available under this paragraph in this Act to
16 States, the Secretary shall set aside from funds
17 made available under this paragraph in this Act for
18 such fiscal year to carry out this paragraph in this
19 Act 10 percent for grants to States or localities that
20 require additional assistance to strategically deploy
21 electric vehicle charging infrastructure: *Provided fur-*
22 *ther*, That not later than 1 year after the date of en-
23 actment of this Act, the Secretary shall establish a
24 grant program to administer to States or localities
25 the amounts set aside under the preceding proviso:

1 *Provided further*, That, except as otherwise specified
2 under this paragraph in this Act, funds made avail-
3 able under this paragraph in this Act, other than
4 funds transferred under the nineteenth proviso of
5 this paragraph in this Act to the Joint Office, shall
6 be administered as if apportioned under chapter 1 of
7 title 23, United States Code: *Provided further*, That
8 funds made available under this paragraph in this
9 Act shall not be transferable under section 126 of
10 title 23, United States Code: *Provided further*, That
11 there is established a Joint Office of Energy and
12 Transportation (referred to in this paragraph in this
13 Act as the “Joint Office”) in the Department of
14 Transportation and the Department of Energy to
15 study, plan, coordinate, and implement issues of
16 joint concern between the two agencies, which shall
17 include: (1) technical assistance related to the de-
18 ployment, operation, and maintenance of zero emis-
19 sion vehicle charging and refueling infrastructure,
20 renewable energy generation, vehicle-to-grid integra-
21 tion, including microgrids, and related programs and
22 policies; (2) data sharing of installation, mainte-
23 nance, and utilization in order to continue to inform
24 the network build out of zero emission vehicle charg-
25 ing and refueling infrastructure; (3) performance of

2654

1 a national and regionalized study of zero emission
2 vehicle charging and refueling infrastructure needs
3 and deployment factors, to support grants for com-
4 munity resilience and electric vehicle integration; (4)
5 development and deployment of training and certifi-
6 cation programs; (5) establishment and implementa-
7 tion of a program to promote renewable energy gen-
8 eration, storage, and grid integration, including
9 microgrids, in transportation rights-of-way; (6)
10 studying, planning, and funding for high-voltage dis-
11 tributed current infrastructure in the rights-of way
12 of the Interstate System and for constructing high-
13 voltage and or medium-voltage transmission pilots in
14 the rights-of-way of the Interstate System; (7) re-
15 search, strategies, and actions under the Depart-
16 ments' statutory authorities to reduce transpor-
17 tation-related emissions and mitigate the effects of
18 climate change; (8) development of a streamlined
19 utility accommodations policy for high-voltage and
20 medium-voltage transmission in the transportation
21 right-of-way; and (9) any other issues that the Sec-
22 retary of Transportation and the Secretary of En-
23 ergy identify as issues of joint interest: *Provided fur-*
24 *ther,* That the Joint Office of Energy and Transpor-
25 tation shall establish and maintain a public data-

1 base, accessible on both Department of Transpor-
2 tation and Department of Energy websites, that in-
3 cludes: (1) information maintained on the Alter-
4 native Fuel Data Center by the Office of Energy Ef-
5 ficiency and Renewable Energy of the Department of
6 Energy with respect to the locations of electric vehi-
7 cle charging stations; (2) potential locations for elec-
8 tric vehicle charging stations identified by eligible
9 entities through the program; and (3) the ability to
10 sort generated results by various characteristics with
11 respect to electric vehicle charging stations, includ-
12 ing location, in terms of the State, city, or county;
13 status (operational, under construction, or planned);
14 and charging type, in terms of Level 2 charging
15 equipment or Direct Current Fast Charging Equip-
16 ment: *Provided further*, That the Secretary of Trans-
17 portation and the Secretary of Energy shall coopera-
18 tively administer the Joint Office consistent with
19 this paragraph in this Act: *Provided further*, That
20 the Secretary of Transportation and the Secretary of
21 Energy may transfer funds between the Department
22 of Transportation and the Department of Energy
23 from funds provided under this paragraph in this
24 Act to establish the Joint Office and to carry out its
25 duties under this paragraph in this Act and any

2656

1 such funds or portions thereof transferred to the
2 Joint Office may be transferred back to and merged
3 with this account: *Provided further*, That the Sec-
4 retary of Transportation and the Secretary of En-
5 ergy shall notify the House and Senate Committees
6 on Appropriations not less than 15 days prior to
7 transferring any funds under the previous proviso:
8 *Provided further*, That for the purposes of funds
9 made available under this paragraph in this Act: (1)
10 the term “State” has the meaning given such term
11 in section 101 of title 23, United States Code; and
12 (2) the term “Federal-aid highway” means a public
13 highway eligible for assistance under chapter 1 of
14 title 23, United States Code, other than a highway
15 functionally classified as a local road or rural minor
16 collector: *Provided further*, That, of the funds made
17 available in this division or division A of this Act for
18 the Federal lands transportation program under sec-
19 tion 203 of title 23, United States Code, not less
20 than \$7,000,000 shall be made available for each
21 Federal agency otherwise eligible to compete for
22 amounts made available under that section for each
23 of fiscal years 2022 through 2026;

24 (3) \$3,200,000,000 shall be to carry out the
25 Nationally Significant Freight and Highway Projects

2657

1 program under section 117 of title 23, United States
2 Code;

3 (4) \$9,235,000,000 shall be to carry out the
4 Bridge Investment Program under section 124 of
5 title 23, United States Code: *Provided*, That, of the
6 funds made available under this paragraph in this
7 Act for a fiscal year, \$20,000,000 shall be set aside
8 to carry out section 202(d) of title 23, United States
9 Code: *Provided further*, That, of the funds made
10 available under this paragraph in this Act for a fis-
11 cal year, \$20,000,000 shall be set aside to provide
12 grants for planning, feasibility analysis, and revenue
13 forecasting associated with the development of a
14 project that would subsequently be eligible to apply
15 for assistance under this paragraph: *Provided fur-*
16 *ther*, That funds set aside under the first proviso of
17 this paragraph in this Act to carry out section
18 202(d) of such title shall be in addition to funds oth-
19 erwise made available to carry out such section and
20 shall be administered as if made available under
21 such section: *Provided further*, That for funds set
22 aside under the first proviso of this paragraph in
23 this Act to carry out section 202(d) of title 23,
24 United States Code, the Federal share of the costs
25 shall be 100 percent;

2658

1 (5) \$150,000,000 shall be to carry out the Re-
2 duction of Truck Emissions at Port Facilities Pro-
3 gram under section 11402 of division A of this Act:
4 *Provided*, That, except as otherwise provided in sec-
5 tion 11402 of division A of this Act, the funds made
6 available under this paragraph in this Act shall be
7 administered as if apportioned under chapter 1 of
8 title 23, United States Code;

9 (6) \$95,000,000, to remain available until ex-
10 pended for amounts made available for each of fiscal
11 years 2022 through 2026, shall be to carry out the
12 University Transportation Centers Program under
13 section 5505 of title 49, United States Code;

14 (7) \$500,000,000, to remain available until ex-
15 pended for amounts made available for each of fiscal
16 years 2022 through 2026, shall be to carry out the
17 Reconnecting Communities Pilot Program (referred
18 to under this paragraph in this Act as the “pilot
19 program”) under section 11509 of division A of this
20 Act, of which \$100,000,000 shall be for planning
21 grants under section 11509(c) of division A of this
22 Act and of which \$400,000,000 shall be available for
23 capital construction grants under section 11509(d)
24 of division A of this Act: *Provided*, That of the
25 amounts made available under this paragraph in this

1 Act for section 11509(c) of division A of this Act,
2 the Secretary may use not more than \$15,000,000
3 during the period of fiscal years 2022 through 2026
4 to provide technical assistance under section
5 11509(c)(3) of division A of this Act: *Provided fur-*
6 *ther*, That, except as otherwise provided in section
7 11509 of division A of this Act, amounts made avail-
8 able under this paragraph in this Act shall be ad-
9 ministered as if made available under chapter 1 of
10 title 23, United States Code;

11 (8) \$342,000,000, to remain available until ex-
12 pended for amounts made available for each of fiscal
13 years 2022 through 2026, shall be to carry out the
14 Construction of Ferry Boats and Ferry Terminal
15 Facilities program under section 147 of title 23,
16 United States Code: *Provided*, That amounts made
17 available under this paragraph in this Act shall be
18 administered as if made available under section 147
19 of title 23, United States Code; and

20 (9) \$1,250,000,000, to remain available until
21 expended for amounts made available for each of fis-
22 cal years 2022 through 2026, shall be for construc-
23 tion of the Appalachian Development Highway Sys-
24 tem as authorized under section 1069(y) of Public
25 Law 102-240: *Provided*, That, for the purposes of

2660

1 funds made available under this paragraph in this
2 Act for construction of the Appalachian Develop-
3 ment Highway System, the term “Appalachian
4 State” means a State that contains 1 or more coun-
5 ties (including any political subdivision located with-
6 in the area) in the Appalachian region, as defined in
7 section 14102(a) of title 40, United States Code:
8 *Provided further*, That a project carried out with
9 funds made available under this paragraph in this
10 Act for construction of the Appalachian Develop-
11 ment Highway System shall be made available for
12 obligation in the same manner as if apportioned
13 under chapter 1 of title 23, United States Code, ex-
14 cept that: (1) the Federal share of the cost of any
15 project carried out with those amounts shall be de-
16 termined in accordance with section 14501 of title
17 40, United States Code; and (2) the amounts shall
18 be available to construct highways and access roads
19 under section 14501 of title 40, United States Code:
20 *Provided further*, That, subject to the following two
21 provisos, in consultation with the Appalachian Re-
22 gional Commission, the funds made available under
23 this paragraph in this Act for construction of the
24 Appalachian Development Highway System shall be
25 apportioned to Appalachian States according to the

2661

1 percentages derived from the 2021 Appalachian De-
2 velopment Highway System Cost-to-Complete Esti-
3 mate, dated March 2021, and confirmed as each Ap-
4 palachian State's relative share of the estimated re-
5 maining need to complete the Appalachian Develop-
6 ment Highway System, adjusted to exclude those
7 corridors that such States have no current plans to
8 complete, as reported in the 2013 Appalachian De-
9 velopment Highway System Completion Report, un-
10 less those States have modified and assigned a high-
11 er priority for completion of an Appalachian Devel-
12 opment Highway System corridor, as reported in the
13 2020 Appalachian Development Highway System
14 Future Outlook: *Provided further*, That the Sec-
15 retary shall adjust apportionments made under the
16 third proviso in this paragraph in this Act so that
17 no Appalachian State shall be apportioned an
18 amount in excess of 30 percent of the amount made
19 available for construction of the Appalachian Devel-
20 opment Highway System under this heading: *Pro-*
21 *vided further*, That the Secretary shall adjust appor-
22 tionments made under the third proviso in this para-
23 graph in this Act so that: (1) each State shall be ap-
24 portioned an amount not less than \$10,000,000 for
25 each of fiscal years 2022 through 2026; and (2) not-

2662

1 withstanding paragraph (1) of this proviso, a State
2 shall not receive an apportionment that exceeds the
3 remaining funds needed to complete the Appalachian
4 development highway corridor or corridors in the
5 State, as identified in the latest available cost to
6 complete estimate for the system prepared by the
7 Appalachian Regional Commission: *Provided further*,
8 That the Federal share of the cost of any project
9 carried out with funds made available under this
10 paragraph in this Act shall be up to 100 percent, as
11 determined by the State:

12 *Provided further*, That such amount is designated by the
13 Congress as being for an emergency requirement pursuant
14 to section 4112(a) of H. Con. Res. 71 (115th Congress),
15 the concurrent resolution on the budget for fiscal year
16 2018, and to section 251(b) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

19 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAM

20 For an additional amount for “Motor Carrier Safety
21 Operations and Program”, \$50,000,000, to remain avail-
22 able until September 30, 2029, to carry out motor carrier
23 safety operations and programs pursuant to section 31110
24 of title 49, United States Code, in addition to amounts
25 otherwise provided for such purpose: *Provided*, That

2663

1 \$10,000,000, to remain available until September 30,
2 2025, shall be made available for fiscal year 2022,
3 \$10,000,000, to remain available until September 30,
4 2026, shall be made available for fiscal year 2023,
5 \$10,000,000, to remain available until September 30,
6 2027, shall be made available for fiscal year 2024,
7 \$10,000,000, to remain available until September 30,
8 2028, shall be made available for fiscal year 2025, and
9 \$10,000,000, to remain available until September 30,
10 2029, shall be made available for fiscal year 2026: *Pro-*
11 *vided further*, That amounts made available under this
12 heading in this Act shall be derived from the general fund
13 of the Treasury, shall be in addition to any other amounts
14 made available for such purpose, and shall not affect the
15 distribution or amount of funds provided in any Act mak-
16 ing annual appropriations: *Provided further*, That obliga-
17 tions of funds under this heading in this Act shall not
18 be subject to any limitations on obligations provided in
19 any Act making annual appropriations: *Provided further*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section 4112(a)
22 of H. Con. Res. 71 (115th Congress), the concurrent reso-
23 lution on the budget for fiscal year 2018, and pursuant
24 to section 251(b) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

2664

1 MOTOR CARRIER SAFETY GRANTS

2 For an additional amount for “Motor Carrier Safety
3 Grants”, \$622,500,000, to remain available until Sep-
4 tember 30, 2029, to carry out sections 31102, 31103,
5 31104, and 31313 of title 49, United States Code, in addi-
6 tion to amounts otherwise provided for such purpose: *Pro-*
7 *vided*, That \$124,500,000, to remain available until Sep-
8 tember 30, 2025, shall be made available for fiscal year
9 2022, \$124,500,000, to remain available until September
10 30, 2026, shall be made available for fiscal year 2023,
11 \$124,500,000, to remain available until September 30,
12 2027, shall be made available for fiscal year 2024,
13 \$124,500,000, to remain available until September 30,
14 2028, shall be made available for fiscal year 2025, and
15 \$124,500,000, to remain available until September 30,
16 2029, shall be made available for fiscal year 2026: *Pro-*
17 *vided further*, That, of the amounts provided under this
18 heading in this Act, the following amounts shall be avail-
19 able for the following purposes in equal amounts for each
20 of fiscal years 2022 through 2026—

21 (1) up to \$400,000,000 shall be for the motor
22 carrier safety assistance program;

23 (2) up to \$80,000,000 shall be for the commer-
24 cial driver’s license program implementation pro-
25 gram;

2665

1 (3) up to \$132,500,000 shall be for the high
2 priority activities program; and

3 (4) up to \$10,000,000 shall be for commercial
4 motor vehicle operators grants:

5 *Provided further*, That amounts made available under this
6 heading in this Act shall be derived from the general fund
7 of the Treasury, shall be in addition to any other amounts
8 made available for such purpose, and shall not affect the
9 distribution or amount of funds provided in any Act mak-
10 ing annual appropriations: *Provided further*, That obliga-
11 tions of funds under this heading in this Act shall not
12 be subject to any limitations on obligations provided in
13 any Act making annual appropriations: *Provided further*,
14 That up to 1.5 percent of the amounts made available
15 under this heading in this Act in each fiscal year shall
16 be for oversight and administration: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section 4112(a)
19 of H. Con. Res. 71 (115th Congress), the concurrent reso-
20 lution on the budget for fiscal year 2018, and pursuant
21 to section 251(b) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

2666

1 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
2 CRASH DATA
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Crash Data”,
5 \$750,000,000, to remain available until September 30,
6 2029, to carry out section 24108 of division B of this Act:
7 *Provided*, That \$150,000,000, to remain available until
8 September 30, 2025, shall be made available for fiscal
9 year 2022, \$150,000,000, to remain available until Sep-
10 tember 30, 2026, shall be made available for fiscal year
11 2023, \$150,000,000, to remain available until September
12 30, 2027, shall be made available for fiscal year 2024,
13 \$150,000,000, to remain available until September 30,
14 2028, shall be made available for fiscal year 2025, and
15 \$150,000,000, to remain available until September 30,
16 2029, shall be made available for fiscal year 2026: *Pro-*
17 *vided further*, That up to 3 percent of the amounts made
18 available under this heading in this Act in each of fiscal
19 years 2022 through 2026 shall be for salaries and ex-
20 penses, administration, and oversight, and shall be trans-
21 ferred and merged with the appropriations under the
22 heading “Operations and Research”: *Provided further*,
23 That not later than 90 days after the date of enactment
24 of this Act, the Secretary of Transportation shall submit
25 to the House and Senate Committees on Appropriations

2667

1 a funding allocation plan for fiscal year 2022: *Provided*
2 *further*, That for each fiscal year through 2026, as part
3 of the annual budget submission of the President under
4 section 1105(a) of title 31, United States Code, the Sec-
5 retary of Transportation shall submit a funding allocation
6 plan for funding that will be made available under this
7 heading in the upcoming fiscal year: *Provided further*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section 4112(a)
10 of H. Con. Res. 71 (115th Congress), the concurrent reso-
11 lution on the budget for fiscal year 2018, and pursuant
12 to section 251(b) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 VEHICLE SAFETY AND BEHAVIORAL RESEARCH

15 PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Vehicle Safety and
18 Behavioral Research Programs”, \$548,500,000, to remain
19 available until September 30, 2029, to carry out the provi-
20 sions of section 403 of title 23, United States Code, in-
21 cluding behavioral research on Automated Systems and
22 Advanced Driver Assistance Systems and improving con-
23 sumer responses to safety recalls, and chapter 303 of title
24 49, United States Code, in addition to amounts otherwise
25 provided for such purpose: *Provided*, That \$109,700,000,

2668

1 to remain available until September 30, 2025, shall be
2 made available for fiscal year 2022, \$109,700,000, to re-
3 main available until September 30, 2026, shall be made
4 available for fiscal year 2023, \$109,700,000, to remain
5 available until September 30, 2027, shall be made avail-
6 able for fiscal year 2024, \$109,700,000, to remain avail-
7 able until September 30, 2028, shall be made available
8 for fiscal year 2025, and \$109,700,000 to remain available
9 until September 30, 2029, shall be made available for fis-
10 cal year 2026: *Provided further*, That amounts made avail-
11 able under this heading in this Act shall be derived from
12 the general fund of the Treasury: *Provided further*, That
13 obligations of funds under this heading in this Act shall
14 not be subject to any limitations on obligations provided
15 in any Act making annual appropriations: *Provided fur-*
16 *ther*, That of the amounts made available under this head-
17 ing in this Act, up to \$350,000,000 may be transferred
18 to “Operations and Research” to carry out traffic and
19 highway safety authorized under chapter 301 and part C
20 of subtitle VI of title 49, United States Code: *Provided*
21 *further*, That not later than 90 days after the date of en-
22 actment of this Act, the Secretary of Transportation shall
23 submit to the House and Senate Committees on Appro-
24 priations a funding allocation for fiscal year 2022: *Pro-*
25 *vided further*, That for each fiscal year through 2026, as

2669

1 part of the annual budget submission of the President
2 under section 1105(a) of title 31, United States Code, the
3 Secretary of Transportation shall submit a funding alloca-
4 tion for funding that will be made available under this
5 heading in the upcoming fiscal year: *Provided further*,
6 That such amount is designated by the Congress as being
7 for an emergency requirement pursuant to section 4112(a)
8 of H. Con. Res. 71 (115th Congress), the concurrent reso-
9 lution on the budget for fiscal year 2018, and pursuant
10 to section 251(b) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SUPPLEMENTAL HIGHWAY TRAFFIC SAFETY PROGRAMS

13 For an additional amount for “Supplemental High-
14 way Traffic Safety Programs”, \$310,000,000, to remain
15 available until September 30, 2029, to carry out sections
16 402 and 405 of title 23, United States Code, and section
17 24101(a)(5) of division B of this Act: *Provided*, That
18 \$62,000,000, to remain available until September 30,
19 2025, shall be made available for fiscal year 2022,
20 \$62,000,000, to remain available until September 30,
21 2026, shall be made available for fiscal year 2023,
22 \$62,000,000, to remain available until September 30,
23 2027, shall be made available for fiscal year 2024,
24 \$62,000,000, to remain available until September 30,
25 2028, shall be made available for fiscal year 2025, and

2670

1 \$62,000,000 to remain available until September 30,
2 2029, shall be made available for fiscal year 2026: *Pro-*
3 *vided further*, That amounts made available under this
4 heading in this Act shall be derived from the general fund
5 of the Treasury: *Provided further*, That obligations of
6 funds under this heading in this Act shall not be subject
7 to any limitations on obligations provided in any Act mak-
8 ing annual appropriations: *Provided further*, That, of the
9 amounts provided under this heading in this Act, the fol-
10 lowing amounts shall be for the following purposes in
11 equal amounts for each of fiscal years 2022 through 2026:

12 (1) \$100,000,000 shall be for highway safety
13 programs under section 402 of title 23, United
14 States Code;

15 (2) \$110,000,000 shall be for national priority
16 safety programs under section 405 of title 23,
17 United States Code; and

18 (3) \$100,000,000 shall be for administrative ex-
19 penses under section 24101(a)(5) of division B of
20 this Act:

21 *Provided further*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 4112(a) of H. Con. Res. 71 (115th Congress),
24 the concurrent resolution on the budget for fiscal year

2671

1 2018, and pursuant to section 251(b) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 FEDERAL RAILROAD ADMINISTRATION
4 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
5 IMPROVEMENTS

6 For an additional amount for “Consolidated Rail In-
7 frastructure and Safety Improvements”, \$5,000,000,000,
8 to remain available until expended, for competitive grants,
9 as authorized under section 22907 of title 49, United
10 States Code: *Provided*, That \$1,000,000,000, to remain
11 available until expended, shall be made available for fiscal
12 year 2022, \$1,000,000,000, to remain available until ex-
13 pended, shall be made available for fiscal year 2023,
14 \$1,000,000,000, to remain available until expended, shall
15 be made available for fiscal year 2024, \$1,000,000,000,
16 to remain available until expended, shall be made available
17 for fiscal year 2025, and \$1,000,000,000, to remain avail-
18 able until expended, shall be made available for fiscal year
19 2026: *Provided further*, That the Secretary may withhold
20 up to 2 percent of the amounts provided under this head-
21 ing in this Act in each fiscal year for the costs of award
22 and project management oversight of grants carried out
23 under section 22907 of title 49, United States Code: *Pro-*
24 *vided further*, That such amount is designated by the Con-
25 gress as being for an emergency requirement pursuant to

2672

1 section 4112(a) of H. Con. Res. 71 (115th Congress), the
2 concurrent resolution on the budget for fiscal year 2018,
3 and to section 251(b) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
6 RAILROAD PASSENGER CORPORATION
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Northeast Corridor
9 Grants to the National Railroad Passenger Corporation”,
10 \$6,000,000,000, to remain available until expended, for
11 activities associated with the Northeast Corridor, as au-
12 thorized by section 22101(a) of division B of this Act: *Pro-*
13 *vided*, That \$1,200,000,000, to remain available until ex-
14 pended, shall be made available for fiscal year 2022,
15 \$1,200,000,000, to remain available until expended, shall
16 be made available for fiscal year 2023, \$1,200,000,000,
17 to remain available until expended, shall be made available
18 for fiscal year 2024, \$1,200,000,000, to remain available
19 until expended, shall be made available for fiscal year
20 2025, and \$1,200,000,000, to remain available until ex-
21 pended, shall be made available for fiscal year 2026: *Pro-*
22 *vided further*, That the amounts made available under this
23 heading in this Act shall be made available for capital
24 projects for the purpose of eliminating the backlog of obso-
25 lete assets and Amtrak’s deferred maintenance backlog of

2673

1 rolling stock, facilities, stations, and infrastructure: *Pro-*
2 *vided further*, That amounts made available under this
3 heading in this Act shall be made available for the fol-
4 lowing capital projects—

5 (1) acquiring new passenger rolling stock for
6 the replacement of single-level passenger cars used
7 in Amtrak’s Northeast Corridor services, and associ-
8 ated rehabilitation, upgrade, and expansion of facili-
9 ties used to maintain and store such equipment;

10 (2) bringing Amtrak-served stations to full com-
11 pliance with the Americans with Disabilities Act;

12 (3) eliminating the backlog of deferred capital
13 work on sole-benefit Amtrak-owned assets located on
14 the Northeast Corridor; or

15 (4) carrying out Northeast Corridor capital re-
16 newal backlog projects:

17 *Provided further*, That not later than 180 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall submit to the House and Senate Committees
20 on Appropriations a detailed spend plan, including a list
21 of project locations under the preceding proviso to be
22 funded for fiscal year 2022: *Provided further*, That for
23 each fiscal year through 2026, as part of the annual budg-
24 et submission of the President under section 1105(a) of
25 title 31, United States Code, the Secretary of Transpor-

2674

1 tation shall submit a detailed spend plan for that fiscal
2 year, including a list of project locations under the third
3 proviso: *Provided further*, That amounts made available
4 under this heading in this Act shall be in addition to other
5 amounts made available for such purposes, including to
6 enable the Secretary of Transportation to make or amend
7 existing grants to Amtrak for activities associated with the
8 Northeast Corridor, as authorized by section 22101(a) of
9 division B of this Act: *Provided further*, That amounts
10 made available under this heading in this Act may be used
11 by Amtrak to fund, in whole or in part, the capital costs
12 of Northeast Corridor capital renewal backlog projects, in-
13 cluding the costs of joint public transportation and inter-
14 city passenger rail capital projects, notwithstanding the
15 limitations in section 24319(g) and section 24905(c) of
16 title 49, United States Code: *Provided further*, That not-
17 withstanding section 24911(f) of title 49, United States
18 Code, amounts made available under this heading in this
19 Act may be used as non-Federal share for Northeast Cor-
20 ridor projects selected for award under such section after
21 the date of enactment of this Act: *Provided further*, That
22 the Secretary may retain up to one half of 1 percent of
23 the amounts made available under both this heading in
24 this Act and the “National Network Grants to the Na-
25 tional Railroad Passenger Corporation” heading in this

2675

1 Act to fund the costs of oversight of Amtrak, as authorized
2 by section 22101(c) of division B of this Act: *Provided*
3 *further*, That in addition to the oversight funds authorized
4 under section 22101(c) of division B of this Act, the Sec-
5 retary may retain up to \$5,000,000 of the funds made
6 available under this heading in this Act for each fiscal year
7 for the Northeast Corridor Commission established under
8 section 24905 of title 49, United States Code, to facilitate
9 a coordinated and efficient delivery of projects carried out
10 under this heading in this Act: *Provided further*, That
11 amounts made available under this heading in this Act
12 may be transferred to and merged with amounts made
13 available under the heading “National Network Grants to
14 the National Railroad Passenger Corporation” in this Act
15 for the purposes authorized under that heading: *Provided*
16 *further*, That such amount is designated by the Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
19 concurrent resolution on the budget for fiscal year 2018,
20 and to section 251(b) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

2676

1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “National Network
5 Grants to the National Railroad Passenger Corporation”,
6 \$16,000,000,000, to remain available until expended, for
7 activities associated with the National Network, as author-
8 ized by section 22101(b) of division B of this Act: *Pro-*
9 *vided*, That \$3,200,000,000, to remain available until ex-
10 pended, shall be made available for fiscal year 2022,
11 \$3,200,000,000, to remain available until expended, shall
12 be made available for fiscal year 2023, \$3,200,000,000,
13 to remain available until expended, shall be made available
14 for fiscal year 2024, \$3,200,000,000, to remain available
15 until expended, shall be made available for fiscal year
16 2025, and \$3,200,000,000, to remain available until ex-
17 pended, shall be made available for fiscal year 2026: *Pro-*
18 *vided further*, That amounts made available under this
19 heading in this Act shall be made available for capital
20 projects for the purpose of eliminating Amtrak’s deferred
21 maintenance backlog of rolling stock, facilities, stations
22 and infrastructure, including—

23 (1) acquiring new passenger rolling stock to re-
24 place obsolete passenger equipment used in Am-
25 trak’s long-distance and state-supported services,

2677

1 and associated rehabilitation, upgrade, or expansion
2 of facilities used to maintain and store such equip-
3 ment;

4 (2) bringing Amtrak-served stations to full com-
5 pliance with the Americans with Disabilities Act;

6 (3) eliminating the backlog of deferred capital
7 work on Amtrak-owned railroad assets not located
8 on the Northeast Corridor; and

9 (4) projects to eliminate the backlog of obsolete
10 assets associated with Amtrak's national rail pas-
11 senger transportation system, such as systems for
12 reservations, security, training centers, and tech-
13 nology:

14 *Provided further*, That not later than 180 days after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation shall submit to the House and Senate Committees
17 on Appropriations a detailed spend plan, including a list
18 of project locations under the preceding proviso to be
19 funded for fiscal year 2022: *Provided further*, That for
20 each fiscal year through 2026, as part of the annual budg-
21 et submission of the President under section 1105(a) of
22 title 31, United States Code, the Secretary of Transpor-
23 tation shall submit a detailed spend plan for that fiscal
24 year, including a list of project locations under the third
25 proviso: *Provided further*, That of the amounts made avail-

2678

1 able under this heading in this Act, and in addition to
2 amounts made available for similar purposes under this
3 heading in prior Acts, Amtrak shall use such amounts as
4 necessary for the replacement of single-level passenger
5 cars and associated rehabilitation, upgrade, and expansion
6 of facilities used to maintain and store such passenger
7 cars, and such amounts shall be for its direct costs and
8 in lieu of payments from States for such purposes, not-
9 withstanding section 209 of the Passenger Rail Invest-
10 ment and Improvement Act of 2008 (Public Law 110-
11 432), as amended: *Provided further*, That amounts made
12 available under this heading in this Act shall be in addi-
13 tion to other amounts made available for such purposes,
14 including to enable the Secretary of Transportation to
15 make or amend existing grants to Amtrak for activities
16 associated with the National Network, as authorized by
17 section 22101(b) of division B of this Act: *Provided fur-*
18 *ther*, That in addition to the oversight funds authorized
19 under section 22101(c) of division B of this Act, the Sec-
20 retary may retain up to \$3,000,000 of the funds made
21 available under this heading in this Act for each fiscal year
22 for the State-Supported Route Committee established
23 under section 24712(a) of title 49, United States Code:
24 *Provided further*, That of the funds made available under
25 this heading in this Act, the Secretary may retain up to

2679

1 \$3,000,000 for each fiscal year for interstate rail compact
2 grants, as authorized by section 22910 of title 49, United
3 States Code: *Provided further*, That of the funds made
4 available under this heading in this Act, not less than
5 \$50,000,000 for each fiscal year shall be used to make
6 grants, as authorized under section 22908 of title 49
7 United States Code consistent with the requirements of
8 that section: *Provided further*, That of the amounts made
9 available under this heading in this Act, such sums as are
10 necessary, shall be available for purposes authorized in
11 section 22214 of division B of this Act: *Provided further*,
12 That amounts made available under this heading in this
13 Act may be transferred to and merged with amounts made
14 available under the heading “Northeast Corridor Grants
15 to the National Railroad Passenger Corporation” in this
16 Act for the purposes authorized under that heading: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 4112(a) of H. Con. Res. 71 (115th Congress), the
20 concurrent resolution on the budget for fiscal year 2018,
21 and to section 251(b) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 RAILROAD CROSSING ELIMINATION PROGRAM

24 For an additional amount for “Railroad Crossing
25 Elimination Program”, \$3,000,000,000, to remain avail-

2680

1 able until expended, for competitive grants, as authorized
2 under section 22909 of title 49, United States Code: *Pro-*
3 *vided*, That \$600,000,000, to remain available until ex-
4 pended, shall be made available for fiscal year 2022,
5 \$600,000,000, to remain available until expended, shall be
6 made available for fiscal year 2023, \$600,000,000, to re-
7 main available until expended, shall be made available for
8 fiscal year 2024, \$600,000,000, to remain available until
9 expended, shall be made available for fiscal year 2025, and
10 \$600,000,000, to remain available until expended, shall be
11 made available for fiscal year 2026: *Provided further*, That
12 the Secretary may withhold up to 2 percent of the
13 amounts provided under this heading in this Act for the
14 costs of award and project management oversight of
15 grants carried out under section 22909 of title 49, United
16 States Code: *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 4112(a) of H. Con. Res.
19 71 (115th Congress), the concurrent resolution on the
20 budget for fiscal year 2018, and to section 251(b) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

2681

1 FEDERAL-STATE PARTNERSHIP FOR INTERCITY

2 PASSENGER RAIL GRANTS

3 For an additional amount for “Federal-State Part-
4 nership for Intercity Passenger Rail Grants”,
5 \$36,000,000,000, to remain available until expended, for
6 grants, as authorized section 24911 of title 49, United
7 States Code: *Provided*, That \$7,200,000,000, to remain
8 available until expended, shall be made available for fiscal
9 year 2022, \$7,200,000,000, to remain available until ex-
10 pended, shall be made available for fiscal year 2023,
11 \$7,200,000,000, to remain available until expended, shall
12 be made available for fiscal year 2024, \$7,200,000,000,
13 to remain available until expended, shall be made available
14 for fiscal year 2025, and \$7,200,000,000, to remain avail-
15 able until expended, shall be made available for fiscal year
16 2026: *Provided further*, That, notwithstanding subsection
17 24911(d)(3) of title 49, United States Code, not more
18 than \$24,000,000,000 of the amounts made available
19 under this heading in this Act for fiscal years 2022
20 through 2026 shall be for projects for the Northeast Cor-
21 ridor: *Provided further*, That amounts made available
22 under the heading “Northeast Corridor Grants to the Na-
23 tional Railroad Passenger Corporation” in this Act may
24 be used as non-Federal share for Northeast Corridor
25 projects selected for award under section 24911 of title

1 49, United States Code, after the date of enactment of
2 this Act, notwithstanding subsection 24911(f) of such
3 title: *Provided further*, That the Secretary may withhold
4 up to 2 percent of the amount provided under this heading
5 in this Act in each fiscal year for the costs of award and
6 project management oversight of grants carried out under
7 section 24911 of title 49, United States Code: *Provided*
8 *further*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
11 concurrent resolution on the budget for fiscal year 2018,
12 and to section 251(b) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

15 ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 802. Amounts made available to the Secretary
18 of Transportation or to the Federal Railroad Administra-
19 tion in this title in this Act for the costs of award, admin-
20 istration, and project management oversight of financial
21 assistance under the programs that are administered by
22 the Federal Railroad Administration may be transferred
23 to a “Financial Assistance Oversight and Technical As-
24 sistance” account, to remain available until expended, for
25 the necessary expenses to support the award, administra-

1 tion, project management oversight, and technical assist-
2 ance of programs administered by the Federal Railroad
3 Administration under this Act: *Provided*, That one-quarter
4 of one percent of the amounts transferred pursuant to the
5 authority in this section in each of fiscal years 2022
6 through 2026 shall be transferred to the Office of Inspec-
7 tor General of the Department of Transportation for over-
8 sight of funding provided to the Department of Transpor-
9 tation in this title in this Act: *Provided further*, That one-
10 quarter of one percent of the amounts transferred pursu-
11 ant to the authority in this section in each of fiscal years
12 2022 through 2026 shall be transferred to the National
13 Railroad Passenger Corporation Office of Inspector Gen-
14 eral for oversight of funding provided to the National Rail-
15 road Passenger Corporation in this title in this Act.

16 FEDERAL TRANSIT ADMINISTRATION

17 TRANSIT INFRASTRUCTURE GRANTS

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Transit Infrastructure
20 Grants”, \$10,250,000,000, to remain available until ex-
21 pended: *Provided*, That \$2,050,000,000, to remain avail-
22 able until expended, shall be made available for fiscal year
23 2022, \$2,050,000,000, to remain available until expended,
24 shall be made available for fiscal year 2023,
25 \$2,050,000,000, to remain available until expended, shall

2684

1 be made available for fiscal year 2024, \$2,050,000,000,
2 to remain available until expended, shall be made available
3 for fiscal year 2025, and \$2,050,000,000, to remain avail-
4 able until expended, shall be made available for fiscal year
5 2026: *Provided further*, That the funds made available
6 under this heading in this Act shall be derived from the
7 general fund of the Treasury, shall be in addition to any
8 other amounts made available for such purpose, and shall
9 not affect the distribution of funds provided in any Act
10 making annual appropriations: *Provided further*, That the
11 funds made available under this heading in this Act shall
12 not be subject to any limitation on obligations for the Fed-
13 eral Public Transportation Assistance Program set forth
14 in any Act making annual appropriations: *Provided fur-*
15 *ther*, That, of the amount provided under this heading in
16 this Act, the following amounts shall be for the following
17 purposes in equal amounts for each of fiscal years 2022
18 through 2026—

19 (1) \$4,750,000,000 shall be to carry out the
20 state of good repair grants under section 5337(c)
21 and (d) of title 49, United States Code;

22 (2) \$5,250,000,000 shall be to carry out the
23 low or no emission grants under section 5339(e) of
24 title 49, United States Code; and

2685

1 (3) \$250,000,000 shall be to carry out the for-
2 mula grants for the enhanced mobility of seniors and
3 individuals with disabilities as authorized under sec-
4 tion 5310 of title 49, United States Code:

5 *Provided further*, That not more than two percent of the
6 funds made available under this heading in this Act shall
7 be available for administrative and oversight expenses as
8 authorized under section 5334 and section 5338(c) of title
9 49, United States Code, and shall be in addition to any
10 other appropriations for such purpose: *Provided further*,
11 That one-half of one percent of the amounts in the pre-
12 ceding proviso shall be transferred to the Office of Inspec-
13 tor General of the Department of Transportation for over-
14 sight of funding provided to the Department of Transpor-
15 tation in this title in this Act: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section 4112(a) of H.
18 Con. Res. 71 (115th Congress), the concurrent resolution
19 on the budget for fiscal year 2018, and to section 251(b)
20 of the Balanced Budget and Emergency Deficit Control
21 Act of 1985.

22 CAPITAL INVESTMENT GRANTS

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Capital Investment
25 Grants”, \$8,000,000,000, to remain available until ex-

2686

1 pended: *Provided*, That \$1,600,000,000, to remain avail-
2 able until expended, shall be made available for fiscal year
3 2022, \$1,600,000,000, to remain available until expended,
4 shall be made available for fiscal year 2023,
5 \$1,600,000,000, to remain available until expended, shall
6 be made available for fiscal year 2024, \$1,600,000,000,
7 to remain available until expended, shall be made available
8 for fiscal year 2025, and \$1,600,000,000, to remain avail-
9 able until expended, shall be made available for fiscal year
10 2026: *Provided further*, That not more than 55 percent
11 of the funds made available under this heading in this Act
12 in each fiscal year may be available for projects authorized
13 under section 5309(d) of title 49, United States Code:
14 *Provided further*, That not more than 20 percent of the
15 funds made available under this heading in this Act in
16 each fiscal year may be available for projects authorized
17 under section 5309(e) of title 49, United States Code: *Pro-*
18 *vided further*, That not more than 15 percent of the funds
19 made available under this heading in this Act in each fiscal
20 year may be available for projects authorized under section
21 5309(h) of title 49, United States Code: *Provided further*,
22 That not more than 10 percent of the funds made avail-
23 able under this heading in this Act in each fiscal year may
24 be available for projects authorized under section 3005(b)
25 of the Fixing America's Surface Transportation Act: *Pro-*

1 *vided further*, That the Secretary may adjust the percent-
2 age limitations in any of the preceding four provisos by
3 up to 5 percent in each fiscal year for which funds are
4 made available under this heading in this Act only when
5 there are unobligated carry over balances from funds pro-
6 vided for section 5309(d), section 5309(e), or section
7 5309(h) of title 49, United States Code, or section
8 3005(b) of the Fixing America's Transportation Act that
9 are equal to or greater than amounts provided under this
10 heading in this Act: *Provided further*, That for each fiscal
11 year through 2026, as part of the annual budget submis-
12 sion of the President under section 1105(a) of title 31,
13 United States Code, the Secretary of Transportation shall
14 submit a list of potential projects eligible for the funds
15 made available under this heading in this Act for that fis-
16 cal year, including project locations and proposed funding
17 amounts consistent with the projects Full Funding Grant
18 Agreement annual funding profile where applicable: *Pro-*
19 *vided further*, That funds allocated to any project during
20 fiscal years 2015 or 2017 pursuant to section 5309 of title
21 49, United States Code, shall remain allocated to that
22 project through fiscal year 2023: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section 4112(a) of
25 H. Con. Res. 71 (115th Congress), the concurrent resolu-

2688

1 tion on the budget for fiscal year 2018, and to section
2 251(b) of the Balanced Budget and Emergency Deficit
3 Control Act of 1985.

4 ALL STATIONS ACCESSIBILITY PROGRAM
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “All Stations Accessi-
7 bility Program”, \$1,750,000,000, to remain available until
8 expended, for the Secretary of Transportation to make
9 competitive grants to assist eligible entities in financing
10 capital projects to upgrade the accessibility of legacy rail
11 fixed guideway public transportation systems for persons
12 with disabilities, including those who use wheelchairs, by
13 increasing the number of existing (as of the date of enact-
14 ment of this Act) stations or facilities for passenger use
15 that meet or exceed the new construction standards of title
16 II of the Americans with Disabilities Act of 1990 (42
17 U.S.C. 12131 et seq.): *Provided*, That \$350,000,000, to
18 remain available until expended, shall be made available
19 for fiscal year 2022, \$350,000,000, to remain available
20 until expended, shall be made available for fiscal year
21 2023, \$350,000,000, to remain available until expended,
22 shall be made available for fiscal year 2024,
23 \$350,000,000, to remain available until expended, shall be
24 made available for fiscal year 2025, and \$350,000,000,
25 to remain available until expended, shall be made available

1 for fiscal year 2026: *Provided further*, That the funds
2 made available under this heading in this Act shall be de-
3 rived from the general fund of the Treasury: *Provided fur-*
4 *ther*, That eligible entities under this heading in this Act
5 shall include a State or local government authority: *Pro-*
6 *vided further*, That an eligible entity may use a grant
7 awarded under this heading in this Act: (1) for a project
8 to repair, improve, modify, retrofit, or relocate infrastruc-
9 ture of stations or facilities for passenger use, including
10 load-bearing members that are an essential part of the
11 structural frame; or (2) to develop or modify a plan for
12 pursuing public transportation accessibility projects, as-
13 sessments of accessibility, or assessments of planned modi-
14 fications to stations or facilities for passenger use: *Pro-*
15 *vided further*, That eligible entities are encouraged to con-
16 sult with appropriate stakeholders and the surrounding
17 community to ensure accessibility for individuals with dis-
18 abilities, including accessibility for individuals with phys-
19 ical disabilities, including those who use wheelchairs, ac-
20 cessibility for individuals with sensory disabilities, and ac-
21 cessibility for individuals with intellectual or develop-
22 mental disabilities: *Provided further*, That all projects shall
23 at least meet the new construction standards of title II
24 of the Americans with Disabilities Act of 1990: *Provided*
25 *further*, That eligible costs for a project funded with a

2690

1 grant awarded under this heading in this Act shall be lim-
2 ited to the costs associated with carrying out the purpose
3 described in the preceding proviso: *Provided further*, That
4 an eligible entity may not use a grant awarded under this
5 heading in this Act to upgrade a station or facility for
6 passenger use that is accessible to and usable by individ-
7 uals with disabilities, including individuals who use wheel-
8 chairs, consistent with current (as of the date of the up-
9 grade) new construction standards under title II of the
10 Americans with Disabilities Act of 1990 (42 U.S.C. 12131
11 et seq.): *Provided further*, That a grant for a project made
12 with amounts made available under this heading in this
13 Act shall be for 80 percent of the net project cost: *Pro-*
14 *vided further*, That the total Federal financial assistance
15 available under chapter 53 of title 49, United States Code,
16 for an eligible entity that receives a grant awarded under
17 this heading in this Act may not exceed 80 percent: *Pro-*
18 *vided further*, That the recipient of a grant made with
19 amounts made available under this heading in this Act
20 may provide additional local matching amounts: *Provided*
21 *further*, That not more than two percent of the funds made
22 available under this heading in this Act shall be available
23 for administrative and oversight expenses as authorized
24 under section 5334 and section 5338(c) of title 49, United
25 States Code, and shall be in addition to any other appro-

2691

1 priations for such purpose: *Provided further*, That one-half
2 of one percent of the of the amounts in the preceding pro-
3 viso shall be transferred to the Office of Inspector General
4 of the Department of Transportation for oversight of
5 funding provided to the Department of Transportation in
6 this title in this Act: *Provided further*, That such amount
7 is designated by the Congress as being for an emergency
8 requirement pursuant to section 4112(a) of H. Con. Res.
9 71 (115th Congress), the concurrent resolution on the
10 budget for fiscal year 2018, and to section 251(b) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 ELECTRIC OR LOW-EMITTING FERRY PROGRAM

14 (INCLUDING TRANSFER OF FUNDS)

15 For competitive grants for electric or low-emitting
16 ferry pilot program grants as authorized under section
17 71102 of division G of this Act, \$250,000,000, to remain
18 available until expended: *Provided*, That \$50,000,000, to
19 remain available until expended, shall be made available
20 for fiscal year 2022, \$50,000,000, to remain available
21 until expended, shall be made available for fiscal year
22 2023, \$50,000,000, to remain available until expended,
23 shall be made available for fiscal year 2024, \$50,000,000,
24 to remain available until expended, shall be made available
25 for fiscal year 2025, and \$50,000,000, to remain available

2692

1 until expended, shall be made available for fiscal year
2 2026: *Provided further*, That amounts made available
3 under this heading in this Act shall be derived from the
4 general fund of the Treasury: *Provided further*, That the
5 amounts made available under this heading in this Act
6 shall not be subject to any limitation on obligations for
7 transit programs set forth in any Act making annual ap-
8 propriations: *Provided further*, That not more than two
9 percent of the funds made available under this heading
10 in this Act shall be available for administrative and over-
11 sight expenses as authorized under section 5334 and sec-
12 tion 5338(c) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That one-half of one percent of the of
15 the amounts in the preceding proviso shall be transferred
16 to the Office of Inspector General of the Department of
17 Transportation for oversight of funding provided to the
18 Department of Transportation in this title in this Act:
19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 4112(a) of H. Con. Res. 71 (115th Congress),
22 the concurrent resolution on the budget for fiscal year
23 2018, and to section 251(b) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

2693

1 FERRY SERVICE FOR RURAL COMMUNITIES
2 (INCLUDING TRANSFER OF FUNDS)

3 For competitive grants to States for eligible essential
4 ferry service as authorized under section 71103 of division
5 G of this Act, \$1,000,000,000, to remain available until
6 expended: *Provided*, That \$200,000,000, to remain avail-
7 able until expended, shall be made available for fiscal year
8 2022, \$200,000,000, to remain available until expended,
9 shall be made available for fiscal year 2023,
10 \$200,000,000, to remain available until expended, shall be
11 made available for fiscal year 2024, \$200,000,000, to re-
12 main available until expended, shall be made available for
13 fiscal year 2025, and \$200,000,000, to remain available
14 until expended, shall be made available for fiscal year
15 2026: *Provided further*, That amounts made available
16 under this heading in this Act shall be derived from the
17 general fund of the Treasury: *Provided further*, That
18 amounts made available under this heading in this Act
19 shall not be subject to any limitation on obligations for
20 the Federal Public Transportation Assistance Program set
21 forth in any Act making annual appropriations: *Provided*
22 *further*, That not more than two percent of the funds made
23 available under this heading in this Act shall be available
24 for administrative and oversight expenses as authorized
25 under section 5334 and section 5338(c) of title 49, United

2694

1 States Code, and shall be in addition to any other appro-
2 priations for such purpose: *Provided further*, That one-half
3 of one percent of the amounts in the preceding proviso
4 shall be transferred to the Office of Inspector General of
5 the Department of Transportation for oversight of funding
6 provided to the Department of Transportation in this title
7 in this Act: *Provided further*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 4112(a) of H. Con. Res.
10 71 (115th Congress), the concurrent resolution on the
11 budget for fiscal year 2018, and to section 251(b) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 MARITIME ADMINISTRATION

15 OPERATIONS AND TRAINING

16 For an additional amount for “Operations and Train-
17 ing”, \$25,000,000, to remain available until September
18 30, 2032, for the America’s Marine Highway Program to
19 make grants for the purposes authorized under sections
20 55601(b)(1) and (3) of title 46, United States Code: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
24 concurrent resolution on the budget for fiscal year 2018,

2695

1 and to section 251(b) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

4 For an additional amount for “Port Infrastructure
5 Development Program”, \$2,250,000,000, to remain avail-
6 able until September 30, 2036: *Provided*, That
7 \$450,000,000, to remain available until September 30,
8 2032, shall be made available for fiscal year 2022,
9 \$450,000,000, to remain available until September 30,
10 2033, shall be made available for fiscal year 2023,
11 \$450,000,000, to remain available until September 30,
12 2034, shall be made available for fiscal year 2024,
13 \$450,000,000, to remain available until September 30,
14 2035, shall be made available for fiscal year 2025, and
15 \$450,000,000, to remain available until September 30,
16 2036, shall be made available for fiscal year 2026: *Pro-*
17 *vided further*, That for the purposes of amounts made
18 available under this heading in this Act and in prior Acts,
19 and in addition to projects already eligible for awards
20 under this heading, eligible projects, as defined under sec-
21 tion 50302(c)(3) of title 46, United States Code, shall also
22 include projects that improve the resiliency of ports to ad-
23 dress sea-level rise, flooding, extreme weather events,
24 earthquakes, and tsunami inundation, as well as projects

2696

1 that reduce or eliminate port-related criteria pollutant or
2 greenhouse gas emissions, including projects for—

3 (1) Port electrification or electrification master
4 planning;

5 (2) Harbor craft or equipment replacements/
6 retrofits;

7 (3) Development of port or terminal micro-
8 grids;

9 (4) Providing idling reduction infrastructure;

10 (5) Purchase of cargo handling equipment and
11 related infrastructure;

12 (6) Worker training to support electrification
13 technology;

14 (7) Installation of port bunkering facilities from
15 ocean-going vessels for fuels;

16 (8) Electric vehicle charge or hydrogen refuel-
17 ing infrastructure for drayage, and medium or heavy
18 duty trucks and locomotives that service the port
19 and related grid upgrades; or

20 (9) Other related to port activities including
21 charging infrastructure, electric rubber-tired gantry
22 cranes, and anti-idling technologies:

23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant
25 to section 4112(a) of H. Con. Res. 71 (115th Congress),

2697

1 the concurrent resolution on the budget for fiscal year
2 2018, and to section 251(b) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 PIPELINE AND HAZARDOUS MATERIALS SAFETY
5 ADMINISTRATION

6 NATURAL GAS DISTRIBUTION INFRASTRUCTURE SAFETY
7 AND MODERNIZATION GRANT PROGRAM
8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Natural Gas Distribu-
10 tion Infrastructure Safety and Modernization Grant Pro-
11 gram”, \$1,000,000,000, to remain available until ex-
12 pended for the Secretary of Transportation to make com-
13 petitive grants for the modernization of natural gas dis-
14 tribution pipelines: *Provided*, That \$200,000,000, to re-
15 main available until September 30, 2032, shall be made
16 available for fiscal year 2022, \$200,000,000, to remain
17 available until September 30, 2033, shall be made avail-
18 able for fiscal year 2023, \$200,000,000, to remain avail-
19 able until September 30, 2034, shall be made available
20 for fiscal year 2024, \$200,000,000, to remain available
21 until September 30, 2035, shall be made available for fis-
22 cal year 2025, and \$200,000,000, to remain available until
23 September 30, 2036, shall be made available for fiscal
24 year 2026: *Provided further*, That grants from funds made
25 available under this heading in this Act shall be available

2698

1 to a municipality or community owned utility (not includ-
2 ing for-profit entities) to repair, rehabilitate, or replace its
3 natural gas distribution pipeline system or portions there-
4 of or to acquire equipment to (1) reduce incidents and fa-
5 talities and (2) avoid economic losses: *Provided further*,
6 That in making grants from funds made available under
7 this heading in this Act, the Secretary shall establish pro-
8 cedures for awarding grants that take into consideration
9 the following: (1) the risk profile of the existing pipeline
10 system operated by the applicant, including the presence
11 of pipe prone to leakage; (2) the potential of the project
12 for creating jobs; (3) the potential for benefiting disadvan-
13 taged rural and urban communities; and (4) economic im-
14 pact or growth: *Provided further*, That the Secretary shall
15 not award more than 12.5 percent of the funds available
16 under this heading to a single municipality or community-
17 owned utility: *Provided further*, That the Secretary shall
18 issue a notice of funding opportunity not later than 180
19 days after each date upon which funds are made available
20 under the first proviso: *Provided further*, That the Sec-
21 retary shall make awards not later than 270 days after
22 issuing the notices of funding opportunity required under
23 the preceding proviso: *Provided further*, That not more
24 than 2 percent of the amounts made available in each fis-
25 cal year shall be available to pay the administrative costs

1 of carrying out the grant program under this heading in
2 this Act: *Provided further*, That one-half of one percent
3 of the amounts transferred pursuant to the authority in
4 this section in each of fiscal years 2022 through 2026
5 shall be transferred to the Office of Inspector General of
6 the Department of Transportation for oversight of funding
7 provided to the Department of Transportation in this Act:
8 *Provided further*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 4112(a) of H. Con. Res. 71 (115th Congress),
11 the concurrent resolution on the budget for fiscal year
12 2018, and to section 251(b) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985.

14 GENERAL PROVISION—DEPARTMENT OF
15 TRANSPORTATION

16 SEC. 803. Any funds transferred to the Office of In-
17 spector General of the Department of Transportation from
18 amounts made available in this division in this Act shall
19 remain available until expended.

20 TITLE IX—GENERAL PROVISIONS—THIS
21 DIVISION

22 SEC. 901. Each amount appropriated or made avail-
23 able by this division is in addition to amounts otherwise
24 appropriated for the fiscal year involved.

1 SEC. 902. No part of any appropriation contained in
2 this division shall remain available for obligation beyond
3 the current fiscal year unless expressly so provided herein.

4 SEC. 903. Unless otherwise provided for by this divi-
5 sion, the additional amounts appropriated by this division
6 to appropriations accounts for a fiscal year shall be avail-
7 able under the authorities and conditions applicable to
8 such appropriations accounts for that fiscal year.

9 SEC. 904. Any amount appropriated by this division,
10 designated by the Congress as an emergency requirement
11 pursuant to section 4112(a) of H. Con. Res. 71 (115th
12 Congress), the concurrent resolution on the budget for fis-
13 cal year 2018, and to section 251(b) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985, and
15 transferred pursuant to transfer authorities provided by
16 this division shall retain such designation.

17 BUDGETARY EFFECTS

18 SEC. 905. (a) STATUTORY PAYGO SCORECARDS.—
19 The budgetary effects of this division and amounts re-
20 scinded in section 90007 of division I that were previously
21 designated by the Congress as an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985 shall not
24 be entered on either PAYGO scorecard maintained pursu-

2701

1 ant to section 4(d) of the Statutory Pay As-You-Go Act
2 of 2010.

3 (b) SENATE PAYGO SCORECARDS.—The budgetary
4 effects of this division and amounts rescinded in section
5 90007 of division I that were previously designated by the
6 Congress as an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 shall not be entered
9 on any PAYGO scorecard maintained for purposes of sec-
10 tion 4106 of H. Con. Res. 71 (115th Congress).

11 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
12 Notwithstanding Rule 3 of the Budget Scorekeeping
13 Guidelines set forth in the joint explanatory statement of
14 the committee of conference accompanying Conference Re-
15 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985,
17 the budgetary effects of this division and amounts re-
18 scinded in section 90007 of division I that were previously
19 designated by the Congress as an emergency requirement
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985 shall be
22 estimated for purposes of section 251 of such Act and as
23 appropriations for discretionary accounts for purposes of
24 the allocation to the Committee on Appropriations pursu-
25 ant to section 302(a) of the Congressional Budget Act of

2702

1 1974 and section 4112 of H. Con. Res. 71 (115th Con-
2 gress), the concurrent resolution on the budget for fiscal
3 year 2018.

4 This division may be cited as the “Infrastructure In-
5 vestments and Jobs Appropriations Act”.